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The Åland Islands Peace Institute

**Legal and Institutional Framework Analysis:  
Karelian and Estonian in Finland**

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# Foreword

The **Legal and Institutional Framework Analyses** represent the collected knowledge of the ELDIA-project in the field of law, politics and policies and of their institutional representations with regard to the languages studied in this research project. Each report examines one or two languages in their wider national and international context. The **core scientific questions** in the present law and policy studies are: What role is played by law in the use or non-use of different languages in different domains? What role is played by law in promoting or inhibiting language diversity as such? Finally, which factors related to legal and institutional matters influence language use, language maintenance and language diversity? Each study consists of three main parts: a) The **overall legislative and institutional framework**; b) **Languages and minority policies in practice** (a section which covers the discussions and the implementation, or non-implementation, of constitutional provisions, language legislation, education and media legislation) and c) an identification and analysis of **the legal actors**, i.e. persons, organisations, and public authorities engaged in the development, interpretation and monitoring (judicial and other) of the relevant legal frameworks. The law researchers involved in this part of the research have benefited greatly from the input of and interactions with the broad network of researchers represented in the project, and thus we are now even more convinced that contacts across scientific disciplines is a precondition for a deeper understanding of complex societal processes. The *Legal and Institutional Framework Analyses* shall form part of the background for the development of the comparative and interdisciplinary work that is currently taking place within the ELDIA-project.

As all *Working Papers* published on the project website and within ELDIA, also these studies have been submitted to extensive project internal as well as external review under the supervision of Associate Professor, Jur. Dr., Sia Spiliopoulou Åkermark. The Åland Islands Peace Institute is responsible for this component of the ELDIA project. Any comments can be sent to [sia@peace.ax](mailto:sia@peace.ax)

We wish to thank all those that have kindly contributed to our work with their comments and advice.

Mariehamn in November 2011

**Sia Spiliopoulou Åkermark**

The Åland Islands Peace Institute

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# 1 The overall legislative and institutional framework

## 1.1 The position of languages and minorities in the legal and institutional framework of Finland

Finland has a total population of approximately 5.4 million people. In 2009, 90.7 % of its inhabitants was Finnish-speaking, 5.4 % Swedish-speaking, 0.03 % Sámi-speaking and the remaining 3.87 % spoke another language. The number of individuals speaking a language different than Finnish, Swedish or Sámi has doubled during the last nine years, but remained modest at about 207,000 persons.<sup>1</sup>

The status of Swedish as a national language has its roots in the time when Finland formed part of Sweden.<sup>2</sup> Swedish was the dominant language in administration and education until 1902. In this year the Language Decree<sup>3</sup> ensured the majority language Finnish a status equal to that of Swedish. Thereafter Finnish gradually developed to become the dominant language. With the adoption of the 1919 Constitution<sup>4</sup> and the 1922 Language Act<sup>5</sup>, Finnish and Swedish were accorded the status of national languages.

Finland's indigenous Sámi minority speaks three different Sámi languages: Northern Sámi, Inari Sámi or Skolt Sámi. Today, there are approximately 1,700 Sámi-speakers in Finland. The right of the Sámi to use their language in dealing with authorities was introduced in 1991 in the Sámi Language Act.<sup>6</sup> The 1999 Constitution guarantees the right of the indigenous Sámi people to maintain and develop their own language and culture. It also guarantees the right of the Sámi to linguistic and cultural self-government in their native areas. The Sámi Parliament Act of 1995 defines the Sámi homeland as the areas of the municipalities of Enontekiö, Inari and Utsjoki, as

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1 As will be discussed in more detail below, Finland does not have any official linguistic minorities, although in practice several languages are treated as minority languages. The use of the term *minorities* is not intended to exclude recent or commuting linguistic groups from the report. The report will indeed include discussions of immigrant languages.

2 Until the middle of the 12th century, the geographical area that is now Finland was a political vacuum, yet one of interest to both Sweden and Novgorod (Russia). In the peace treaty of 1323 between Sweden and Novgorod, the western and southern parts of Finland were tied to Sweden, while eastern Finland (i.e. Karelia) became part of the Russo-Byzantine world. <[finland.fi/Public/default.aspx?contentid=160058&nodeid=41806&culture=en-US](http://finland.fi/Public/default.aspx?contentid=160058&nodeid=41806&culture=en-US)>, accessed on 18 March 2011.

3 *Language Decree* (Asetus suomen- ja ruotsinkielen käyttämisestä Suomenmaan tuomioistuimissa ja muissa viranomaisissa 18/1902).

4 *Constitution* (Suomen Hallitusmuoto 94/1919). A revised Constitution entered into force in the year 2000 (Suomen perustuslaki 731/1999).

5 *Language Act* (Kielilaki 148/1922). Later replaced by a new Language Act (Kielilaki 432/2003).

6 *Sámi Language Act* (Laki saamen kielen käyttämisestä viranomaisissa 516/1991), revised in 2003.

well as the area of the reindeer owners' association of Lapland in Sodankylä.<sup>7</sup> The Sámi Parliament Act also establishes the Finnish Sámi Parliament "to look after the Sámi language and culture, as well as to take care of matters relating to their status as an indigenous people".<sup>8</sup>

There are also roughly 10,000 Roma living in Finland. According to their own estimate, approximately 40–50% of the Roma population speak Romani. Romani is an endangered language in Finland, even though the right of the Roma to maintain their language and culture is safeguarded under Section 17 of the Constitution.<sup>9</sup> The language also enjoys protection under various other pieces of legislation, notably the Basic Education Act<sup>10</sup> and the Act on the Finnish Broadcasting Company<sup>11</sup>. There is however no language act exclusively for Romani. Finland has guaranteed Romani the status of a non-regional minority language under the European Charter for Regional or Minority Languages. When Finland ratified the Charter, it declared that it will apply 65 of the provisions under Part III of the Charter to the Swedish language (the less widely used official language) and 59 to the Sámi language (a regional language). Furthermore, Finland declared that it undertakes to apply, *mutatis mutandis*, the principles listed in Part II of the Charter to Romani and other non-territorial languages.<sup>12</sup>

The estimated number of individuals whose mother tongue is the Finnish Sign Language is between 4,000 to 5,000. About 300 people use the Finland-Swedish Sign Language. The Sign Languages of Finland have enjoyed constitutional protection since 1995.<sup>13</sup> Section 17 of the Constitution stipulates that the rights of persons using Sign Language and of persons in need of interpretation or translation aid due to their disability shall be guaranteed by an Act. At present, the regulation of the rights of Sign Language users is done by a number of different legislative acts. pieces of legislations. The interpretation of these acts however, is not always clear.<sup>14</sup>

There are approximately 800 Tatars residing in Finland. Most of them declare to speak Tatar – a

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7 *Sámi Parliament Act* (Laki saamelaiskäräjistä 974/1995), Section 4.

8 *Ibid*, Section 5.

9 Sosiaali- ja terveysministeriö, Suomen romanipoliittinen ohjelma, Työryhmän esitys, pp. 70, 92.

10 *Basic Education Act* (Perusopetuslaki 628/1998), Sections 10 and 12. However, the Ministry of Social Affairs and Health in 2010 noted that in practice, the teaching of the Romani language has been provided only in certain regions, mainly in Southern Finland. Sosiaali- ja terveysministeriö, Suomen romanipoliittinen ohjelma, 2009, p. 70.

11 *Act on the Finnish Broadcasting Company* (Laki Yleisradiosta Oy 1380/1993), Section 7.

12 The Charter was brought into force in Finland through the *Decree on the Implementation of the European Charter for Regional or Minority Languages* (Asetus alueellisia kieliä tai vähemmistökieliä koskevan eurooppalaisen peruskirjan voimaansaattamisesta 23/1998).

13 *Constitution*, Section 17.

14 The Finnish Sign Language Policy Programme (Suomen viittomakielten kielipoliittinen ohjelma), adopted in 2008 by the NGO Finnish Association of the Deaf (Kuuroiden liitto), Section 3.1. The Programme notes that today Sign Language users are seen both as a group of persons with disabilities and as a language group. Further, emphasis is laid on the fact that not only hearing-impaired individuals, but also their families and other relatives use the Sign Language. Available at <[www.kl-deaf.fi/Kipo](http://www.kl-deaf.fi/Kipo)>, accessed on 30 November 2010.

language belonging to the group of Turkic languages – as their mother tongue. The Tatars are descendants of persons who moved to Finland from Russian Tatar villages in the Volga region in the late 19<sup>th</sup> century and the early 20<sup>th</sup> century.<sup>15</sup>

Yiddish (a north eastern dialect also called Lithuanian Yiddish) has been spoken in Finland since the 19<sup>th</sup> century. Since Yiddish is mainly used in private communication between individuals, there is no reliable information regarding the number of its speakers. It is estimated, however, that Yiddish is spoken by fewer than 50 elderly individuals.<sup>16</sup> Neither Tatar nor Yiddish enjoys any particular legal status in Finnish legislation.

The largest immigrant language group is composed of the Russian-speakers. According to official figures, there were almost 52,000 native speakers of Russian in Finland in 2010. Many of them are not Russian citizens.<sup>17</sup> The historical Russian-speaking population that counts approximately 5,000 persons has been joined by a large number of new immigrants. Between the years 2006 and 2009, the Russian-speaking population grew by 11,487 persons.<sup>18</sup>

According to unofficial estimates, there are currently some 5,000 speakers of Karelian in Finland today, and an additional 20,000 persons who understand the language.<sup>19</sup> Furthermore, it is estimated that there are some 1,000 Karelian-speaking immigrants in Finland. The population censuses in Finland do not register speakers of Karelian as a separate language group. Consequently, in 2010 one of the main NGOs advocating for linguistic rights for the Karelian-speakers in Finland, the Karelian Language Society (Karjalan Kielen Seura), has therefore started an initiative for the estimation of the number of Karelian-speakers.<sup>20</sup>

Until World War II and the subsequent resettlement of the evacuated population, the speakers of Karelian constituted a numerically modest regional minority living in Eastern Finland. In pre-World War II Finland Karelian was mostly spoken in prevalingly Orthodox municipalities. Consequently, the Karelian language, Border Karelian roots and the Orthodox faith has traditionally formed the basis for being 'Karelian' in Finland. At the end of World War II the number of Karelian speakers

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15 Third Periodic Report of Finland on the Application of the European Charter for Regional or Minority Languages, 2006, pp. 9-10.

16 Idem.

17 Hallituksen esitys Eduskunnalle laiksi kotoutumisen edistämisestä ja eräiden siihen liittyvien lakien muuttamisesta, HE 185/2010 vp, p. 6. According to Statistics Finland, 28,210 persons in Finland retained their Russian citizenship. [www.stat.fi/tup/suoluk/suoluk\\_vaesto.html#vaestorakenne](http://www.stat.fi/tup/suoluk/suoluk_vaesto.html#vaestorakenne), accessed on 18 March 2011. It should also be kept in mind that some of the informants who stated that Russian is their mother tongue do not originate from Russia.

18 Fourth Periodic Report by Finland on the Application of the European Charter for Regional or Minority Languages, 2010, p. 6.

19 Homepage of the Karelian Language Society <[www.karjalankielenseura.fi/kielikulttuuri.html](http://www.karjalankielenseura.fi/kielikulttuuri.html)>, accessed on 30 December 2010.

20 To indicate Karelian as one's mother tongue in the civil registry was only recently made possible, and can be done online. The initiative to this reform was taken by the Karelian Language Society.

was estimated to be around 29,000. They constituted 7.2% of those 400,000 Finns who lost their homes in the areas surrendered to the Soviet Union and were resettled in other parts of Finland.<sup>21</sup> The current Karelian-speaking minority in Finland represents a 'mixed type' of European autochthonous minorities. Once a regional minority, it became a non-territorial, partly exile minority due to wartime resettlement. Furthermore, Karelian-speakers from the Karelian Republic in Russia have periodically immigrated and contributed to the growth of the language group. The differentiation of the Karelian-speaking minority from the Finnish-speaking majority has always been vague or non-existent. Karelian was indeed for a long time largely considered a Finnish dialect. Therefore it remained outside all discussions concerning the languages of Finland and its protection became an issue only during the past few years. Until fairly recently the Karelian-speakers themselves were quite passive in this respect, and for decades Karelian was primarily used in families and amongst Karelian-speaking relatives and friends. This attitude changed only in 1995, when the Karelian Language Society was founded with the aim of promoting the study and use of Karelian, and supporting research and publications which aim at maintaining and developing the Karelian language in Finland.<sup>22</sup> In 2009, Finland granted Karelian the protection guaranteed by relevant parts of the European Charter for Regional or Minority Languages.<sup>23</sup>

According to official figures, there are 25,096 native speakers of Estonian in Finland.<sup>24</sup> The number does not include the large number of commuters.<sup>25</sup> This makes Estonian speakers the fourth largest language group in Finland, after Finnish, Swedish and Russian.<sup>26</sup> Most of the Estonian-speakers are relatively recent immigrants who have not acquired Finnish citizenship.<sup>27</sup> Estonian is not seen as a national minority language.

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21 Sarhimaa, 2010, p. 8, 43, 44.

22 Ibid., pp. 10 -11, 16.

23 *Legislative Amendment to the Decree on the Implementation of the European Charter for Regional or Minority Languages* (Tasavallan presidentin asetus alueellisia kieliä tai vähemmistökieliä koskevan eurooppalaisen peruskirjan voimaansaattamisesta annetun asetuksen 2 §:n muuttamisesta 956/2009). Finland deposited a declaration dated 27 November 2009 to the Secretariat General of the Council of Europe, stating: "The Government of Finland has decided to modify the declaration contained in the Instrument of Acceptance of the Charter as follows: 'Finland declares, referring to Article 7, paragraph 5, that it undertakes to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 of the said Article to the Romanes language, to the Karelian language and to the other non-territorial languages in Finland'".

24 Hallituksen esitys Eduskunnalle laiksi kotoutumisen edistämisestä ja eräiden siihen liittyvien lakien muuttamisesta, HE 185/2010 vp, p. 6.

25 Some sources estimate the number of commuters at up to 50,000-100,000 persons. <bnn-news.com/2010/12/27/baltics/estonia/100-000-estonians-work-finland/>, accessed on 18 March 2011.

26 <www.stat.fi/tup/suoluk/suoluk\_vaesto\_en.html#structure>, accessed on 28 February 2011. Estonians surpassed Russians as the largest group of foreigners in Finland in 2010 (but not all of them have declared Estonian as their mother tongue, and therefore they are not the largest language group). Not all Estonians in Finland have registered with the authorities, and the Estonian Embassy in Helsinki estimates that there may be some 40,000 Estonians living in Finland, not counting seasonal workers. 'Virolaisista tullut Suomen suurin ulkomaalaisten ryhmä', *Helsingin Sanomat*, 27 February 2011.

27 According to Statistics Finland <www.stat.fi/tup/suoluk/suoluk\_vaesto\_en.html>, accessed on 8 November 2010, there were 25,510 Estonian citizens in Finland in 2009. This means an increase of 2,906 persons since the previous year. During the years 2006-2009 only about 800 Estonian citizens acquired Finnish citizenship.

There have been (mostly minor) migrations between Finland and Estonia from time immemorial. By the early 20<sup>th</sup> century Finland had an Estonian community of 2,000 persons. After World War II Estonian citizenship was not acknowledged by Finland and those refugees that had fled to Finland had to move further to other countries, mostly Sweden. The work of Estonian associations was halted and so there were no more public activities in the Estonian language.<sup>28</sup> The political situation also ruled out permanent emigration from Estonia to Finland, although some individuals were allowed to move to Finland from Estonia during the Soviet regime. The immigration of Estonians to Finland resumed after the collapse of the Soviet Union in 1991. It continuously increased after visa-free travel was introduced in 1997 and reached its peak after Estonia joined the European Union in 2004. In 1990, there were only 1,394 Estonian-speakers living in Finland, but the number has grown steadily since. The number of Estonian immigrants has partly been influenced by changes in Finnish and EU legislation, such as facilitation of the return of Ingrian Finns by the Aliens Act<sup>29</sup> (descendants of Finns who migrated to Ingria in the vicinity of today's St. Petersburg in the 17th century; many of them ended up in Estonia after the tumults of World War II) and the establishment of a visa-free regime between the two countries in 1997. The latter enabled Estonian citizens to stay in Finland for three months without a visa. Estonians' practice of commuting to work in Finland but maintaining Estonia as their place of residence reflects a new migration trend.<sup>30</sup>

Estonian is not explicitly mentioned among the non-regional minority languages recognised by Finland, but the country has undertaken to apply the principles listed in Article 7(1)-7(4) of the Charter also to other non-regional minority languages as deemed relevant.<sup>31</sup>

There is to date no legislation which regulates the rights of any specific immigrant group, yet in practice these groups are entitled to the protection of general legislation. There has been legislation regulating the linguistic rights of groups in Finland since the adoption of the 1999 Constitution. The scope of this legislation and the question of whether this includes 'new' minorities such as immigrants will be discussed in detail in Sub-Chapter 1.9.1 below.

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28 Uola, Mikko 1999: "Suomi sitoutuu hajottamaan..." Järjestöjen lakkauttaminen vuoden 1944 välirauhansopimuksen 21. artiklan perusteella.

Historiallisia tutkimuksia 205 (1999). Helsinki: Suomen Historiallinen Seura.

29 *Act amending the Aliens Act* (Laki Ulkomaalaislain muuttamisesta 511/1996). However, the specification of the criteria for return mainly reflected the administrative procedures already in place on the basis of the 1991 *Aliens Act* (Ulkomaalaislaki 378/1991). See Hallituksen esitys Eduskunnalle laiksi ulkomaalaislain 48 §:n muuttamisesta, luonnos 17.5.2010,

<[www.intermin.fi/intermin/images.nsf/files/d7b457aca8dc6c91c225772700213f4b/\\$file/inkeri\\_paluumuutto\\_heluonnos\\_lausunolle\\_1705.pdf](http://www.intermin.fi/intermin/images.nsf/files/d7b457aca8dc6c91c225772700213f4b/$file/inkeri_paluumuutto_heluonnos_lausunolle_1705.pdf)>, accessed on 8 November 2010.

30 Praakli, 2010, pp. 3-4

31 *Legislative Amendment to the Decree on the Implementation of the European Charter for Regional or Minority Languages*.

## **1.2 Language as an area regulated by law**

In Finland, language is seen as an issue to be regulated by law in the sense that linguistic rights, such as the right to use certain languages in contact with authorities and to receive education in certain languages, are laid down by law. There is no prohibition on the use of any language in private contexts.

However, there is no legal regulation of which languages constitute minority languages (and thus no definition of the concept of minority languages). As will be described in Sub-Chapter 2.2 below, there appears to be a certain resistance among the authorities towards introducing such legislation. The legislation that deals with languages and linguistic groups largely focuses on 'old' and not 'new' minorities.

## **1.3 Language diversity and multilingualism**

The Committee of Experts on the European Charter for Regional or Minority Languages considers that the Finnish authorities recognise regional or minority languages as a source of cultural wealth.<sup>32</sup> Language diversity at societal level is indeed implicit in the constitutionally guaranteed collective right of linguistic groups to maintain and develop their own language and culture and in the notion of two national languages.

According to the present Government Programme (2007-2011), Finland belongs to everyone, regardless of place of residence, life situation, mother tongue or ethnic background. The Government Programme makes reference to the rights and interests of the speakers of Swedish and Sámi, but not to any other languages or language diversity in general.

The present Government programme does not explicitly stress multilingualism. Section 17 of the Constitution does, however, depart from the notion that different language groups have the right to maintain and develop their language. Multilingualism at the individual level has also been implicit in the education system since the adoption of the 1902 Language Decree. Learning the other national language is obligatory, which creates a framework for bilingualism. Yet, recently there have been discussions about changing this approach by making Swedish language studies optional or

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<sup>32</sup> Application of the Charter in Finland, Third Monitoring Cycle, Report of the Committee of Experts on the application of the Charter in Finland, 2007, para.31.

replacing them with study programmes in a language which some believe to be more relevant regionally (for instance, by introducing studies in Russian instead of Swedish in Eastern Finland). It should also be noted that in addition to learning the other national language, all pupils must learn a foreign language.<sup>33</sup> Moreover, maintaining the mother tongue is an underlying premise in the integration of migrants.

The Education and Research Development Plan 2007-2012 focuses on the two national languages, immigrants' native languages and linguistic requirements posed by internationalisation, but issues concerning other language groups in Finland are not addressed. There is only a brief reference to the speakers of Sámi and Romani. The Plan stipulates that immigrant children should be able to maintain and develop their mother tongue in addition to learning Finnish or Swedish, as a strong linguistic and cultural identity will assist them in adapting to society. With regard to internationalisation, the Plan states that measures will be taken to diversify the selection of languages one can study in schools.<sup>34</sup>

## **1.4 The languages studied by ELDIA in Finland**

When it comes to the languages not specifically mentioned in the Constitution, such as Karelian and Estonian, there have been no great efforts on behalf of the state to promote language diversity. The Karelian and Estonian languages are, for example, not explicitly mentioned in the Education and Research Development Plan 2007-2012.<sup>35</sup> While Finland's 2009 report on its human rights policy notes that minority rights and minority language rights are among priorities, there is no explicit mention of Karelian or Estonian.<sup>36</sup> Until recently, there has also been little reference to either of these two languages in Finland's reports to international human rights monitoring bodies.<sup>37</sup> Initiatives are, nonetheless, slowly emerging in relation to Karelian, as will be seen below.

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<sup>33</sup> *Basic Education Act*, Section 11.

<sup>34</sup> Koulutuksen ja tutkimuksen kehittämissuunnitelma 2007-2012, <[www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm09.pdf?lang=fi](http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm09.pdf?lang=fi)>, accessed on 21 October 2010.

<sup>35</sup> *Idem*.

<sup>36</sup> Statsrådets redogörelse om Finlands politik för de mänskliga rättigheterna 2009, <[<sup>37</sup> For details see Sub-Chapter 2.5 below.](http://formin.finland.fi/public/download.aspx?ID=46226&GUID={BAD3B3D0-7CC7-4D53-BAB0-AEFFF0F7877E}></a>, p. 160ff, accessed on 26 October 2010.</p></div><div data-bbox=)

## 1.5 Political and legal tradition in dealing with minorities and languages

In Finland there is a long political and legal tradition in dealing with minorities and languages, but focusing on 'old' minorities, as described in Sub-Chapter 1.1 above. However, for a long time the legislation regulating education has foreseen the possibility of teaching in as well as teaching of other than the national languages.<sup>38</sup> Private schools providing foreign language medium teaching were foreseen by a law from 1963.<sup>39</sup> Yet, there is no tradition of dealing with immigrant languages in legislation. As will be seen in Sub-Chapter 1.9 below, even in present times there is only a very limited scope of legislation in relation to immigrant languages. Furthermore, it may be that the Estonian immigrants do not fit into the picture of the stereotypical immigrant, for whom the immigration legislation is developed. Immigrants in Finland are understood as persons needing basic education and long-term assistance in integrating into Finnish society.<sup>40</sup>

## 1.6 Changes over time in legal and political thinking on minorities and languages

There has been a major shift in thinking about the status of the Karelian language in Finland, and it has been only during the last few years that Karelian was perceived as a separate language. Until recently, it was regarded as a Finnish dialect.<sup>41</sup> In 2002, there was first a major development in research on the Karelian language. The need to safeguard the Karelian language was discussed in Parliament in the context of budgetary allocations and as a result, the University of Joensuu (now part of the University of Eastern Finland) was provided with funds for a study on the position of the language and the measures needed to develop and maintain it in Finland. Eventually, in 2009 Karelian was recognized as a non-territorial language in Finland for the purposes of the European Charter for Regional or Minority Languages by means of a Presidential Decree on the Charter.<sup>42</sup> It should be kept in mind, however, that upon ratification of the Charter Finland chose to apply only

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38 See e.g. the *Primary School Act* (Peruskoululaki 476/1983), Sections 25 and 27. This act has now been replaced by the Basic Education Act (Perusopetuslaki 628/1998).

39 *Private Schools Act* (Laki vieraskielisistä yksityisistä kouluista 373/1963).

40 Interview with Rain Ots, Chair of the Union of Finnish Estonians, 18 December 2010.

41 Sarhimaa, p. 16.

42 Decree no. 68 of the President of the Republic to amend Section 2 of the Decree on the Implementation of the European Charter for Regional or Minority Languages (Tasavallan presidentin asetus alueellisia kieliä tai vähemmistökieliä koskevan eurooppalaisen peruskirjan voimaansaattamisesta annetun asetuksen 2 §:n muuttamisesta 956/2009).

those provisions that were already in compliance with domestic legislation and practice at the time of ratification. The Charter was brought into force in Finland through a decree since the Charter was not considered to directly concern the rights and duties of the individual and the mainly programmatic character of its provisions did not require incorporation by an Act of Parliament. The Charter was also considered not to entail any expenses which would require the consent of Parliament.<sup>43</sup>

The adoption of the Decree took place after lengthy discussions between the Karelian Language Society, other activists, local and national politicians and ministry officials.<sup>44</sup> On the basis of this decree, the Karelian Language Society lobbied in different ministries for state funds to revitalize and develop the language. While some authorities regarded the decree as enabling the Karelian-speakers to obtain funds in the same manner as other national minority languages, others held that the decree had no effect in practice, since state support was only available for the languages mentioned in the Constitution.<sup>45</sup> While Finland now recognises Karelian as a language traditionally spoken in Finland in its reports to international monitoring bodies, this has not affected its legal status within the Finnish legal system. It is the visibility of the language that has changed.<sup>46</sup>

Meanwhile, with regard to legislation, Estonian has always been regarded as a separate language. It is today largely spoken by immigrants from Estonia. The legal status and the political thinking regarding the Estonian language have not changed over time. Estonian has no particular legal status in Finland. Its speakers have the same rights as speakers of other immigrant languages. Its status has not been subject to much discussion. In fact, its status receives even less consideration than that of the native languages of refugees and asylum seekers which are discussed in the context of integration. This includes discussions regarding the success or lack of success of integration legislation and policies, and within this field mainly the Act on the Integration of Immigrants and Reception of Asylum Seekers, which formalises the integration process in Finland.<sup>47</sup>

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43 Initial Period Report of Finland on the European Charter for Regional or Minority Languages (1999), MIN-LANG/PR (99)4, p. 15. Today human rights conventions are normally adopted through Acts of Parliament, see Sub-Chapter 1.11 below.

44 This process is described further in Sub-Chapter 2.5 below.

45 Written question to the Speaker of Parliament, 19 October 2010, KK860/2010 vp, Karjalan kielen asema Suomessa.

46 As will be discussed later, Finland now includes Karelian among the languages it reports on to the relevant Council of Europe bodies, and Finland will also report on the situation of Karelian in certain domestic contexts in the future.

47 *Act on Integration of Immigrants and Reception of Asylum Seekers* (Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999). This law is discussed in more detail in Sub-Chapter 1.10.

## 1.7 Characteristics of the legal system

The legal regulation of languages in Finland has been characterised by relative stability and clarity. Since the adoption of the 1919 Constitution Act, Finland has had two national languages. Thus, the country has had a consistent policy towards minorities for a long time, at least from the *de jure* point of view.<sup>48</sup> From a legal perspective, Swedish is not a minority language, and under the Charter for the Protection of Regional or Minority Languages it is defined as the less widely used official language in Finland. In practice, the Swedish language is frequently discussed in the context of minority rights. In addition to the fact that the legislation lacks a definition of minorities, Finland has no formal minority policy. The lack of clarity regarding the legal situation of minority languages has recently been criticized, with demands being made for a legal reform whereby the minority languages of Finland would be specified so that they could receive appropriate support. There is also a lack of clarity as to the positive obligations of the authorities under Section 17(3) of the Constitution, with some authorities explicitly stating that they have no positive obligations to support Karelian, one of the ‘other groups’ mentioned in this Section.<sup>49</sup>

The regulation of matters concerning languages and minorities is scattered between large numbers of different pieces of legislation which might cause difficulties for speakers of minority languages in identifying their language-related rights. This is also true for the anti-discrimination legislation, as will be discussed further in Sub-Chapter 2.3.5 below. Finland, by tradition, takes a rather legalistic approach to its obligations under international human rights conventions.<sup>50</sup> Finland’s approach of incorporating all the treaties it has ratified into the national legal order will be described later in this report.

## 1.8 Languages covered by legislation

In addition to the national languages Finnish and Swedish, which enjoy a special legal status as will be described below, the Constitution mentions Sámi, Romani and the Sign Language. The Karelian-speakers are regarded as being implicitly included among the ‘other’ linguistic groups which under the Constitution have the right to maintain and develop their own language and culture. In addition, as has been mentioned above, Karelian is defined as a non-territorial language for the purposes of the European Charter for Regional or Minority Languages. The Estonian

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48 Myntti, 2006, p. 171.

49 See Sub-Chapter 3.1 below.

50 Myntti, 2006, p. 173.

language is not mentioned in any piece of legislation, but Estonian-speakers who are permanent residents of Finland are implicitly included among the groups which have the right to maintain and develop their language.<sup>51</sup>

As the Ministry of Social Affairs and Health concludes, the interpretation of the legal provisions concerning cultural and linguistic rights has created differences between different linguistic groups when it comes to the allocation of resources and the efficiency of implementation of legislation. A report by this Ministry finds that the resources available for research and maintenance of the Romani language are significantly smaller than for some other minority languages, such as Sámi and the Sign Languages.<sup>52</sup>

## **1.9 Regulation in relation to minorities and languages**

Karelian has traditionally been spoken in Finland, but it does not have any specific legal status. In 2004, Joensuu University was provided with funds for a study on the position of the language and the measures needed to develop and maintain it in Finland. There is not much information about official follow-up of the study. The study may however have contributed to the fact that Karelian in 2009 was recognized by a Presidential Decree as a non-territorial language under the European Charter on Regional or Minority Languages.<sup>53</sup> The Presidential Decree does not grant it the status of an official minority language within the Finnish legal system.<sup>54</sup>

Similarly to the Karelian language, the Estonian language does not have any specific legal status in Finland. This chapter will therefore deal with the general legislation regulating minorities and languages. Finnish law does not define the notion of minorities, but it does regulate which criteria individuals must fulfill to be considered Sámi for the purposes of specific legislation. The Act on the Use of the Sámi Language before the Authorities defines who is to be considered a Sámi for the purposes of the law, one criteria being that he/she or at least one of his/her parents or grandparents learnt Sámi as his/her first language. For the other linguistic groups there is no corresponding legal regulation of the criteria for minority membership but individual identification with a group is decisive.

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<sup>51</sup> As will be discussed further in Sub-Chapter 1.9 below, the explanatory part of the Government bill introducing the revised Constitution states that these other groups must have a certain degree of permanency in Finland, see HE 309/1993, Hallituksen esitys Eduskunnalle perustuslakien perusoikeussäännösten muuttamisesta.

<sup>52</sup> Sosiaali- ja terveystieteiden ministeriö, Suomen romanipoliittinen ohjelma. Työryhmän esitys, p. 22.

<sup>53</sup> Presidential Decree 68/2009, see footnote 41 above.

<sup>54</sup> Myntti, 2010, p. 40.

### 1.9.1 Constitutional provisions

While the Constitution contains no explicit reference to the concept of minorities or linguistic minorities, it does lay down certain linguistic rights for groups. It also prohibits discrimination on the basis of language. Moreover, the Constitution contains some general principles on obtaining citizenship, but makes no reference to language requirements.<sup>55</sup>

Section 17 of the Constitution guarantees a right for everyone to use Finnish or Swedish before courts and other authorities, it notes that the right for everyone to obtain such services shall be provided by law, and in addition obliges the state to see to the cultural and societal needs of both these linguistic groups on an equal basis. The main law adopted on the basis of the above constitutional provision is the Language Act.<sup>56</sup>

The Constitution also provides some guarantees for other languages than Finnish and Swedish. According to Section 17(3) of the Constitution, the Sámi, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. While Finland's latest report on the European Charter for Regional or Minority Languages clearly states that this provision applies to all linguistic groups irrespective of legal status, including the Karelian language<sup>57</sup>, the explanatory part of the Government bill introducing the revised Constitution states that these 'other' groups must have a certain degree of permanency in Finland.<sup>58</sup> The Government Bill states that while the provision guaranteeing the right of linguistic groups to maintain and develop their own language and culture is not limited to minorities traditionally living in Finland. A group of people living only temporarily in the country would not be included, and the target group for this provision would thereby largely correspond to the concept of minorities as used in international human rights treaties.<sup>59</sup> While both interpretations would provide protection for most of the Karelian-speakers, the interpretation in the Bill would exclude those Estonian-speakers who are only living in Finland on a temporary basis.

Section 6 of the Constitution prohibits discrimination on the basis of *inter alia* language and origin. The prohibition is complemented by the Non-Discrimination Act, which is described further below.

Section 51 of the Constitution stipulates that the languages to be used in parliamentary work are

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<sup>55</sup> The conditions for obtaining Finnish citizenship are laid down in the *Nationality Act* described further below.

<sup>56</sup> *Language Act* (Kielilaki 423/2003).

<sup>57</sup> Finland's Fourth Periodic Report on the Application of the European Charter for Regional or Minority Languages, p. 7.

<sup>58</sup> Hallituksen esitys Eduskunnalle perustuslakien perusoikeussäännösten muuttamisesta, 1993.

<sup>59</sup> *Idem*.

Finnish and Swedish. The Government and 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 121 of the Constitution states that in their native region, the Sámi have linguistic and cultural self-government, as provided by law.<sup>60</sup> Section 122 of the Constitution, which addresses the administrative division of the country, adds that in the organisation of the administration the objective shall be suitable territorial divisions, so that the Finnish- and Swedish-speaking populations have an opportunity to receive public services in their own language on equal terms.

### **1.9.2 Language legislation**

The law provides strong protection for the rights of the speakers of the national languages (Finnish and Swedish) to undergo education in their mother tongue. The Language Act mainly regulates the status of the national languages and does not make any reference to linguistic minorities. It requires that the authorities on their own initiative see to the realization of the language rights protected by law. The Language Act is a general law determining a minimum level of language rights. More detailed provisions are laid down in specialised legislation. The Language Act consequently refers to the legislation applicable to the use of other languages and to special legislation that regulates language issues to some extent. Such special legislation includes the laws on education, media, culture, health care, social welfare, court proceedings and public employment.

In addition to regulating in detail the right to use the Finnish and Swedish language before the authorities, the Language Act also defines the basis for dividing municipalities into Finnish-speaking, Swedish-speaking or bilingual entities. Every ten years the Government decides on the language of each municipality on the basis of the data concerning the language spoken by its inhabitants.<sup>61</sup> At present there are 21 bilingual municipalities with Finnish as the majority language in Finland and 23 bilingual municipalities with Swedish as the majority language. Three municipalities are Swedish-speaking. The rest of the municipalities (a total of 399 municipalities) are Finnish-speaking. Municipalities are only obliged to provide services in the language(s) of the municipality. However, according to the Language Act, and in connection with certain matters

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<sup>60</sup> Sámi language matters are regulated notably in the *Sámi Language Act*, the *Sámi Parliament Act*, the *Skolt Sámi Act* (Kolttalaki 253/1995) and the *Act on the Education Centre in the Sámi area* (Laki Saamelaisalueen koulutuskeskuksesta 252/ 2010).

<sup>61</sup> *Language Act*, Section 5.

involving fundamental individual rights, such as taking a child into custody, the party concerned is always entitled to use his or her own language regardless of the language of the municipality. If necessary, interpreters can be used.

Meanwhile, State bodies are either unilingual or bilingual, but an individual is always entitled to use his own language (Finnish or Swedish) before any state authority in matters which concern him/her.

The obligations of a unilingual authority to provide services in both languages are more limited than those of a bilingual authority. A bilingual authority, be it a State authority or a municipal authority, must use both Finnish and Swedish when informing the public. The information does not, however, necessarily have to be equally extensive in both languages. The requirement is only that the most important information is available in both languages.<sup>62</sup> A unilingual authority uses the language of its administrative district, unless special legislation provides otherwise. Also unilingual state authorities shall provide service in both languages, but they can use interpreters or translators if they do not possess the language skills needed to provide services in the language of the client.

According to the Language Act, the central State authorities are always bilingual, whereas their regional and local sub-units are unilingual if their administrative districts comprise only unilingual municipalities. The National Board of Taxation, for example, is bilingual but some regional tax offices are unilingual and other bilingual. The Act on the Knowledge of Languages Required by Personnel in Public Bodies provides the possibility to grant an exception from the language skill requirement for civil servants on special grounds.<sup>63</sup>

The right of the Sámi to use the Sámi language before any administrative or judicial authority whose competence extends to their territory as well as before national courts and certain national administrative bodies is laid down by the Sámi Language Act. This law also obliges authorities to enforce and promote the linguistic rights of the Sámi.

### **1.9.3 Education legislation**

Much of the regulation in the area of education is done through so-called framework laws, which means that many decisions are made on the local level. Although this has the advantage of enabling better involvement of local communities, it simultaneously means that linguistic groups

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<sup>62</sup> Ministry of Justice website on the Language Act, <[www.om.fi/20802.htm](http://www.om.fi/20802.htm)>, accessed on 15 October 2010.

<sup>63</sup> *Act on the Knowledge of Languages Required by Personnel in Public Bodies* (Laki julkisyhteisöjen henkilöstöltä vaadittavasta kielitaidosta 424/2003), Section 9. Such exceptions can be granted by the Government if there are special reasons for doing so, unless this is contrary to other legislation.

without political influence cannot affect their municipality's policy decisions for example with regard to the languages in which teaching is voluntarily offered. This also risks creating inequalities between different parts of the country.<sup>64</sup> Interestingly, Karelian was actually taught in comprehensive schools in the municipality of Valtimo from the late 1980s until the mid-1990s.<sup>65</sup> It was abandoned largely due to the lack of teachers.

According to the Basic Education Act, the language of instruction in schools is Finnish or Swedish. The language of instruction can also be Sámi, Romani or the Sign Languages of Finland, but then part of the instruction may be given in a language other than the pupils' native language, provided that this does not jeopardize the pupils' ability to follow lessons.<sup>66</sup> In addition, the municipalities may, but are not obliged to, offer basic education in other languages. If the school provides a choice between several different languages of instruction, the parents can choose in which language the child shall be educated, provided that the child is able to follow lessons in the language. The officially registered mother tongue is not decisive, the parents' choice is.

It is thus permissible for Estonian- or Karelian-speaking children to undergo their education in their mother-tongue, if the municipality where they live chooses to offer instruction in the language in question. There are special state funds to finance such education. In practice, there are yet no schools offering Karelian as a language of instruction, but several which offer Estonian as a language of instruction.

Meanwhile, the Act gives each Finnish- or Swedish-speaking child the right to be taught all subjects in the mother tongue. The municipalities are obliged to arrange such education regardless of the number of children in the municipality who speak the language. Even one single child is entitled to receive instruction in his or her mother tongue. It is possible for the municipality of residence to arrange for the child to receive education in another municipality or in a private teaching establishment. Moreover, the Basic Education Act provides the possibility of teaching in and of the mother tongue also for other languages than the national languages. According to this act the pupil shall use his own mother tongue of Finnish, Swedish or Sámi as the language of instruction. In other words, a Swedish-speaking pupil in a Swedish-speaking school will not only be taught all subjects in Swedish, he/she will also receive mother tongue classes. The pupil may also be taught Romani, Finnish or Swedish Sign Language or some other language which is the pupil's

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64 Gynther, 2004, p. 238.

65 Sarhimaa, p. 65.

66 *Basic Education Act*, Section 10(1).

native language in the mother tongue classes.<sup>67</sup> Pupils whose mother tongue or home language is Romani can currently receive teaching of their language for 2.5 hours a week if there are at least four pupils whose parents so desire. In addition, Romani is taught as 'mother tongue and literature' when the parents of a child so wish.<sup>68</sup> Also Russian is taught as 'mother tongue and literature', and there are less extensive courses for some other languages as well.

The teaching of mother tongue provided to immigrants is currently not regarded as regular 'mother tongue and literature' teaching as prescribed by the Basic Education Act. Instead, it is additional to the regular basic education. A recommendation concerning the mother tongue teaching curriculum for immigrants has been attached to the national core curricula. Providers of education can obtain a special state subsidy for 2.5 lessons per week per teaching group for the purpose of helping immigrant pupils maintain their mother tongue skills. At the beginning of the semester, such a group must consist of at least four pupils from pre-schools or elementary or high schools. Pupils can come from different municipalities and from private or public schools. Since providing immigrants teaching of their own mother tongue is no more than a recommendation, educational institutions are not obliged to provide such teaching.<sup>69</sup>

Finland recommends the provision of mother tongue teaching in school for the following reason: "It is necessary to support an immigrant pupil's skills in his mother tongue, so that the language skills are preserved and improved and pupils become fully bilingual. According to international studies, teaching of mother tongue is a key precondition for an immigrant to become integrated into a new society. It has been established that teaching of mother tongue makes immigrant children's identity stronger, improves their learning results and decreases any socially deviating behaviour and crime."<sup>70</sup>

Karelian- and Estonian-speaking students in primary and secondary schools whose mother tongue is Karelian or Estonian or who speak these languages at home can benefit from the teaching of their language for two hours a week if there are at least four children in the group, and the

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<sup>67</sup> *Ibid.*, Section 12.

<sup>68</sup> In practice, only around 120 pupils receive teaching of Romani each year, according to Finland's Third Periodic Report on the Implementation of the Framework Convention for the Protection of National Minorities, 2010, p. 28.

<sup>69</sup> Answers of the Government of Finland to the additional questions relating to the seventeenth, eighteenth and nineteenth periodic reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination, page 24. The 17th to 19th periodic reports of Finland are available as UN Doc. CERD/C/FIN/19. According to the document, in 2006, more than 11,000 pupils studied their own mother tongue at school, a total of some 150 languages.

<sup>70</sup> *Idem.*

municipality where they live offer such teaching. The teaching can be covered with state funds.<sup>71</sup>

The Basic Education Act also foresees two further possibilities for teaching of foreign languages (including Karelian and Estonian). Such languages can be taught in school as ‘foreign language A’, entailing extensive obligatory studies, or as ‘foreign language B’, entailing less extensive voluntary studies.

The opening of private schools providing instruction in or teaching of minority languages is possible with Government approval. The decisions regarding permission for opening of private schools are however discretionary, and the Government may legally decide not to approve applications even if they fulfil all formal criteria.<sup>72</sup> There are private schools providing teaching notably in Swedish, English and German but none in Karelian or Estonian.

### **1.9.4 Media legislation**

The Finnish Broadcasting Company (YLE) is a public service provider responsible for the full provision of television and radio broadcasting services for all citizens under equal conditions.<sup>73</sup> The Act on the Finnish Broadcasting Company was amended in 2005 to underline the multicultural aspect of the Broadcasting Company by obliging it to put more weight on programmes targeting different linguistic and cultural groups.<sup>74</sup> Under Section 7 of this law, the Broadcasting Company must treat Finnish-speaking and Swedish-speaking citizens equally produce services also in the Sámi, Romani and Sign Language and, where applicable, in the languages of other linguistic groups in Finland. It should also support tolerance and multiculturalism and provide programming for minority and special groups, as well as promote cultural interaction and provide programming directed at foreign countries. While the Broadcasting Company does not broadcast regular programmes in the Karelian or Estonian language, it has broadcasted thematic programmes on Karelia and the Karelian language as well as programmes in Estonian (with Finnish sub-titles), programmes on the Estonian language and courses in the Estonian language.<sup>75</sup>

While linguistic groups are entitled to the right to establish their own printed media, there are no

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71 Opetushallitus, Tiedote 4/2010 Valtionavustus vieraskielisten sekä saamen- ja romanikielisten oppilaiden ja opiskelijoiden esi- ja perusopetuksen sekä lukiokoulutuksen järjestämiseen vuonna 2010, 28.1.2010. These instructions are however not of a permanent nature.

72 *Basic Education Act*, Section 7. For details on the application of the law, see <[www.minedu.fi/OPM/Tiedotteet/2008/03/luvut.html?lang=fi](http://www.minedu.fi/OPM/Tiedotteet/2008/03/luvut.html?lang=fi)>, accessed on 4 November 2010.

73 *Legislative Amendment to the Act on the Finnish Broadcasting Company* (Laki Yleisradio Oy:stä annetun lain muuttamisesta 492/2002).

74 *Act on the Finnish Broadcasting Company* (Laki Yleisradio Oy:stä 1380/1993), amended by *Legislative Amendment to the Act on the Finnish Broadcasting Company* (Laki Yleisradio Oy:stä annetun lain muuttamisesta 635/2005).

75 To complement these programmes, the Karelian Language Society has introduced a so-called internet radio channel, which started providing news and information in Karelian on 20 April 2009, with some financial support from the Ministry of Education.

newspapers or magazines published in Finland in the Estonian or Karelian language. Selective press subsidies are available for newspapers and internet publications published in Swedish, Sámi, Romani and Sign Language as well as by Swedish language news reporting services. The purpose of the subsidies is to promote the freedom of expression as well as versatility and diversity in communication. Both the Sámi Parliament and the Advisory Board on Romani Affairs regard the definition of a 'newspaper' under Section 3(a) of the Decree on Press Subsidies as problematic, as it states that subsidies may only be granted to newspapers that are both published and printed in Finland.<sup>76</sup> Also large language groups, such as the Russian- and the Estonian-speakers, remain outside the press subsidy, as do the Karelian-speakers.

## **1.10 Other legal areas of particular importance**

The prohibition of discrimination is regulated in several different laws. The Constitution, the Non-Discrimination Act and the Penal Code provide the general framework. In addition, discrimination is prohibited in more than ten specific statutory acts with a particular material scope.

Section 6 of the Constitution provides for equality and prohibits discrimination. It stipulates that 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 relates to his or her person.

The Non-Discrimination Act took effect in 1994.<sup>77</sup> It was adopted to implement the Council Directive 2000/43/EC on equal treatment of persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC on a general framework for equal treatment in employment and occupation. Language is one of the prohibited grounds of discrimination mentioned in the law, which prohibits discrimination in matters concerning work, training and trade union activities. The law also contains provisions on the protection provided to those who have been victims of discrimination.

The Penal Code mentions language among the prohibited grounds of discrimination.<sup>78</sup> Under this law, discrimination is a crime under general prosecution.

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<sup>76</sup> *Decree on Press Subsidies* (Valtioneuvooston asetus sanomalehdistön tuesta 389/2008).

<sup>77</sup> *Non-Discrimination Act* (Yhdenvertaisuuslaki 21/2004).

<sup>78</sup> *Penal Code* (Rikoslaki 39/1889), Chapter 11, Section 11 and Chapter 47, Section 3.

In addition to the legislation on non-discrimination, the citizenship legislation is also an area of interest to linguistic groups in Finland. Language is a relevant factor in obtaining Finnish citizenship. According to the Nationality Act, satisfactory oral and written skills in the Finnish or Swedish language (or, instead of oral skills, satisfactory skills in the Finnish or Swedish Sign Language) are a precondition for obtaining Finnish citizenship on application.<sup>79</sup> There is no language requirement for children who are eligible for citizenship if they have a Finnish parent or were born in Finland.<sup>80</sup> An alien may also be granted Finnish citizenship without demonstrating satisfactory knowledge of Finnish or Swedish if the person has strong ties with Finland on the basis of a long period of lawful residence in Finland or for some other similar reason and has been permanently resident and domiciled in Finland for the past two years without interruption. Additionally, one of the following conditions must be fulfilled: It is unreasonably difficult to be engaged in permanent full-time work in Finland without Finnish citizenship; or, there are extremely weighty reasons for naturalisation with regard to the circumstances of an applicant who is 65 years old or older; or, the applicant has, through no fault of his or her own, been considered a Finnish citizen for a minimum of 10 years as a result of a mistake made by a Finnish public authority which has led to a serious consequence related to the rights and obligations of a Finnish citizen. In addition, another possible situation is in cases where there are 'otherwise special and weighty reasons' equivalent to those mentioned above. Finally, an alien may be granted Finnish citizenship without demonstrating the required language skills if he or she cannot meet the language skills requirement because of his or her state of health or sensory or speech impairment.<sup>81</sup>

The legislation concerning the linguistic requirements for civil servants is also of interest to this study. Public employees working for bilingual authorities must have excellent oral and written knowledge of the language that is the majority language in the area falling within the authority's jurisdiction, and satisfactory oral and written skills in the other national language. Public employees in unilingual authorities must have excellent oral and written knowledge of the authority's language and satisfactory ability to understand the other national language.<sup>82</sup>

There is a connection between language and the right to private and family life when it comes to the choice of personal names. In Finland, one can on certain conditions register also other than

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<sup>79</sup> *Nationality Act* (Kansalaisuuslaki 359/2003), Section 13(1)(6).

<sup>80</sup> *Ibid.*, Sections 9-12.

<sup>81</sup> *Ibid.*, Section 18.

<sup>82</sup> *Act on the Knowledge of Languages Required of Personnel in Public Bodies*, Section 6.

Finnish or Swedish surnames.<sup>83</sup> Similarly, Finland does not forbid the display of signs or information of a private nature in other than the national languages. This is indeed a requirement under the freedom of expression.

As regards the freedom of association, the applicable legislation regarding registration of associations requires only that the president of the governing body of the association is domiciled in Finland.<sup>84</sup> Resident foreigners wishing to set up an association will thus have little problem to do so.

The right to information in a language one understands and to an interpreter when needed in court proceedings is guaranteed by law.<sup>85</sup> As regards other contacts with the authorities, Section 26 of the Administrative Procedure Act guarantees a right for persons who do not know Finnish or Swedish to receive interpretation or translation into a language which the person understands sufficiently well, taking into account the nature of the matter.<sup>86</sup>

The Act on the Integration of Immigrants and Reception of Asylum Seekers aims to improve the integration, equality and freedom of choice of immigrants through measures supporting the achievement of knowledge and skills needed in Finnish society. The Act stresses that immigrants should be able to maintain their own language and culture while integrating into Finnish society.<sup>87</sup> Learning the Finnish or Swedish language is one of the key objectives of integration.<sup>88</sup> Under this Act, immigrants who register as unemployed jobseekers or apply for social assistance are entitled to an integration plan drawn up in cooperation with the local authority and the employment and economic development centre. An integration plan must be drawn up no later than when the immigrant has been unemployed for five months or received social assistance for the same period. Immigrants are entitled to an integration plan for a maximum period of three years after being first entered in the population data system of their home municipality. The integration plan may be an agreement on providing support for studying Finnish or Swedish, labour market training or other reasonable measures supporting integration. While the plan is implemented, the immigrant is

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83 According to Section 32b of the *Names Act* (Nimilaki 694/1985), a surname which to its form or spelling does not conform to the naming practices in Finland will not be accepted, except if the person due to nationality, family connections or other special circumstances has links to a foreign state where the name corresponds to that state's local naming habits.

84 *Law on Associations* (Yhdistyslaki 503/1989), Section 35.

85 *Act on Criminal Proceedings* (Laki oikeudenkäynnistä rikosasioissa 689/1997), Chapter 6, Section 2.

86 *Administrative Procedure Act* (Hallintolaki 434/2003), Section 26.

87 *Act on the Integration of Immigrants and Reception of Asylum Seekers* (Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta 493/1999), Section 2(1).

88 Ministry of Interior website, <[www.intermin.fi/intermin/home.nsf/pages/11961B074D927256C22573B5002CFF39?opendocument](http://www.intermin.fi/intermin/home.nsf/pages/11961B074D927256C22573B5002CFF39?opendocument)>, accessed on 18 February 2011.

entitled to financial support to secure his or her outcome.

Finally, residents who are not Finnish citizens but have lived in Finland for at least two years may vote and run as candidates in municipal elections, which creates a possibility for them to affect decision-making with regard to their languages in the municipality.<sup>89</sup> Decisions on which languages (in addition to the national languages) are taught in schools are for example taken locally.

## **1.11 The relationship between national and international law in the domestic legal order**

Finland is a dualist country when it comes to the relationship between national and international law. After Parliament has approved the ratification of an international treaty, it adopts an act or a decree through which the treaty is given the status of domestic law. In 1990, an opinion of the Constitutional Law Committee of Parliament concluded that treaties that affect the rights or obligations of individuals should be incorporated by an act.<sup>90</sup> The provisions thereby become directly applicable by courts and authorities at large.

Within the Finnish legal system international treaties have the status of the law incorporating them. Human rights treaties do not automatically take precedence over national law (for example legal acts adopted by the Parliament after the act bringing the treaty into force). The courts still try to interpret all domestic acts in accordance with the human rights treaties Finland has ratified, in order to avoid that the country violates its international human rights obligations. From the point of view of international monitoring bodies, when a domestic act conflicts with a provision in a human rights treaty, the authorities or courts cannot set aside the human rights treaty on the ground that it has been brought into force by means of a decree (rather than an act, and therefore has a lower hierarchical status than a conflicting act) or because the domestic act was adopted later than the act which brought the treaty into force in Finland. The highest courts have in practice even been willing to give priority to international human rights treaties when these has conflicted with a provision of domestic law (here, the case-law has focused on the European Convention on Human Rights). The Supreme Court always first tries to seek a solution through a human-rights-friendly interpretation of the relevant domestic provisions, and only if it impossible to interpret domestic law

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<sup>89</sup> *Municipality Act* (Kuntalaki 365/1995), Sections 26 and 33.

<sup>90</sup> Opinion 2 of 1990, PeVL 2/1990 vp. This opinion changed the earlier approach, based on which CERD and the CESCR had been incorporated through presidential decrees. Section 80 of the present *Constitution* lays down that “the principles governing the rights and obligations of private individuals and the other matters that under this Constitution are of a legislative nature shall be governed by Acts”.

in a manner which is in compliance with international human rights standards does it directly apply for example the ECHR.<sup>91</sup>

This constitutional doctrine of primacy of treaties in the field of human rights is based in particular on an interpretation of Sections 22 and 74 of the Constitution and the *travaux préparatoires* to these provisions. According to Section 22, public authorities shall guarantee the observance of basic rights and liberties and human rights. Moreover, Section 74 of the Constitution states that the Constitutional Law Committee shall issue statements on the constitutionality of legislative proposals as well as on their relationship to international human rights treaties. The *travaux préparatoires* to Section 74 explain that human rights conventions have an impact on the interpretation of the basic rights and liberties mentioned in the Constitution. The primacy of international human rights treaties over national law is also supported by Section 23, according to which only provisional exceptions to basic rights and liberties can be made and only when such exceptions are compatible with Finland's international obligations and if the exceptions are deemed necessary in case of an armed attack or similar emergency. Both the Parliament and the courts are responsible for securing that Finnish legislation is in accordance with international human rights standards.<sup>92</sup> The European Commission for Democracy through Law has still recommended Finland to consider the inclusion of a provision in the Constitution stipulating expressly the primacy of international human rights obligations.<sup>93</sup>

Finland has ratified most major human rights conventions pertaining to language protection and minorities, with the exception of the ILO Convention 169 (the Indigenous and Tribal Peoples Convention, which was adopted in 1989 and entered into force in 1991) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted in 1990, entry into force in 2003).<sup>94</sup> A draft law is presently under preparation which would strengthen the Sámi land rights and rights regarding traditional livelihoods in the Sámi area. This law would create the preconditions for the ratification of ILO Convention 169.

Finland ratified the Framework Convention for the Protection of National Minorities (adopted in 1995, entry into force in 1998) in 1997, without reservations. The Bill proposing that Finland should ratify the convention concluded that the convention was in line with the general principles of minority protection already applied in Finland and therefore did not require any legislative

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91 Lehtimaja, 2008.<[www.kko.fi/44943.htm](http://www.kko.fi/44943.htm)>, accessed on 14 January 2011.

92 European Commission for Democracy through Law, Opinion on the Constitution of Finland, CDL-AD(2008)010, paras. 86-89.

93 Idem.

94 Finland has indeed been encouraged by several international human rights bodies to ratify this convention.

amendments.<sup>95</sup> The Bill also concluded that the convention only protects minorities with established historical ties to their state of residence, and that recent groups such as immigrants are therefore not within its scope. The law incorporating the Framework Convention specifies that at least the Sámi, the Roma, the Jews, the Tatars and the so-called 'old Russians' as well as *de facto* also the Swedish-speaking Finns constitute national minorities in Finland. However, the Government made it clear that it did not intend to exclude any future minority groups from the protection of the convention. The inclusion of Swedish-speakers may appear surprising in light of Article 17 of the Constitution, which accords Swedish the status of a national language to be treated as equal to Finnish.<sup>96</sup> All other relevant legislation also treats Swedish as a national language. In the above-mentioned Bill, the Government noted that it had reported on these minorities to UN human rights bodies already earlier. The ratification of the Framework Convention did not lead to any legislative amendments.<sup>97</sup>

Finland ratified the European Charter for Regional or Minority Languages in 1994. This convention was adopted in 1992 and entered into force in 1998. Under the Charter, Finland considers Swedish to constitute a lesser used official language and Sámi a regional language, while Romani, Yiddish and Karelian are considered non-territorial languages protected by the general provisions in Part II of the Charter. Finland applies selected provisions of Part III of the Charter only to the Swedish and the Sámi languages. The ratification of the Charter did not lead to any legislative amendments.<sup>98</sup>

As the discussion of case-law in Sub-Chapter 2.3 below will demonstrate, there is yet no domestic case-law referring to the Framework Convention or the European Charter. In the opinion of the author, the Framework Convention could be regarded as a human rights treaty with the potential to take priority over domestic legislation. As noted above, when the European Charter for Regional or Minority Languages was brought into force in Finland, it was considered that it did not directly concern the rights and duties of the individual, but rather contained provisions of a mainly programmatic character.<sup>99</sup> It is therefore not likely that the Charter will be regarded as one of the international human rights treaties that take precedence over domestic legislation in case of conflict.

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95 HE 107/1997, Hallituksen esitys Eduskunnalle kansallisten vähemmistöjen suojelua koskevan puiteyleissopimuksen eräiden määräysten hyväksymisestä

96 When the *Language Act* was revised in 2003 the proposal to make Swedish a minority language was rejected as not being in compliance with the Constitutional provision granting Swedish the status of a national language.

97 Myntti, 2010, pp. 9,10,15.

98 Myntti, 2010, p. 14.

99 Initial Period Report of Finland on the European Charter for Regional or Minority Languages (1999), p. 15.

## 1.12 Debates on language rights and 'old' and 'new' minorities

In Finland, minority rights are not simply a matter of linguistic rights. The non-majority linguistic groups vary greatly in terms of requirements, ranging from the indigenous Sámi and the long-established Karelians to the mostly immigrant Estonians. The debates vary accordingly. Also, some groups are more vocal than others. While Karelian-speakers demand linguistic rights, there are few formal initiatives on linguistic rights by Estonian-speakers.

Minority rights as such are not a very controversial subject in Finland. The ratification of the European Charter and the Framework Convention was not preceded by any widespread public discussion in Finland on minorities and minority issues. However, the application of certain aspects of linguistic rights has caused considerable controversy.

There is presently a debate in Finland concerning the obligatory teaching of the Swedish language in basic education. The debate takes place against the backdrop of a constitutional provision making Swedish a national language and the ensuing linguistic requirements applicable to municipal and state employees and persons applying to universities. Depending on the viewpoint, the debate is framed either as a debate regarding constitutionally guaranteed fundamental rights for a *de facto* linguistic minority or as a debate on expanding the linguistic choices of Finnish-speaking school children to enable them to better succeed in a multilingual Europe by studying alternative languages (such as English or Russian), instead of Swedish, from an early age. While the main arguments presented are based on law or economy (the desired competitiveness of Finland), the debate also entails emotional arguments regarding the Swedish-speakers as a group, by some seen as overly privileged, and by others as a group rightly worried about having their basic rights curtailed. Despite the occasionally fierce public debate on the teaching of Swedish in basic education, parliamentary debates reflect little indication of an intention to change Article 17 of the Constitution. However, individual politicians have touched upon this possibility in the media. As this debate is apparently partly influenced by other factors than linguistic rights, including the parliamentary elections to be held in April 2011, one should be cautious to draw any far-reaching general conclusions about the attitudes towards non-majority languages or the general discussion climate.<sup>100</sup>

Another discussion involving the Swedish language has concerned placing Finnish- and Swedish-speaking primary schools in the same buildings for economical reasons. One argument for this is

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100 A recent report analyses media discussions under the title 'Why Swedish-speakers are irritating'. Saukkonen, 2011.

that it would enable Finnish- and Swedish-speaking children to interact. However, according to the Research Institute for the Languages of Finland, Swedish-speaking schools and school administrations constitute the foundations of the Swedish language in Finland. In order for a school to be Swedish-speaking in practice, it must in most cases have its own building. This is particularly the case in the locations where the Swedish language is in minority, since in such places there is an evident risk that the language will be threatened.<sup>101</sup> The Basic Education Act stipulates that a municipality which has both Finnish-speaking and Swedish-speaking inhabitants must organise primary education and pre-school education separately for each language group.<sup>102</sup> According to the *travaux préparatoires* to the Act, not only the education itself but also other services which relate to the education shall be provided in the language of education.<sup>103</sup> The municipalities have interpreted the Act in different ways, and there are some school buildings that house both Finnish-language and Swedish-language education. Other such initiatives have however been thwarted by local politicians and public bodies.<sup>104</sup>

Media in Finland has to some degree reflected the demand for making Karelian an official minority language, and have discussed this from the point of view of linguistic diversity. This debate also continues in the Parliament, as described further below.

In 2011 the Parliament passed a bill proposing an amendment to the Nationality Act whereby foreigners who know Finnish or Swedish well could become citizens earlier than those who only fulfil the requirement of satisfactory language skills (after four years of residence as compared to five years for others). The discussion on language requirements in the Nationality Act is framed as a part of the discussion on the promotion of integration.<sup>105</sup>

A proposal considered by the Finnish Immigration Service in 2010 to introduce a citizenship test on for example Finnish traditions and values attracted some discussion, but it was eventually abandoned when the draft for a revised Nationality Act was prepared. Also this discussion was mainly framed as an integration debate.

Legislation granting the Sámi certain indigenous rights to land, water, natural resources and traditional livelihoods in the Sámi area was under preparation in 2011. The aim is to prepare a draft

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101 'Slå vakt om den svenska skolan', *Hufvudstadsbladet*, 3 February 2010, <[www.kotus.fi/?3384\\_m=6130&l=sv&s=9](http://www.kotus.fi/?3384_m=6130&l=sv&s=9)>, accessed on 21 February 2011.

102 *Basic Education Act* (Perusopetuslaki 628/1998), Section 4.

103 HE 86/1997, Hallituksen esitys Eduskunnalle koulutusta koskevaksi lainsäädännöksi (Chapter 4, Section 10, Language of education).

104 Slotte-Lüttge and Sahlström, 'Två språk i samma skolhus?', *Finlands kommuntidning FIKT* 1/2011, <[www.fikt.fi/arkiv/2011/01/Sidor/2011-01-07-skolhus.aspx](http://www.fikt.fi/arkiv/2011/01/Sidor/2011-01-07-skolhus.aspx)>, accessed on 22 February 2011.

105 See HE 80/2010 vp, Hallituksen esitys Eduskunnalle laiksi kansalaisuuslain muuttamisesta, passed on 19 January 2011, PTK 140/2010 vp.

that takes into account Finland's obligations under international conventions and to enable the ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples.<sup>106</sup> The draft has however attracted relatively little public discussion. There has also been a recent debate concerning the higher than average unemployment figures among the Russian-speaking population.<sup>107</sup> The issue has mainly been discussed from the perspective of non-discrimination.

## 2 Languages and minority policies in practice

### 2.1 Parliamentary debates on languages and minorities

Language and minority issues have not featured very prominently in parliamentary debates in Finland. In addition to the issues mentioned below, parliamentary debates have concerned the relevance of the European Charter for Regional or Minority Languages in the reform of the regional administration<sup>108</sup> and the improvement of the position of the Russian-speaking population in Finland.<sup>109</sup> Budget proposals regarding the introduction of multilingual information hotlines for immigrants on matters such as residence permits and citizenship have been rejected.<sup>110</sup>

#### 2.1.1 With respect to constitutional provisions

There has been no major parliamentary debate on the topic of constitutional provisions in relation to languages and minorities. Some minor debates have indirectly touched upon the constitutional status of the Swedish language, such as the discussions regarding the translation of generally binding collective agreements into the Swedish language<sup>111</sup>, teaching of Swedish in primary schools<sup>112</sup>, decreasing the support to the Swedish Assembly of Finland (Finlands svenska folkting) which promotes the implementation of the rights of the Swedish-speaking Finns in Finland and aims at improving their position<sup>113</sup> and bilingual trials (in some trials where the judges are bilingual and the parties speak different languages the judges will conduct the proceedings in both Finnish

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106 Ministry of Justice, Oikeusministeriön säädöshankkeet 1.9.2010, pp. 42-43.

107 See report of the Ombudsman for Minorities, Venäjänkielisten työllistäminen ja työsyryntä 2010, according to which the unemployment rate among Russian-speakers in Finland was 31.3 %, while the average unemployment rate among foreigners in Finland was 17.6 %.

108 Written Question KK 900/2008 vp, Euroopan neuvoston vähemmistökielisopimuksen ja kielilain huomioon ottaminen valtion aluehallintouudistuksessa.

109 Written Question KK 335/2007 vp, Venäjänkielisen väestönsosan aseman parantaminen.

110 TAA 855/2009 vp, Määrärahan osoittaminen maahanmuuttajien neuvontapalveluiden järjestämiseen sekä valtakunnallisen, monikielisen neuvontapuhelimen käyttöönottoon.

111 TAA 556/2010 vp, Määrärahan osoittaminen yleissitovien työehtosopimusten ruotsintamiseen (this budgetary proposal was approved).

112 PTk 10/2010 vp, Täysistunnon pöytäkirja, 15) Ruotsin opetuksen aloittaminen peruskoulun 5. luokalla.

113 TAA 666/2009 vp, Svenska Finlands folkting -nimiselle järjestölle ehdotetun määrärahan vähentäminen (this budgetary proposal was rejected).

and Swedish, but may indicate Finnish as the formal language of the trial)<sup>114</sup>. None of the debates has concerned Estonian or Karelian.

### **2.1.2 With respect to language legislation**

In 2008, a parliamentarian submitted a written question to the Government regarding the intention to make Karelian an official minority language or not. The Minister of Justice replied that there is no legal regulation of official minority languages in Finland, and Karelian (or other languages which have long been spoken in Finland) can thus not be given such a status. In practice, the reply continued, a number of languages that are not explicitly mentioned in the Constitution can be seen as minority languages, regardless of their formal legal status. Finland has already included Karelian among the languages that it reports on to the Council of Europe. The Minister saw no reason to revise the legislation by allocating the status of official minority languages to certain languages.<sup>115</sup> The same response was given in a public debate in 2009 between politicians and representatives of the Russian-speaking population concerning the status of the Russian language in Finland.<sup>116</sup> In 2010, the Minister of Justice replied to a written question by a parliamentarian asking if the Government planned to revise the Language Act in order to clarify which languages are minority languages, in particular in relation to the Karelian language. In the reply, the minister restated the above approach that no such revision is planned, but noted that since the implementation of linguistic rights require long-term work, the adoption of a language strategy or action plan would be a good solution for different languages. The programme for the revitalisation of the Sámi language was mentioned as a good example in this respect. The Minister concluded by stating that it has been decided that the basic information about the 2011 parliamentary election will be published also in Karelian.<sup>117</sup>

Written questions on various linguistic issues have also been submitted to the Government by the parliamentarians. In 2009, there was for example a question regarding the progress of the Sámi language revitalization programme foreseen in the Government's 2009 Report on the Finnish

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114 KK 609/2010 vp, Språkstatistiken i tvåspråkiga tingsrätter.

115 Reply by the Minister of Justice dated 21 November 2008 to Written Question KK 799/2008, Karjalan kielen status Suomen vähemmistökielenä, 30 October 2008. The same statement was made in a general parliamentary debate where the status of Karelian was discussed, see Täysistunnon pöytäkirja PTK 114/2008 vp, p. 5.

116 See article entitled 'The service in Russian must be improved' ('Servicen på ryska måste bli bättre'), *Hufvudstadsbladet*, 16 September 2009, <[www.hbl.fi/text/inrikes/2010/9/16/d51933.php](http://www.hbl.fi/text/inrikes/2010/9/16/d51933.php)>, accessed on 9 November 2010.

117 Reply of the Minister of Justice dated 5 November 2010 to the Written Question KK 860/2010 vn, Onko hallituksen tarkoituksena tarkistaa nykyistä kiellakia kansallisten vähemmistökielten selkeyttämiseksi erityisesti karjalan kielen osalta?. Information regarding the 2008 municipal elections was provided by the Ministry of Justice in 17 different languages. The intention is also to continue providing election-related information for example in Sámi and the Sign Language and in the most common immigrant languages. This information was provided in a speech by the Minister of Justice on 18 October 2010, see <[www.om.fi/Oikeapalsta/Haku/1284989971343](http://www.om.fi/Oikeapalsta/Haku/1284989971343)>, accessed on 22 November 2010.

human rights policy. The reply noted that the programme had not yet been adopted.<sup>118</sup> In October 2010 a working group was set up in the Ministry of Education and Culture to start the preparations for the programme. There has also been a proposal for allocation of funds for a study on the need for a Language Ombudsman.<sup>119</sup>

### **2.1.3 With respect to education legislation**

Parliamentarians have taken a number of initiatives regarding budgetary support to the Karelian language during the last ten years, but these have mostly been rejected. The initiatives have included proposals to fund the teaching of Karelian in schools, 'language baths' (language immersion) in Karelian, support to the Centre for Karelian Language and Culture in Joensuu and to NGOs promoting the Karelian language and culture.<sup>120</sup>

A number of proposals regarding budgetary allocations for general support to language teaching and activities aimed at increased linguistic skills in other languages have similarly been rejected.<sup>121</sup>

Some parliamentary debates have concerned the possibilities to study foreign languages in basic education.<sup>122</sup>

### **2.1.4 With respect to media legislation**

There has been no parliamentary debate concerning media legislation in relation to the languages studied in this report.

## **2.2 Recent legal initiatives on languages and minorities**

There are presently no pending legal initiatives on languages or minorities in relation to the Constitution, or the legislation on languages, education or media.

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118 Written Question KK 1011/2009 vp, Saamen kielen tulevaisuuden turvaaminen, reply by the Minister of Education dated 22 December 2009.

119 TAA 148/2009 vp, Määrärahan osoittaminen kieliainvaltuutetun virkaa koskevan selvityksen tekemiseen (budget proposal for allocation of funds to a study concerning a position as Language Ombudsman). A similar proposal was submitted in 2010 and subsequently rejected.

120 See for example TAA 669/2009, Määrärahan osoittaminen Joensuussa toimivan karjalan kielen ja kulttuurin osaamiskeskuksen toimintaan; TAA 668/2009, Määrärahan osoittaminen karjalankielisten kielipezien aloittamiseen viidellä paikkakunnalla; TAA 667/2009, Määrärahan osoittaminen karjalan kielen kouluopetuksen aloittamiseen. Similar proposals were rejected in 2010. See for example TAA 659/2010 vp, Määrärahan osoittaminen Joensuun toimivan karjalan kielen ja kulttuurin osaamiskeskuksen toimintaan, TAA 658/2010 vp, Määrärahan osoittaminen karjalankielisten kielipezien aloittamiseen viidellä paikkakunnalla and TAA 654/2010 vp, Määrärahan osoittaminen karjalan kielen kouluopetuksen aloittamiseen.

121 See for example TAA 906/2008 vp, Määrärahan osoittaminen venäjänkielisen lehden julkaisemiseen (budget proposal for allocation of funds to a Russian-language newspaper); TAA 564/2008 vp, Määrärahan osoittaminen kielikylyvyn lisäämiseen (budget proposal for allocation of funds to an increased number of 'language baths' in the national languages).

122 Written Question KK 572/2007 vp, Vieraiden kielten opiskelun turvaaminen.

In June 2010, the Karelian Language Society in cooperation with the Finnish Bureau for Lesser Used Languages proposed to the Ministry of Justice that the Language Act should be revised in order to clarify which the national minority languages in Finland are. They also proposed the adoption of a separate law on national minorities and national minority languages.<sup>123</sup> The Minister of Justice in a parliamentary debate (referred to above) instead proposed the adoption of a language strategy or action plan for the Karelian language. The Minister stated that the revision of the Language Act or the adoption of a new law that would list the linguistic minorities in Finland would entail a difficult decision on which languages to include and which rights to add to the already existing rights. The adoption of a merely declaratory provision would not be useful, the Minister held, but at the same time it would be problematic to add new extensive obligations for the municipalities at present, due to practical problems such as lack of competent staff with the required linguistic knowledge for example in kindergartens.<sup>124</sup> In the opinion of the author, the logical step would be to first concentrate on educating teachers and other required professionals with knowledge of the Karelian language and thereafter provide financial support to the municipalities so that they can hire these professionals and issue guidelines for them to do so within the relevant framework.

One may conclude that should all relevant authorities adhere to the interpretation that Karelian in practice is one of the minority languages in Section 17(3) of the Constitution, no legal reform as such should be necessary, but policy measures based on this section would be sufficient to protect, maintain and develop the language. For this to happen, there needs to be a general consensus that Section 17(3) entails positive obligations also in relation to the language groups not explicitly mentioned but included in the notion 'other groups'. This would include both the Karelian-speakers and Estonian-speakers who are permanent residents. This is however not the uniform interpretation presently given to Section 17(3).

## **2.3 Case-law on languages and minorities**

There is little case-law pertaining to the Karelian or Estonian language in Finland. There is however some court cases which concern other linguistic minorities, which are of relevance also to Estonian or Karelian.

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<sup>123</sup> Written question to the Speaker of Parliament, 19 October 2010, KK 860/2010 vp, Karjalan kielen asema Suomessa.

<sup>124</sup> *Idem*.

The only case which concerns linguistic rights of either of the two languages which are the focus of this study is a 1996 decision by the Supreme Court which confirmed the right to legal aid of an Estonian citizen who did not know Finnish and was charged with a crime.<sup>125</sup> The judgment did however not centre on linguistic rights or issues, but on the right to free legal aid. The language skills of the defendant were only one of several relevant factors in the decision to grant free legal aid.

### ***2.3.1 With respect to constitutional provisions***

There is no case-law on constitutional provisions regarding any of the linguistic minorities studied.

### ***2.3.2 With respect to language legislation***

There is no case-law on language legislation regarding any of the linguistic minorities studied.

### ***2.3.3 With respect to education legislation***

There is no case-law on education legislation regarding any of the linguistic minorities studied.

### ***2.3.4 With respect to media legislation***

There is no case-law on media legislation regarding any of the linguistic minorities studied.

### ***2.3.5 With respect to non-discrimination legislation***

While prejudices exist against both the Karelian- and the Estonian-speakers in Finland, neither linguistic group features in the case-law on discrimination. Two recent cases on discrimination against minorities that may be relevant also to the language groups studied in this report will be cited.

In one case, a Roma woman and her family had applied for municipal rental housing. The application for housing had been referred to the municipal executive board for decision. The board had not granted her housing upon application but instead sought the opinion of the other municipal tenants in the area regarding the Roma woman's wish to obtain housing. On the initiative of the Ombudsman for Minorities, the Office of the Prosecutor General investigated whether the conduct of the members of the municipal executive board had amounted to discrimination and violation of official duty. The right to institute criminal proceedings for the alleged discrimination had become time-barred, but the District Court sentenced seven members of the municipal executive board to

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<sup>125</sup> KKO:1996:45, judgment of 30 April 1996.

finest for negligent violation of official duty.<sup>126</sup>

In another recent case, a Court of Appeal confirmed the fines for violation of the prohibition of discrimination in the Penal Code in a case where a building contractor had prohibited a real estate agent from selling a house to a Roma person. Only the building contractor was fined, not the real estate agent who acted on his instructions.<sup>127</sup>

There is not a single case where a court has found discrimination on the ground of language. One reason for this might be the complexity of the legislation. In the view of a Finnish non-discrimination expert, "...the Non-Discrimination Act constitutes an extremely complex legal framework, with different scopes of application and judicial bodies depending on what is the alleged discrimination ground and what the substance issue in question is. There is inequality and inconsistency built into the legal framework. Even legal professionals are at odds in finding their way in this inconvenient legal landscape. This contributes unavoidably to the inefficiency in application of the legal framework weakening the legal protection presumed to be at hand for the benefit of the protected subjects."<sup>128</sup> The legislation in question is consequently under revision at present.<sup>129</sup>

## 2.4 Practice of administrative organs and other supervisory organs

In addition to the judiciary, Finland has other avenues in cases where linguistic rights are violated. These have seen few cases relating to Karelian- and Estonian-speakers, but other cases that may be of relevance to these linguistic groups will be mentioned.

According to the available information, only the Ombudsman for Minorities has dealt with cases concerning Estonian-speakers. This body has the task of advancing the status and legal protection of ethnic minorities and foreigners as well as equality, non-discrimination and good ethnic relations in Finland. The tasks of the Ombudsman were expanded in 2004 and in addition to issuing instructions, advice and recommendations the tasks now also include measures such as arranging

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<sup>126</sup> For basic details on the case, see Deputy Prosecutor-General's Decision 113/21/04, issued on 13 June 2006, available at <[www.vksv.oikeus.fi/Etusivu/Ratkaisuja/Ratkaisuja2006/1152014764946](http://www.vksv.oikeus.fi/Etusivu/Ratkaisuja/Ratkaisuja2006/1152014764946)>, accessed on 22 November 2010. The Ombudsman for Minorities has found that discrimination in relation to housing concern both Roma and foreigners. Vähemmistövaltuutetun vuosikertomus 2009, p. 18.

<sup>127</sup> THO:2009:12, judgment of 24 November 2009.

<sup>128</sup> Kortteinen, 2008, p. 6.

<sup>129</sup> Tasa-arvo- ja yhdenvertaisuuslainsäädännön uudistustarve- ja vaihtoehdot. Lausuntotiivistelmä yhdenvertaisuustoimikunnan välimietinnöstä. Oikeusministeriön lausuntoja ja selvityksiä 2008:13.

meetings for dispute settlement between parties.<sup>130</sup> The purpose of such meetings is to agree on a mutually acceptable compensation for discrimination. In 2008, the Ombudsman was also made responsible for conducting and commissioning impartial studies on questions related to ethnic discrimination, in order to comply with Council Directive 2000/43/EC that implements the principle of equal treatment between persons irrespective of racial or ethnic origin.<sup>131</sup> The Ombudsman office is independent, but administratively subordinate to the Ministry of Interior. Its mandate does not include linguistic minorities, only ethnic minorities. In 2009, ten persons of Estonian origin brought complaints to the Ombudsman for Minorities. There are no statistics regarding the subject matter of these specific cases. No information is available about complaints presented by Karelian-speakers.

### **2.4.1 With respect to constitutional provisions**

According to the available information, there is no relevant practice of administrative or other supervisory organs regarding constitutional provisions.

### **2.4.2 With respect to language legislation**

The Parliamentary Ombudsman oversees that public authorities and officials observe the law and fulfil their duties. The scope of oversight also includes other parties performing public functions. The aim is to ensure a good administration and the observance of constitutional and human rights. The Ombudsman's decisions are based on an appraisal of whether an authority or other subject of a complaint has acted contrary to a law or in neglect of duty. Her written decision states the Ombudsman's position on the matter as well as what steps are required. If the Ombudsman observes flaws or shortcomings in laws or regulations, she can draw the Government's attention to them and make proposals as to how they should be rectified. Upon request, the Ombudsman also makes submissions to ministries on the drafting of legislation. The Parliamentary Ombudsman has addressed shortcomings in terms of linguistic rights in a number of decisions, but with two exceptions<sup>132</sup>, all of them have concerned Swedish-speakers.

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<sup>130</sup> *Act on the Ombudsman for Minorities and the National Discrimination Tribunal* (Laki vähemmistövaltuutetusta ja syrjintälautakunnasta 660/2001) and *Decree on the Ombudsman for Minorities* (Valtioneuvoston asetus vähemmistövaltuutetusta 687/2001), complemented by *Legislative Amendment to the Act on the Ombudsman for Minorities* (Laki vähemmistövaltuutetusta annetun lain muuttamisesta 22/2004).

<sup>131</sup> *Legislative Amendment to Section 2 of the Act on the Ombudsman for Minorities and the National Discrimination Tribunal* (Laki vähemmistövaltuutetusta ja syrjintälautakunnasta annetun lain 2 §:n muuttamisesta 679/2008).

<sup>132</sup> Decision 361/2/09, issued on 30 September 2009, concerned safety instructions issued only in Finnish to the public after a major accident in a town with a number of inhabitants whose mother tongue is not Finnish. According to the decision, the authorities must give information also in Swedish, and may do so in other languages as well. Decision 2845/2/06, issued on 28 October 2008, concerned information provided to foreign prisoners. Neither case directly concerned Karelian- or Estonian-speakers.

The Sámi Parliament has provided opinions on administrative arrangements and legislation of particular relevance to the Sámi, including the use of the Sámi language in kindergartens and the Matriculation Examinations.

In addition to these administrative and monitoring bodies, the Government issues a report to Parliament on Finland's human rights policy (nationally and internationally) each election period. These generally reflect linguistic rights, but have so far not mentioned the Karelian- or Estonian-speakers.

The Language Act obliges the Government to report to the Parliament on the implementation of the linguistic rights contained in the law each electoral period. The reports discuss Finnish, Swedish, Sámi, Romani and Sign Language but may also deal with other languages if this is considered relevant. The 2009 report does not mention Karelian or Estonian<sup>133</sup>, but it has been suggested that the next report may.

### ***2.4.3 With respect to education legislation***

There is one relevant case regarding education legislation. The Helsinki Administrative Court in 2007 upheld the decision of the Discrimination Tribunal to prohibit a primary school in Helsinki from placing all immigrant children in one class. The school wanted that all children with Finnish as a second language be taught together notably for organisational and pedagogical reasons, but the Court held that this did not constitute a permissible positive discrimination.<sup>134</sup>

### ***2.4.4 With respect to media legislation***

There is no relevant practice of administrative or other supervisory organs regarding media legislation.

### ***2.4.5 With respect to non-discrimination legislation***

The National Discrimination Tribunal is an independent body appointed by the Government to improve access to legal remedies in cases of violations of the Non-Discrimination Act. Its decisions have the same legal effect as a judgment by a general court of law. A person who has allegedly suffered discrimination can, with the Ombudsman for Minorities, bring matters to the Tribunal for its consideration. The Tribunal can confirm conciliation settlements between parties and can also

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133 Oikeusministeriö, Valtioneuvoston kertomus kielilainsäädännön soveltamisesta 2009.

134 Decision of 15 June 2007, <[www.intermin.fi/intermin/hankkeet/sltk/home.nsf/PFBD/7AE1A00ECBBE451CC2257385002D648E?opendocument](http://www.intermin.fi/intermin/hankkeet/sltk/home.nsf/PFBD/7AE1A00ECBBE451CC2257385002D648E?opendocument)>, accessed on 16 March 2011.

prohibit the continuation or repetition of conduct that is contrary to the prohibition of discrimination. It can impose conditional fines and order their payment. Finally, it can also provide statements on the application of the Non-Discrimination Act on the request of certain authorities. Its powers only concern discrimination based on ethnic origin and do not extend to supervision of the prohibition of discrimination in employment and public service. The Tribunal has addressed some issues of discrimination during recent years which may be of relevance also to linguistic groups, although they cannot turn to this body in the capacity of linguistic minorities.

In 2008, the National Discrimination Tribunal decided in two cases concerning the Sámi on the request of the Ombudsman for Minorities. In the first case, the Tribunal examined whether the City of Rovaniemi had discriminated against the Sámi population when arranging day care for children. The Tribunal considered that Sámi children had a statutory right to day care in their own mother tongue on an equal basis with Finnish-speaking children. The City did not demonstrate that it had taken sufficient measures to fulfil this obligation, and the Tribunal held that the City thereby had discriminated against Sámi-speaking children on the basis of their ethnic background in violation of the Non-Discrimination Act. The Tribunal prohibited the City from continuing or repeating the ethnic discrimination, and ordered the City to comply with the discrimination prohibition immediately under penalty of a fine.<sup>135</sup> In the second case, the Tribunal examined whether the municipality of Enontekiö had violated the discrimination prohibitions laid down in the Non-Discrimination Act and the applicable special acts when arranging child day care, health services, services for the elderly and basic education for the Sámi residing in the municipality. The Tribunal held that because the municipality was located in the Sámi Homeland, the Sámi Language Act imposed a particular obligation on the municipal authorities to ensure access to public services provided in the Sámi language. The Tribunal considered that Sámi children had a statutory right to day care in their own mother tongue on an equal basis with Finnish-speaking children, and that all Sámi had a statutory right to health services, services for the elderly and basic education in the Sámi language. The municipality did not demonstrate that it had taken sufficient measures to arrange these statutory services for the Sámi-speaking population. The Tribunal therefore held that the municipality had discriminated against the Sámi-speaking population on the basis of their ethnic background, and prohibited the municipality from continuing or repeating the discrimination. The municipality was ordered to comply with the discrimination prohibition immediately under penalty of a fine.<sup>136</sup> It should be noted that there is no corresponding right to day care or care for the elderly in Karelian or Estonian. The above cases, however, demonstrate that the Tribunal is willing to adjudicate upon

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<sup>135</sup> Decision 2008–25/Pe-2, issued on 27 November 2008.

<sup>136</sup> Decision 2008–367/Pe-2, issued on 11 December 2008.

linguistic rights of ethnic minorities.

In 2007 the National Discrimination Tribunal made four decisions concerning Roma in cases initiated by the Ombudsman for Minorities. These will be mentioned briefly since discrimination may also be directed at other groups in Finland. In the first case, two Roma persons had applied for a rental apartment from a real estate company. The company required that the local social welfare office rent the dwelling on the behalf of the Roma persons, with the argument that they lacked income and assets. The social welfare office stated that no similar procedure was required in respect of its indigent clients representing the majority population. The Tribunal held that the reason given by the real estate company could not be regarded as an acceptable ground for placing someone in a less favourable position than others. The company was ordered to comply with the discrimination prohibition immediately under penalty of a fine.<sup>137</sup>

In the second case, a waiter refused to serve a Roma person in a restaurant. According to the waiter, the company manager had prohibited providing service to 'Gypsies', as he put it, because Roma persons had earlier caused disturbance on the premises. The Tribunal established on the basis of the claimant's report and the criminal investigation material concerning the case that the conduct of the waiter had been due to her employer's express prohibition to serve Roma persons. The Tribunal prohibited the company manager and the restaurant company under penalty of a fine from renewing discrimination against the Roma person in question or any other clients on ethnic grounds.<sup>138</sup>

In the third case, a shop assistant threatened to call a shop guard if four Roma women refused to leave, because their large number was considered to jeopardise the maintenance of order in the shop. The women held that they were denied service on grounds of their ethnic background. The Tribunal found that the provision of services by the shop was discriminatory. It prohibited the shop from continuing or renewing the violation of the discrimination prohibition lay down in the Non-Discrimination Act and from refusing to serve the complainants and other Roma persons. The shop was ordered to comply with the discrimination prohibition immediately under penalty of a fine.<sup>139</sup>

In the fourth case decided by the Tribunal, two Roma persons without permanent housing had applied for rental housing in a municipality. The municipality had repeatedly disregarded their application when selecting tenants and finally rejected the application. The municipality argued that

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<sup>137</sup> Decision 646/66/2007, issued on 19 November 2007.

<sup>138</sup> Decision 879/66/2007, issued on 8 October 2007.

<sup>139</sup> Decision 2436/66/2006, issued on 7 June 2007.

the residential areas could not offer Roma people a natural opportunity for contacts with the Roma community and culture. The Tribunal held that the municipality had acted in a discriminatory manner when selecting tenants for rental housing, and prohibited the municipality from continuing or renewing the ethnic discrimination against the applicants and possibly other Roma people in the selection of tenants. The municipality was ordered to comply with the prohibition of discrimination immediately under penalty of a fine.<sup>140</sup>

In addition, different authorities have surveyed the main grounds of discrimination and which groups are most at risk of discrimination in Finland. The reports have been based on statistics and interviews with key authorities in charge of discrimination matters, such as the Occupational Safety and Health Administration and the police. There are some statistics regarding alleged hate crimes directed at persons of Estonian origin (all of whom are not necessarily Estonian-speaking). In 2009, 22 alleged hate crimes against persons of Estonian origin were under investigation.<sup>141</sup> There is no information about such crimes directed at Karelian-speakers. Meanwhile, a recent report indicates that in 2001, 35% of the Estonian-speakers in Finland were of the opinion that they had on at least one occasion not been offered a job they were competent for, due to their foreign background.<sup>142</sup> The reason for discrimination is mostly ethnic origin rather than language.<sup>143</sup> However, these are closely connected, not least since people disclose their ethnic origin by using their language.

## 2.5 Practice of international monitoring organs and courts with respect to language and minority issues in Finland

When it comes to international human rights monitoring bodies, there is no jurisprudence which directly concerns Karelian- or Estonian-speakers in Finland. There is however case-law which can be of relevance to these groups, and therefore deserves to be mentioned.

The European Court of Human Rights has decided a case relating to the refusal of registration of a family name that was not a standard Finnish name.<sup>144</sup> In this case, the desired name had not been in use in the applicant's family for more than two hundred years and the Court accepted the

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140 Decision 2236/66/2006, issued on 27 February 2007.

141 Peutere, 2010, p. 56.

142 Työ- ja elinkeinoministeriö, *Syrjintä työhönottotilanteissa - tutkimuskatsaus*, 2010, p. 60.

143 Aaltonen, Joronen, Villa, 2009, p. 27.

144 *Johansson v. Finland* judgment of 6 September 2007 and *Stjerna v. Finland* judgment of 25 November 1994.

argument of Finland that the name therefore could not be said to have been in established use in the family, a condition for acquisition of a surname under Section 10(2) of the Names Act.

The UN Human Rights Committee has decided several cases regarding language and minority rights in Finland. The case *Linder v. Finland* concerned alleged discrimination on the basis of assumed foreign origin. The complaint was found inadmissible.<sup>145</sup> In addition, the Committee has decided in a number of cases involving the Sámi, mainly concerning property and traditional livelihoods.

In addition to the above international complaints-based mechanisms, Finland's performance in the area of language and minorities has been evaluated also in the context of state reports to different international human rights bodies. In response to Finland's first report, the Advisory Committee on the Framework Convention for the Protection of National Minorities encouraged the Finnish authorities to reconsider their approach regarding the distinction drawn between the so-called 'old Russians' (covered by the Framework Convention, according to the Finnish Government) and other Russians (not covered, according to the Government).<sup>146</sup> This recommendation was taken into consideration in the third and latest report by Finland on the Framework Convention, which uses the term 'Old Russians and other Russian-speakers'. The state report points out that no distinction is made between these groups and the report also reflects the situation of immigrant Russians.<sup>147</sup> The Advisory Committee on the Framework Convention for the Protection of National Minorities has also mentioned the Estonians in Finland as a group whose situation is emerging as an issue of interest. Taking this into account, it would seem that there is no obstacle to Finland reporting to relevant human rights bodies on the situation of the Estonian-speakers, which is the second largest group of residents speaking a language other than the two national languages.<sup>148</sup>

Similarly, in response to Finland's second report, the Advisory Committee on the Framework Convention in 2006 encouraged the Finnish authorities to conduct a dialogue on the potential of the Framework Convention in the protection of additional groups whose representatives have expressed an interest in being protected by this convention, such as the Karelians. The third report submitted in 2010 does indeed reflect the fact that some measures have been taken in respect of

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<sup>145</sup> *Linder v. Finland*, Communication No. 1420/2005, decision of 28 October 2005.

<sup>146</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Finland adopted on 22 September 2000, para. 15.

<sup>147</sup> Third report by Finland on the Framework Convention for the Protection of National Minorities, 2010, p. 18.

<sup>148</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Finland, adopted on 2 March 2006, para. 27. The Framework Convention for the Protection of National Minorities does not apply only to traditional or 'old' minorities, but also to new minorities such as immigrants groups. Meanwhile, the European Charter on Regional or Minority Languages does not cover languages connected with recent migratory movements.

the Karelian language. Karelian was mentioned in this report in relation to Article 5, whereby the states undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. The state report notes that in 2007 and 2008, the Ministry of Education continued to support the activities of the Karelian Language Society. Besides the annual general subsidies, both the Ministry of Education and the National Council for Literature granted the Society funds for projects related to the protection and promotion of the Karelian language. The report also notes that at the beginning of 2009, the University of Joensuu established a professorship of the Karelian language and culture, arguing that no other university in Finland provides instruction in the Karelian language and culture.<sup>149</sup> Karelian is also mentioned in the context of Article 14, which concerns the learning of minority languages. Here, the state report only refers to the measures taken by the Karelian Language Society.<sup>150</sup>

The Advisory Committee's Opinion on the third report notes that while Finland has recently added the Karelian language to the list of non-territorial languages protected by the European Charter for Regional or Minority Languages, it has not accompanied this with recognition of the group as a national minority under the provisions of the Framework Convention. The opinion also repeats that the Estonian immigrants have expressed an interest in receiving the protection of the Framework Convention, and recommends that the authorities engage in close consultations with representatives of minority groups to ensure that their views are effectively heard at all stages of the integration process. Attention should in this context be paid also to those groups that are not currently members of the Advisory Board on Ethnic Relations (ETNO), such as the Estonians.<sup>151</sup>

Karelian is also mentioned in Finland's Third Report on the European Charter for Regional or Minority Languages, which notes that Karelian is one of the minority languages traditionally spoken in Finland, although it lacks the status of an official minority language.<sup>152</sup> The state report notes the study made by the University of Joensuu on the position of Karelian-speakers in Finland. The state report also makes reference to a 2002 report by the Parliamentary Finance Committee that, in the context of international cooperation, pointed out the need to develop the Karelian language in Finland.<sup>153</sup> According to the Finance Committee's report, research on the Karelian language was needed in order to revive the language, strengthen its status in Finland and promote cooperation

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149 Third report by Finland on the Framework Convention for the Protection of National Minorities, p. 30.

150 *Ibid.*, p. 67.

151 Third Opinion on Finland (2010), para. 26, 73, 74. ETNO's function will be described in Sub-Chapter 3.5.

152 Third Periodical Report of Finland on the European Charter for Regional or Minority Languages, p. 10.

153 Report of the Finance Committee, VaVM 37/2001 vp - HE 115/2001 vp, HE 206/2001 vp, item 29.08.25, International cultural cooperation.

with the Karelian-speaking population in Russia. In response to the state report, the Committee of Experts noted that Finland has not yet granted any specific legal status to the Karelian language, and encouraged the Finnish authorities to adopt legal measures in order to create a basis for the protection of the Karelian language. In this context, it is interesting to notice that the Finnish Broadcasting Company had indicated to the Committee of Experts that it would be willing to broadcast weekly programmes in Karelian after the legal status of the language was clarified. The Committee of Experts also recommended Finland to adopt a strategy and policies to promote the language, including the teaching of Karelian (the latter in cooperation with the speakers of the language).<sup>154</sup>

The Government in May 2010 issued a report to the Parliament on Finland's cultural policy that recommends the adoption of a national language strategy which would strengthen the concrete situation of the different language groups in Finland, including those not specifically enumerated in the Constitution.<sup>155</sup>

In Finland's most recent state report to the Committee of Experts on the European Charter for Regional or Minority Languages, Finland reported extensively on the situation of the Karelian language. The state report *inter alia* describes the process that led to the recognition of Karelian as a minority language under the Charter. After Joensuu University submitted its study on the position of the Karelian language in June 2004, the Ministry of Education requested universities, organisations and other actors to issue their opinions on the Karelian language question, and in spring 2006 it held negotiations with representatives of the Karelian language group and representatives of the University. In 2008, representatives of the Karelian Language Society paid visits to Ministries and the Ombudsman for Minorities, where they discussed the position of the Karelian language. The initiative of the Karelian Language Society resulted in discussions on the position of the language in spring 2008 in an unofficial group led by the Prime Minister's Office. The group consisted of representatives of the Ministry of Justice, the Ministry of Education, the National Board of Education and the Research Institute for the Languages of Finland. The Karelian Language Society proposed that the Decree bringing the European Charter for Regional or Minority Languages into force should be amended by including a reference to the Karelian

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154 Application of the Charter in Finland, Third Monitoring Cycle, Report of the Committee of Experts on the application of the Charter in Finland, 2007, pp. 8-10.

155 Valtioneuvoston selonteko Eduskunnalle kulttuurin tulevaisuudesta, Opetus- ja kulttuuriministeriö. Available at <[www.minedu.fi/export/sites/default/OPM/Kulttuuri/kulttuuripolitiikka/linjaukset\\_ohjelmat\\_ja\\_hankkeet/kulttuuriselonteko/liitteet/kulttuuriselonteko.pdf](http://www.minedu.fi/export/sites/default/OPM/Kulttuuri/kulttuuripolitiikka/linjaukset_ohjelmat_ja_hankkeet/kulttuuriselonteko/liitteet/kulttuuriselonteko.pdf)>, accessed on 9 February 2011.

language.<sup>156</sup> The Ministry of Justice agreed that the Decree could be amended to this effect. The Decree was amended accordingly on 27 November 2009. As a consequence, Finland applies the European Charter for Regional or Minority Languages to the Karelian language to the extent that it has committed to do so under the Charter.<sup>157</sup>

The above-mentioned state report also notes the establishment in 2008 by the Karelian Language Society of a centre of excellence for the Karelian language and culture in Joensuu that, within a short time, has both considerably increased the contacts among Karelian speakers in Finland and intensified cooperation with Karelian speakers in Russia and produced a number of publications in Karelian. It also notes that the Ministry of Education has continued to support activities related to the Karelian language. In addition to the annual general subsidies, both the Ministry of Education and the National Council for Literature have awarded the Society grants for projects on Karelian.<sup>158</sup>

With these exceptions, the reports submitted by Finland to international human rights monitoring bodies do not reflect steps taken to protect or develop the Karelian or Estonian language, and neither have these bodies requested such information. This is for example the case with the latest report to the Committee on the Rights of the Child, wherein the education of other groups in Finland, notably the Swedish-speakers, the Sámi and the Roma, is in some detail dealt with. Karelian- and Estonian-speaking children are not mentioned in the report.<sup>159</sup>

Finally, the situation of languages and minorities in Finland has also been the focus of the attention of some independent expert bodies and UN Special Rapporteurs.

The European Commission against Racism and Intolerance (ECRI) has recommended that Finland improves the systems for monitoring the situation of minority groups in different areas of life by collecting relevant information by categories such as language, with due respect to the principles of confidentiality, informed consent and self-identification.<sup>160</sup> This would enable better reporting on the situation of Karelian- and Estonian-speakers to different human rights bodies.

The UN Special Rapporteur on the situation of human rights and fundamental freedoms of

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<sup>156</sup> *Decree bringing into force the European Charter for Regional or Minority Languages* (Asetus alueellisia kieliä tai vähemmistökieliä koskevan eurooppalaisen peruskirjan voimaansaattamisesta 28/1998).

<sup>157</sup> Fourth Periodic Report of Finland on the European Charter for Regional or Minority Languages, p. 7.

<sup>158</sup> *Ibid.*, p. 23.

<sup>159</sup> Fourth Periodic Report of Finland on the Convention on the Rights of the Child, 2010. The Convention on the Rights of the Child was adopted in 1989 and entered into force in 1990. Finland ratified it in 1991.

<sup>160</sup> ECRI, Report on Finland, 2006, para. 102. Collection of data on linguistic minorities in this manner could be in compliance with international human rights law. See discussion in Ringelheim, 2008, pp. 51-77.

indigenous peoples in 2011 recommended that Finland (as well as Sweden and Norway) provide immediate and adequate funding to revitalize the Sámi languages and strengthen programmes for education in the Sámi languages and culture. Among other measures, the States should increase the capacity and number of teachers proficient in the Sámi languages. Additionally, the States should take efforts to strengthen the use of the Sámi language before courts and other public authorities, and continue to improve the access to public services in the Sámi languages.<sup>161</sup> The report also noted that the constitutionally guaranteed right of the Sámi people to maintain and develop their own language and culture and the right under the Sámi Language Act and the right to use the Sámi language before certain State authorities and in contact with certain administrative and legal procedures are not implemented in practice, mainly due to the lack of knowledge of the Sámi language among the employees of municipal and state authorities. The report notes that even within the core Sámi area, access to social and health care services in the Sámi language is a matter of luck.<sup>162</sup> The report however finds that the Sámi ‘language bath’ programmes in Inari have been successful, and commends the planned revitalization strategy for the Sámi language.<sup>163</sup>

## **2.6 Programmes and action plans on language use and language diversity**

In addition to the legal regulation of language matters, there are also policy efforts to undertake language planning and corpus planning (which here means language policy measures directed at the content of a language). These tasks rest with the Research Institute for the Languages of Finland. The Institute steers and oversees the standardisation of Finnish, Swedish, the Sámi languages, Romani and the Sign Languages. In addition, the Institute has undertaken considerable research on the Karelian language.<sup>164</sup>

The Ministry of Education and Culture started the drafting of a revitalisation programme for the Sámi language in 2010 on the initiative of the Sámi Parliament. The revitalization programme will contain suggestions concerning research and language maintenance, teaching in and of the Sámi language, support to the Sámi culture, Sámi-speaking day care and ‘language baths’ as well as

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161 The situation of the Sámi people in the Sápmi region of Norway, Sweden and Finland, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, 2011, para. 87.

162 *Ibid.*, para. 65.

163 *Idem.*

164 The Institute notably upholds a Karelian language archive and has published a six-part Karelian language dictionary (containing two dialects of the Karelian language, namely Karelian Proper and Olonets Karelian). See KOTUS website for details, <[www.kotus.fi/index.phtml?s=174](http://www.kotus.fi/index.phtml?s=174)>.

other aspects of life in order to strengthen the right of the Sámi to maintain and develop their language nationally. The working groups responsible for drafting the programme shall take into account the situation of the Sámi language and its development prospects in the other Nordic countries.<sup>165</sup> The draft programme should be ready by the end of the year 2011.

The Romani Language Board published a National Policy on the Romani Language in 2009.<sup>166</sup> The Policy includes various proposals for measures to revive and ensure the teaching of the Romani language in Finland. The first Sign Language Policy Programme was adopted in 2010 for the years 2010-2015.

There are yet no similar policies or programmes for the Karelian and Estonian languages.

However, there have been some temporary initiatives to support these two languages, although mainly Karelian. In 2007–2009, as a part of funding granted for fostering societal interaction, the Ministry of Education allocated EUR 100,000 annually for the teaching of and research on Karelian. Government subsidies are granted for activities of societies promoting the position of Karelian. The Ministry also supports the activities of the Karelian Language Society. Besides annual general subsidies, both the Ministry of Education and the National Council for Literature have granted the same Society funds for projects related to the Karelian language.<sup>167</sup>

In particular in relation to the Estonian language, the initiatives appear to be project-based temporary and aimed at immigrants in general. One positive example is the project 'In To', which assists recent immigrants in dealing with tax and social authorities in the Helsinki area and offers services also in Estonian.<sup>168</sup> In To is the joint service point of the Social Insurance Institution of Finland (Kela) and the Finnish Tax Administration for employees moving to and from Finland. The service point also helps self-employed persons, students and companies hiring and recruiting foreign labour. The service point was set up in November 2008, and since the operations demonstrated good results for the first two years, in 2010 the decision was taken to make the office permanent. Most visitors to the service point have arrived to Finland from Estonia, Russia, India and the United Kingdom. Immigrant workers often lack a local support network in Finland, and need the advice of the service point in matters of social security and taxation. At present,

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165 <[www.hare.vn.fi/mHankePerusSelaus.asp?tVNo=1&h\\_ild=16933](http://www.hare.vn.fi/mHankePerusSelaus.asp?tVNo=1&h_ild=16933)>, accessed on 24 November 2010.

166 Language Policy Programme for Romani, 2009. Publications of the Finnish Research Institute for the Languages of Finland 156 (Romanikielen kielipoliittinen ohjelma).

167 Third report by Finland on the Framework Convention for the Protection of National Minorities, p. 30

168 <[www.infopankki.fi/en-GB/into/](http://www.infopankki.fi/en-GB/into/)>, accessed on 14 October 2010.

negotiations to expand the scope of the office to include additional government services are in progress.

There are also some general programmes of relevance to the Karelian and Estonian languages. For example, an action plan in the area of education entitled Education for All was adopted in 2004. It states that the public sector should guarantee everyone the opportunity to high-quality education and training, whatever their gender, place of residence, age, language or economic circumstances.<sup>169</sup> Neither Karelian nor Estonian is expressly mentioned in the action plan.

The Education and Research Development Plan 2007-2012 of the Ministry of Education and Culture states that immigrant children should be able to maintain and develop their mother tongue in addition to learning Finnish or Swedish, as a strong linguistic and cultural identity will assist them in adapting to society. The Karelian and Estonian languages are not explicitly mentioned in the development plan. A recent study by the British Council found that while immigrant pupils are entitled under the 2004 National core curriculum for basic education to learn their mother tongue, the Finnish school system does not fully harness the new opportunities brought by diversity because of the absence of systems to promote social integration and monitor segregation. All pupils may learn about cultural identity and internationalism, but not specifically the immigrant cultures in their local communities.<sup>170</sup>

The same study found that in Finland, migrants lack a clear, institutionalised and encouraging path to citizenship. The study concluded that the language requirements for obtaining citizenship are "slightly unfavourable" to the integration of immigrants. Only seven out of the 31 countries studied used such high levels, which discourage many immigrants from applying for citizenship even when there is qualitative support to learn the national languages.<sup>171</sup>

The Government Migration Policy Programme *inter alia* aims to promote the development of a multi-value, multicultural and non-discriminatory society and thus foster Finland's internationalisation process, improve international competitiveness and serve as a means to respond to the challenges posed by an ageing workforce and population as a whole.<sup>172</sup> It does however not foresee any additional measures to those mentioned elsewhere in this report when it

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169 Suomen UNESCO-toimikunta, Koulutus kaikille. Suomen kansallinen toimintasuunnitelma. The plan is available on the following website: <[planipolis.iiep.unesco.org/upload/Finland/Finland%20NPA%20EFA.pdf](http://planipolis.iiep.unesco.org/upload/Finland/Finland%20NPA%20EFA.pdf)>, accessed on 20 October 2010.

170 British Council, Migrant Policy Integration Index, <[www.integrationindex.eu/finland](http://www.integrationindex.eu/finland)>, accessed on 1 March 2011.

171 Idem.

172 Hallituksen maahanmuuttopoliittinen ohjelma, 2006.

comes to immigrant languages.

Moreover, selective press subsidies have been made available for newspapers and Internet publications published in Swedish, Sámi, Romani and Sign Language as well as by Swedish language news reporting services, with the purpose of promoting freedom of expression and versatility and diversity in communication.<sup>173</sup> As noted above, Karelian and Estonian have remained outside the selective press subsidy.

Also, the Finnish Broadcasting Company has prepared a service strategy to support and strengthen the visibility and inclusion of groups and minorities in its activities and recruitment.<sup>174</sup>

## **2.7 View on language and minority legislation in the wider public discourse and media**

Law is understood as a decisive factor in the current debates on language and minority matters in Finland. For example, when the activists promoting the Karelian language wanted better recognition and protection of the language, they chose to insist on legislative amendments as a way of having the status of the language recognised, even if national legislation at present does not identify any language groups as official minority groups. An alternative would have been to press for support to the language without legislative measures.

The same applies to the debate regarding the teaching of the Swedish language in primary schools. Also in this case the debate has been focused on legislative regulation, despite the fact that the root cause to the discussion is the unpopularity of the Swedish language teaching. The discussion has only to a limited extent focused on the possibility of improving the quality, relevance or general image of the Swedish language teaching.

Neither the Karelian nor the Estonian language is very visible in the public discourse or media. While there are some very active civil society actors lobbying for the Karelian language, there is a lack of a wider legal and political debate in society regarding its legal position and the protection, maintenance and development of the language. Meanwhile, there are no actors making demands or suggestions regarding the legal position or the protection, maintenance and development of the

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<sup>173</sup> Third report by Finland on the Framework Convention for the Protection of National Minorities, p. 46.

<sup>174</sup> *Ibid.*, p. 47.

Estonian language, and very little public debate of this matter.

There has also been some debate about the integration of immigrants and asylum seekers (with an emphasis on female asylum seekers), and in these debates a key issue has been the modalities for learning the Finnish language. Mother tongue teaching to immigrants and asylum seekers has not been very much debated.

## **2.8 Perceived effect of the studied legislation on the languages and language communities studied**

The legislation does not inhibit the use of the Karelian or Estonian language. Simultaneously, it has had only a limited concrete effect on the promotion and development of at least the Estonian language. The perceived effect of the legislation is less clear when it comes to the Karelian language.

The practical interpretation of the legislation has been decisive for the financial support given to the Karelian language. The interpretation of Section 17(3) of the Constitution has varied between the ministries, with some reaching the conclusion that only languages expressly mentioned in this section are entitled to state support, while others find that languages not expressly mentioned are included in the notion 'other groups' and are thereby entitled to support.

The Presidential Decree giving Karelian the status of a regional language with regards to the European Charter for Regional or Minority Languages may have had an influence on the attention that is given to the situation of the Karelian language, but its concrete effects will have to be determined with time. For years, the Karelian Language Society has advocated for Karelian to be accorded a status equal to that of Sámi, the Sign Language and Romani. The new status of Karelian as a minority language under the European Charter for Regional or Minority Languages has been welcomed by civil society in general. A recent Council of Europe report notes that the Charter has led to positive results in the case of the Karelian language in Finland.<sup>175</sup>

Presently, the Karelian language is experiencing something of a small-scale revival and enjoys increased visibility. There is a Karelian-language day care centre in Nurmes that was initiated by

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<sup>175</sup> Council of Europe, 2010, Strengthening measures to protect and revive highly endangered languages, Report of the Committee on Culture, Science and Education.

the Karelian Language Society and the city of Nurmes and funded by the Finnish Cultural Foundation (Suomen Kulttuurirahasto), and courses in the Karelian language are organised by NGOs and folk high schools. Literature is being increasingly published in Karelian. The public TV channels have broadcast some programmes about Karelia and the Karelian language. There is even a professor in the Karelian language and culture at the University of Eastern Finland. The constant lobbying and many initiatives of the Karelian Language Society are probably a key factor in this development. Domestic legislation seems to have played a minor role. The international attention paid to the Karelian language in the context of the Charter may have been more instrumental in this respect.

When it comes to Estonian, the effects of the legislation (or international conventions) are not obvious. For example, there is no legislation referring to Estonian-speakers. Finnish law does not give the authorities any positive obligations that specifically relate to the Estonian-speakers or the Estonian language, but it does permit the language group to take own initiatives to maintain the language. However, the legal obligation for the National Broadcasting Company to care for the needs and interests of other groups than the majority has probably influenced its decisions to broadcast some programmes in and about the Estonian language. With regard to the legal remedies described above, Estonians in Finland have mainly made use of the provisions prohibiting discrimination and the Office of the Ombudsman for Minorities, and this only to a limited extent.<sup>176</sup>

As for the regulation of education, the possibility to receive teaching in or of the Estonian language has had some concrete effects. There are pre-school play-groups for children in Estonian, which have been initiated by Estonian parents and are self-financed. There are bilingual (Finnish-Estonian) classes in two comprehensive schools in Helsinki, the first one was introduced already in 1996. Four universities offer teaching of the Estonian language: Helsinki, Turku, Oulu and Tampere. Teaching is supported by state authorities both in Finland and in Estonia.<sup>177</sup> In addition, it is possible to learn Estonian in mother tongue classes for immigrant children in primary schools in several cities.

Meanwhile, the requirement for knowledge of Swedish discussed in Sub-Chapter 1.10 above may

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<sup>176</sup> In 2009 10 Estonian immigrants contacted the Ombudsman for Minorities. The same year 84 Russian immigrants, 45 Somali immigrants and 24 Iraqi immigrants contacted the office. This information emerges from the 2009 report of the Ombudsman for Minorities. According to the Union of Estonians in Finland, the webpage of the Ombudsman office earlier contained no information in Estonian, a fact which did not encourage Estonians to contact it. Interview with Rain Ots.

<sup>177</sup> Praakli, p. 53.

pose an obstacle to the public employment of those immigrant Estonian-speakers and Karelian-speakers who have not learned Swedish in school in Finland. The law, however, foresees the possibility for individuals to ask for an exemption from the required knowledge of Swedish.

A further reason for the lack of impact of the legislation on Estonian-speakers is that they are not always aware of their rights under Finnish law, such as the right to an interpreter in certain situations.<sup>178</sup> A contributing factor here might be that many authorities expect all Estonian-speakers to be fluent in Finnish. The effect is, as one interlocutor put it: “Those who know Finnish speak, the others are quiet.”<sup>179</sup>

It is important to keep in mind that languages in a similar situation must be treated equally in accordance with the principle of non-discrimination. It would thus not be possible to support for example only one immigrant language to the detriment of other language groups in the same situation which also wish to maintain their language in accordance with Section 17(3) of the Constitution, except if the state has an acceptable justification for doing so.

## **3 The legal actors**

### **3.1 Minority and language groups actors involved in legal and policy debates**

The three main NGOs promoting the Karelian language in Finland are the Karelian Language Society (Karjalan Kielen Seura), the Finnish Karelian League (Karjalan Liitto) and the Karelian Educational Society (Karjalan Sivistysseura).

The Karelian Language Society has been the most active of these organisations in terms of the Karelian language. During the last six years (2004-2010), the Society has expanded from a language association into a cultural and political actor that defends and promotes the linguistic, cultural and political rights of speakers of Karelian.<sup>180</sup> The majority of the budget proposals and written questions in the Parliament aimed at promoting the linguistic rights of speakers of Karelian in Finland have been triggered by the activity of the Karelian Language Society. The Society has

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178 Interview with Rain Ots.

179 Interview with Rain Ots.

180 Sarhimaa, p. 11.

since 2004 also been very active in advancing the development and the maintenance of the Karelian language and culture in Finland by drafting numerous policy briefs and suggestions regarding parliamentary initiatives and legislative proposals.

The Society has repeatedly contacted the Ministries of Foreign Affairs, Justice, Education and Finances, the Prime Minister's Office, the Language Council, different parliamentary fractions and the President of Finland. These appeals have concerned a wide range of issues. Most of the desired forms of state commitment to support and maintain Karelian by legislative means and financial aid have not been granted. The rejected initiatives include making Karelian a national minority language by law, introducing Karelian as a language of instruction in basic education, and state subventions to the instruction of Karelian at school and in kindergartens as well as to the Karelian Knowledge Centre in Joensuu.<sup>181</sup> However, the Society has also been able to celebrate some success in the legal domain. Karelian was in December 2009 included in the Statute defining the minority or regional languages of Finland for the purposes of the Charter for Regional or Minority Languages. The Society also initiated and lobbied for the idea of a professorship in the Karelian language at the University of Eastern Finland.<sup>182</sup>

The Society has also commented upon existing Finnish legislation. It has repeatedly pointed out the lack of precision in the Constitutional provisions regulating language matters and held that the Language Act is a serious obstacle to the protection and revitalization efforts of Karelian and other traditional minority languages than Swedish and Sámi.<sup>183</sup>

The most recent initiatives of the Karelian Language Society were made in the spring of 2010 when negotiations were held with the representatives of three different ministries (the Ministries of Justice, Education and Health and Social Affairs) on the topic of state subventions for revitalizing and developing the Karelian language in Finland. The four concrete measures suggested by the Society include adding Karelian to the list of languages in Section 17 of the Constitution (since certain authorities argue that only languages mentioned in the Constitution can be supported by the state financially<sup>184</sup>), an official statement suggesting concrete measures to support the Karelian language, establishing a Karelian homeland comprising of Northern and Southern Karelia in Finland, and a proposal that the state broadcasting company YLE should have a weekly radio programme in Karelian. So far, the unanimous official stance of all three ministries has been that

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181 Sarhimaa, p. 70.

182 Karjalan Kielen Seura ry jäsenkirje 3/08, 2008.

183 Sarhimaa, p. 71.

184 See similar argument by a parliamentarian in Written Question KK 860/2010 vp Karjalan kielen asema Suomessa.

the Presidential Decree from December 2009 does not entail a need for any concrete action by these ministries.<sup>185</sup>

The Finnish Karelian League, the umbrella organization of numerous parish associations<sup>186</sup> (pitäjäseura), initially discouraged the use of Karelian, since there were also non-Karelian speaking members in the parish associations and especially in the League itself. However, this gradually started to change in the 1970s, when the Karelian Cultural Centre was established, which also spread information about the Karelian language.<sup>187</sup> “The Finnish Karelian League concurs with the objective of the Karelian Language Society to legalise the status of the Karelian language by changing the law on languages, or by enacting a law on minority languages other than those mentioned in the Constitution. An intermediary objective is to define the status of the Karelian language as one of the minority languages, so that it is considered as belonging to the group “others” in Section 17 of the Constitution.”<sup>188</sup> There is something of an unofficial Karelian language board, the *Kieličuppu*, which functions within the framework of the Karelian Language Society. Its main task is to discuss and express opinions on questions of corpus planning concerning the Karelian language in Finland.<sup>189</sup>

The main NGOs working with Estonian-speakers in Finland are Tuglas, which promotes the Estonian language and culture in Finland (including arranging Estonian language classes), and two umbrella organisations: the Union of Estonian Societies in Finland (Suomen Viro-yhdistysten Liitto) and the Union of Estonians in Finland (Suomen Virolaisten Liitto). The Union of Estonians in Finland consists of societies of the Estonian-speakers in Finland. The Union of Estonian Societies in Finland brings together some 40 local organisations in Finland and aims to promote the relations between Finland and Estonia in all areas of life, but with focus on culture rather than language. It mainly has Finnish members. The Finnish Ministry of Education and Culture offers smaller grants to linguistic and cultural minorities, and for example the Union of Estonians in Finland has received some support for its activities.

Furthermore, the Estonia Institute (Viro-instituutti) aims to make Estonian culture known in Finland and to promote diverse cultural relations between Estonia and Finland.

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185 Sarhimaa, p. 72.

186 Sarhimaa, p. 47. Numerous parish associations of Border Karelians were founded after World War II. The Association of Karelian Civilization and the Border Karelian parish associations have since the 1970s promoted the Karelian language and culture.

187 Ibid., p. 48.

188 Website of the Finnish Karelian League, <[www.karjalanliitto.fi/index.phtml?s=220](http://www.karjalanliitto.fi/index.phtml?s=220)>, accessed on 30 November 2010.

189 Ibid., p. 19.

### 3.2 Other actors

There are a number of consultative and advisory bodies that have the potential to play a role by serving as a link between the linguistic groups and the authorities. These will be described below in Sub-Chapter 3.5. All these bodies are, however, not used by the Karelian- and Estonian-speakers. This sub-chapter will only discuss bodies with which these linguistic groups actually cooperate.

The only organisations and bodies actively involved in discussions on the Estonian language are the language actors described in the previous sub-chapter. They presently have few interlocutors among the consultative and advisory bodies that could potentially advance the situation of the Estonian language.<sup>190</sup>

Among the governmental bodies, only the Research Institute for the Languages of Finland (KOTUS) has been active regarding the languages studied. KOTUS is a linguistic research institute maintained by the state. It carries out research on Finnish, Swedish, Sámi, Roma and the Sign Languages as well as Finnish-related languages. It has specific departments for minority languages, but none specifically for Karelian or Estonian. It has nonetheless played a central role in the research into the Karelian language in Finland. The Institute has notably taken part in the publication of a Karelian language dictionary. Although Estonian does not form part of the Finno-Ugric minority languages which are researched by KOTUS, the Institute has indeed published two Finnish-Estonian dictionaries.<sup>191</sup>

The representatives of the language groups studied have communicated through media only to a limited extent. Instead, when it comes to non-governmental bodies, the Karelian language has received most attention from the Finnish Bureau for Lesser Used Languages.

The Finnish Bureau for Lesser Used languages (FiBLUL) was founded in 1997 and aims at promoting, maintaining and developing the following traditional minority languages in Finland: Swedish, Sámi, Romani, Russian, Tatar, Yiddish and Karelian. It does not work specifically on the Estonian language. To guarantee and improve the viability of minority languages in Finland, FiBLUL promotes both the exchange of information and experiences between the minority language groups and cooperates with authorities on different levels. It also acts as an expert body

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<sup>190</sup> The other large immigrant language group, the Russian-speaking population of Finland, has been more active in this respect. On the initiative of the Union of Russian Associations in Finland (Suomen Venäjänkielisten yhdistysten liitto), ETNO in 2002 set up a working group which assessed the situation of the Russian-speaking population and made recommendations for further measures.

<sup>191</sup> See the KOTUS website, <[www.kotus.fi/index.phtml?s=115#Suomensukukielet](http://www.kotus.fi/index.phtml?s=115#Suomensukukielet)>, accessed on 4 January 2011.

in the supervision of the implementation of international conventions in Finland, and seeks to influence the development of the language legislation. The member organisations of FiBLUL are the Karelian Language Society, the Swedish Assembly of Finland, the Sámi Parliament, the Advisory Board on Romani Issues, the Islam Congregation of Finland (which represents the Tatar community), the Finnish Association of Russian Organisations and the Central Council of Jewish Congregations in Finland.

The Orthodox Church also fosters the Karelian language.<sup>192</sup> Archbishop Leo of Karelia and All Finland is since 1995 the Chair of the Karelian Language Society. He actively lobbied for the establishment of a Professorship in the Karelian language at the University of Eastern Finland. There is also a Resource Centre for the Karelian Language and Culture (Karjalan kielen ja kulttuurin osaamiskeskus) in Joensuu, which is located in the facilities of the Orthodox Culture Centre. The Resource Centre *inter alia* organises 'language baths' in the Karelian language. The establishment of the Resource Centre was supported by the City of Joensuu and the Regional Council of North Karelia (Pohjois-Karjalan maakuntaliitto), but how to finance the centre in the future is an open question.

The rather influential Karelian Language Society makes use of a wide network of people and institutions in promoting the Karelian language, ranging from individual politicians, ministries and universities to the Nordic Council, the Finnish Permanent Representation to the Council of Europe and UNESCO. It is also in contact with bodies such as the Statistical Office, the Regional State Administrative Agencies and the EU-funded Mercator Network of Language Diversity Centres.<sup>193</sup>

There are also *ad hoc* forms of cooperation between speakers of Karelian and Estonian and other actors. To complement the scarce state-financed teaching of Karelian and Estonian, civil society initiatives have been developed. In Nurmes, there is a kindergarten that offers 'language baths' in Karelian since 2009. As a consequence of this initiative, the school authorities in Nurmes plan to offer teaching in Karelian starting from 2013, when the children in the above-mentioned kindergarten start school.<sup>194</sup> Moreover, several Karelian NGOs, folk high schools (i.e. adult education centres servicing in particular young people) and orthodox congregations organise

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192 For example, in 2010 when the first translation into Karelian of the book Kalevala was introduced, Archbishop Leo held a speech where he also commented on the Presidential Decree granting Karelian the status of a non-territorial minority language under the European Charter for Regional or Minority Languages. See <[www.karjalankielenseura.fi/tekstit/puheet/Karjalankielinen+Kalevala.pdf](http://www.karjalankielenseura.fi/tekstit/puheet/Karjalankielinen+Kalevala.pdf)>, accessed on 12 November 2010.

193 Interview with Pertti Lampi, Secretary of the Karelian Language Society, 15 December 2010.

194 Sarhimaa, p. 65.

Karelian language courses.<sup>195</sup> Teaching of the Estonian language is arranged not only by NGOs such as Tuglas-seura, but also by a number of folk high schools and universities.

### **3.3 Channels of participation in language related matters**

Except for the obvious media forums (TV, radio, internet-based discussion forums), representatives for linguistic groups also take part in public debates and are heard by different committees when legislation on issues relevant to them is being drafted or discussed.<sup>196</sup> The Karelian Language Society has, for example, actively taken part in seminars organised by human rights NGOs such as the Finnish League for Human Rights. Moreover, the Society submits information to the media on issues concerning the Karelian language.<sup>197</sup> In addition, NGO representatives are heard when state reports to international human rights bodies are prepared. Some linguistic groups also submit shadow reports to international human rights monitoring bodies and are active in international cooperation. However, so far, neither the Karelian-speakers nor the Estonian-speakers have submitted any shadow reports.

Generally speaking, the maintenance and promotion of the Karelian and Estonian languages has largely been left to the communities themselves. In particular the Estonian-speakers do not have the assistance of strong outside advocates for state support of their language. Meanwhile, initiatives for Karelian are slowly emerging. This is due not least to the active lobbying group working on the issue of the Karelian language.

### **3.4 Use of channels of participation in practice**

So far, no shadow reports have been prepared by or have received specific input from the Estonian-speakers in Finland. However, the Karelian Language Society has been heard when state reports to the Council of Europe have been prepared.<sup>198</sup> The NGOs representing these language groups have chosen other channels to address linguistic issues, as described in Sub-

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195 The Nordic Folk High School tradition dates back to the 19th century. Folk high schools operate in the field of voluntary and general adult education.

The goal of the folk high schools is mainly to offer general education both to young people and adults.

196 The Karelian Language Society was for example heard by the Constitutional Law Committee when the latter discussed the 2009 Government Report on the Application of Language Legislation. See Perustuslakivaliokunnan mietintö 1/2010 vp, Hallituksen toimenpidekertomus vuodelta 2008, PeVM 1/2010 vp - K 1/2009 vp.

197 Interview with Pertti Lampi.

198 The Society has been heard regarding the reports on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

Chapter 3.2 above. The advocates for the Karelian language have been more active than those for the Estonian language in terms of using media and interacting directly with different politicians and authorities to promote the language, as described above in Sub-Chapter 3.1.

### **3.5 Institutions responsible for minority and language policies**

The Advisory Board on Language Issues (Kieliasiaain neuvottelukunta), set up by the Government, is a permanent expert body with representatives from various sectors of society where the implementation of linguistic rights is particularly important, such as the judiciary, social welfare and health care, municipal administration, education and alien and immigration affairs. There is no NGO representation in the board. The Board was founded in 2004 and is placed under the Ministry of Justice. The Board's task is to assist the Ministry of Justice in monitoring the implementation and application of the Language Act and language-related legislation, prepare proposals for measures to promote the use and status of the national languages, prepare recommendations for awareness-raising activities in relation to the Language Act and related legislation and issue opinions on language legislation issues. The Board may also monitor and make recommendations on the legislation regarding other languages and promotion of other languages than those mentioned in the Language Act.<sup>199</sup>

The tasks of the Advisory Board on Ethnic Relations (Etnisten suhteiden neuvottelukunta, ETNO) are to promote interaction between authorities, non-governmental organizations and the political parties represented in the Finnish Parliament, as well as immigrants and ethnic minorities at national, regional and local level. In the capacity of an expert body in immigration policy, the Advisory Board assists different authorities to further an ethnically equal and diversified society, and to develop and promote good ethnic relations.<sup>200</sup> It is subordinate to the Ministry of Interior. ETNO issues statements, drafts initiatives and proposals, and arranges training and other events. In addition to the national ETNO, there are also four regional ETNOs. The functions of the regional ETNOs are to promote good ethnic relations at a regional and local level, promote interaction between various parties and organizational activities among ethnic minorities, make proposals for actions to promote good ethnic relations and equality at the regional and local level, provide regional and local viewpoints regarding the activities of the Working Division and national ETNO, and ensure that the immigration policy and the goals of equality and ethnic diversity as a social

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<sup>199</sup> Decree on the Implementation of the Language Act (Valtioneuvoston asetus kielilain täytäntöönpanosta 433/2004).

<sup>200</sup> Decree on the Advisory Board for Ethnic Relations (Valtioneuvoston asetus etnisten suhteiden neuvottelukunnasta 352/2008).

resource are better known at the local and regional level. The members of the regional ETNOs represent the Employment and Economic Development Centres, the State Provincial Offices and key municipalities, NGOs, business and industry, immigrants and ethnic minorities. When members are appointed, attention is paid to the aim of having full geographical coverage and the essential expertise needed for each regional ETNO. The members in both the national and regional ETNOs include persons of immigrant or ethnic minority background who represent organisations selected in a separate application procedure. The Union of Estonians in Finland has earlier been a member of the national ETNO, and the Karelian Language Society is presently represented in one of the regional ETNOs. ETNO focuses on ethnic rather than linguistic issues as such. It has not undertaken any activities focusing specifically on the Estonian- or Karelian-speakers.

The language groups have, to some extent, turned to bodies that provide assistance in cases of discrimination. The National Discrimination Tribunal and the Ombudsman for Minorities have been used to address violations, as described above.

The Ombudsman for Minorities is assisted by the Advisory Board for Minority Issues (Vähemmistöasiain neuvottelukunta). The task of the Advisory Board is to make proposals that aim at developing the monitoring of ethnic discrimination or the protection of the rights and position of foreigners. In addition, the Board must also develop the cooperation between authorities and organisations representing minorities in questions related to the monitoring and prevention of ethnic discrimination.<sup>201</sup> The representation of ethnic minorities in the Advisory Board has recently been strengthened so that its members now include representatives from the Sámi Parliament, the Jewish Congregation in Helsinki, the Finnish Islamic Council, the Finnish Islamic Congregation (representing the Finnish Tatar Community), the Finnish Roma Forum, the Somali League in Finland and the League of Russian-Speaking Associations. No NGOs representing Karelian- or Estonian-speakers participate in the board. Finland's latest state report on the Framework Convention for the Protection of National Minorities indicates that the Advisory Board for Minority Issues has played a key role in connecting different actors and providing information about their activities and the status of ethnic discrimination in Finnish society in general.<sup>202</sup>

The Karelian- and Estonian-speakers could be regarded as groups entitled to have representatives in ETNO and the Advisory Board for Minority Issues. Yet, so far they have not been represented in

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<sup>201</sup> Decree on the Ombudsman for Minorities.

<sup>202</sup> Third Periodic Report on the Implementation of the Framework Convention for the Protection of National Minorities, p. 32.

the latter body. They have also made little use of the other bodies mentioned above to ensure the protection or development of the languages, even if these bodies would all appear to be relevant to their work. This may be understandable taking into account that very little attention has been paid by the different bodies described above to the linguistic rights of the Karelian- and Estonian-speakers. The official 2009 Report on the implementation on the language legislation illustrates this. The Advisory Board on Language Issues plays a central role in its elaboration. The report only makes a brief reference to the number of Estonian-speakers in Finland. As regards Karelians, the report only notes that Karelians have been resident in Finland for a long time.

To demonstrate which bodies that are responsible for other language groups (both 'old' minorities) in Finland, two bodies will be mentioned. The Sámi Parliament (Saamelaiskäräjät) is responsible for promoting the Sámi language and culture and the status of the Sámi as an indigenous people. It is a preparatory and consultative body in matters falling within the scope of the constitutionally guaranteed self-government of the Sámi. The Sámi Parliament is elected by the Sámi and represents them officially in national and international forums. It also monitors the implementation of the Act on the Use of the Sámi Language before the Authorities, and may issue recommendations related to language legislation and take initiatives to address problems that have been observed in the implementation of the linguistic rights of the Sámi.

There is also an Advisory Board for Romani Affairs (Romaniasiain neuvottelukunta), which is a cooperation body for the Roma and the authorities. It is subordinate to the Ministry of Social Affairs and Health. Its duties include promotion of Romani language and culture, provision of statements on the position of the Roma to other authorities and bodies and provision of expert statements concerning the implementation of international conventions in Finland.

There are no similar bodies for the Karelian- and Estonian-speakers. The aim of linguistic diversity could be promoted by giving languages such as Karelian and Estonian a more prominent part in the discussions in the existing bodies which deal with general language and minority issues.

Finland has come to a similar conclusion with regard to the Russian-speakers. On the initiative of the Union of Russian Associations in Finland, an *ad hoc* working group was set up within the framework of ETNO to assess the status of the Russian-speaking population in Finland and to submit recommendations as to further measures. The working group submitted its report to the Advisory Board in 2003.<sup>203</sup> The report included a suggestion to set up a separate advisory board

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203 ETNO, 2003, Questions relating to the Russian-speaking population in Finland.

for the Russian-speaking population. In a written reply to the Committee on the Elimination of Racial Discrimination, Finland explained why it had not endorsed the creation of a specific Russian Advisory Board despite this recommendation. The authorities held that a common advisory board promotes networking and sharing of experiences, while separate advisory boards would not enable regular and direct interaction for example between different minorities.<sup>204</sup> However, such interaction would naturally presuppose that the minorities interested in taking part in such discussions would indeed be members of these bodies, which for example the Karelian and Estonian language groups are not.

### **3.6 The role of the kin-state or country of origin in language maintenance**

The Karelian Educational Society and the Karelian Language Society both cooperate with bodies in the Republic of Karelia in the Russian Federation. The Karelian Educational Society and the Karelian Language Society recommend that Karelian-speakers subscribe to Karelian-language newspapers published in Russia, to keep up their language skills and stay informed of developments on the other side of the border.<sup>205</sup> There is, however, no official support by the Republic of Karelia to the maintenance of the Karelian language in Finland.

There is a long tradition of teaching Estonian at the academic level in Finland. The first Estonian lectureships were established over 100 years ago in Finland, with the lecturers being appointed by the university. In 2004, Estonia also began sending teachers of Estonian abroad.

One of the objectives of the Development Strategy for the Estonian Language adopted by the Estonian Government for the years 2004-2010 is “to help the Estonian communities abroad and scattered Estonians to maintain the ability to communicate in Estonian, so that their repatriation will be easier and that there will be more opportunities to disseminate information that is favourable to Estonia“. To do so, the Estonian state will support the learning of standard Estonian and in standard Estonian abroad as well as the collection and study of language materials in the Estonian language. While one of the objectives of that strategy is to create conditions in Estonia for the use of regional varieties of Estonian, their preservation as a cultural treasure, as a development source of Standard Estonian, and as bearers of the local Estonian identity, when it comes to Estonians

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204 Answers of the Government of Finland to the additional questions relating to the seventeenth, eighteenth and nineteenth periodic reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination, p. 9.

205 See the official website of the Republic of Karelia state bodies, <[www.gov.karelia.ru/News/2010/03/0304\\_06\\_e.html](http://www.gov.karelia.ru/News/2010/03/0304_06_e.html)>, accessed on 30 November 2010.

living abroad "[t]he state supports the learning of Standard Estonian".<sup>206</sup> The bodies implementing these tasks are the different Estonian ministries, the Bureau of the Minister of Ethnic Affairs, the Estonian Institute, the Mother Tongue Society, the Institute of the Estonian Language, the University of Tartu and Tallinn Pedagogical University.<sup>207</sup> The Estonian Compatriots Programme (2009-2013) also provides support to the teaching of Estonian abroad. The general aim of the programme is to support Estonian communities abroad. The Compatriots Programme also offers scholarships to young expatriate Estonians for higher education in Estonia. The programme is implemented by the Estonian Institute and financed by the Estonian Ministry of Education and Research.<sup>208</sup> The Estonian Ministry of Culture also supports Estonian culture abroad. The Estonian Council of Teaching the Estonian Language outside Estonia (established in 2001) has supported the coordination of academic teaching outside Estonia.<sup>209</sup>

Concrete examples of support to the Estonian language from the state of origin are the Language Days organised for Estonians in Finland by the Estonian Ministry of Education and Research and the Estonian Mother Tongue Society in Finland. Estonian language studies in Finnish schools are organised in cooperation between the Estonian Ministry of Education and Research and the Finnish Ministry of Education and Culture. Teachers of Estonian in Finland use materials produced in Estonia. Also, the Estonian Ministry of Education and Research has conducted a survey among Estonians in Finland on topics related to the need of teaching the language.<sup>210</sup>

## **4 Concluding remarks**

### **4.1 Regulation of the languages and language communities in the legal and institutional system**

In Finland, language rights are regulated by law. In the legislation there is no reference to the concept of linguistic minorities, although in practice a number of linguistic groups are treated as linguistic minorities. All linguistic groups are entitled to speak and maintain their own language. Meanwhile, the right to use one's own language when communicating with authorities and to be

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<sup>206</sup> Development Strategy of the Estonian Language 2004-2010, pp. 40-41. Available at <portaal.eki.ee/ylldinfo/100-development-strategy-of-the-estonian-language-2004-2010.html>, accessed on 5 November 2010.

<sup>207</sup> *Idem*.

<sup>208</sup> Eesti keel ja kultuur mailmaas webpage, <ekkm.estinst.ee/sisu/estonian-studies/>, accessed on 5 November 2010.

<sup>209</sup> Praakli, p. 54.

<sup>210</sup> *Idem*, p. 5.

provided service in this language is much more limited, and does not extend to the languages studied in this report.<sup>211</sup> Also, judging by practice, the right to speak and maintain a language does not, as such, entail a right to positive measures by the state for the groups not explicitly mentioned in the Constitution, other than an obligation for the authorities to support language groups that wish to maintain and develop their language in an equal manner. The languages mentioned explicitly and regulated more in detail in Finnish legislation are Swedish, Sámi, Romani and the Sign Languages.

Being largely an immigrant language, Estonian is not protected by any specific legislation in Finland. It might in the future be regarded as falling under the protection of the European Charter for Regional or Minority Languages and the Framework Convention for National Minorities.<sup>212</sup> Karelian in turn does fall under the protection of the European Charter for Regional or Minorities Languages, and in practice is also one of the languages Finland reports on under the Framework Convention for National Minorities. Karelian is referred to in one piece of legislation, the Presidential Decree that defines the languages in Finland, which are protected under the European Charter for Regional or Minorities Languages.

While there are language policy programmes for Romani, Sámi and the Sign Languages of Finland, there are no equivalent programmes for Karelian or Estonian.

There are no particular public or semi-public institutions that work specifically to maintain or develop the Karelian or the Estonian language. The general bodies dealing with minorities and language issues in Finland have not taken a large interest in Karelian or Estonian. The Research Institute for the Languages of Finland has, however, played a central role in the research on the Karelian language in Finland, notably through the publication of a Karelian language dictionary. The same Institute has also published two Finnish-Estonian dictionaries.

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211 The exception is the right to an interpreter or translator in court proceedings and certain other contacts with authorities.

212 According to the definition set out in Article 1 (a) of the European Charter on Regional or Minority Languages, the expression "regional or minority languages" does not include the languages of migrants. The term "migrants" applies in principle to persons of foreign origin who are not nationals of an acceding state. However, the question as to whether non-citizens can also benefit from the measures aimed at protecting a regional or minority language remains difficult to answer, as it would seem difficult to distinguish in practice between citizens and non-citizens speaking the same language so as to deny the latter and not the former the right to make use of their language in certain contexts. This is the conclusion of the Report on Non-Citizens and Minority Rights, adopted by the Venice Commission at its 69th plenary session (Venice, 15-16 December 2006), para. 62. The above report refers in this context to the first Report of the Committee of Experts of the ECRML on Slovenia, 2004, paras. 35-40, which calls for the protection of the Serbian, Croatian and Bosnian languages, although they are largely spoken by foreigners and considered languages of migrants by the Slovenian authorities. The Advisory Committee of the Framework Convention for the Protection of National Minorities took a similar approach in its opinion on Austria in May 2002, where it encouraged Austria to consider including the Polish community in its reports in the future. Opinion on Austria, ACFC/INF/OP/I/(2002)009, para. 19.

When comparing the situation of Karelian to other languages traditionally spoken in Finland, such as Sámi and Romani, one finds that it has a weaker legal position. There are also less supportive measures for Karelian. However, Finland reports on the situation of all three languages to selected international human rights bodies. It also reports (although briefly) on the situation of the speakers of Tatar and Yiddish.<sup>213</sup> Tatar and Yiddish are not mentioned in any piece of Finnish legislation.

When compared to the other major immigrant language in Finland, Russian, the legal position of Estonian is very similar. There are not more supportive measures for Russian than for Estonian. However, while Finland reports on the situation of the Russian-speaking population to some international human rights bodies, it does not do so regarding the Estonian-speakers. Also, a study has been made to assess the situation of the Russian-speaking population in Finland and develop recommendations for further measures for this language group. A similar initiative still remains to be taken with regard to the Estonian-speakers.

To sustain language diversity and multilingualism, support to the maintenance of the immigrants' mother tongues is crucial. While some European countries seem to balance such support against the desire to ensure that the immigrants also learn the national language in order to be integrated into society, Finland has rather taken the approach that maintaining the mother tongue aids both in the process of acquiring skills in the national languages and in integration into society.

A general conclusion applicable to both Estonian and Karelian would be that the legislation in place is adequate, but that there is still room for improvement when it comes to its implementation. What is needed is, first and foremost, continued activity of the language groups in question to indicate and press for the needs of the groups, but also that increased attention is paid to these claims by the competent authorities. To maintain a linguistic diversity that encompasses Karelian and Estonian, targeted policies based on existing legislation and state resources to implement these policies are needed, not least on the municipal level. In the case of Karelian, this may need to involve cross-border cooperation with Karelian-speakers in Russia to maintain the language. For Estonian, there is already some cross-border cooperation in the field of education.

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<sup>213</sup> See for example the Fourth Periodic Report of Finland on the Application of the European Charter for Regional or Minority Languages.

## **4.2 Attitudes towards the legal and institutional regulation of the languages and language communities**

The lack of clarity as to which languages are entitled to protection by the state is seen as problematic. The problem concerns the languages not explicitly mentioned in the legislation. This is exemplified by the contradictory opinions of different ministries regarding the granting of support for measures to protect, maintain and develop the Karelian language. At the same time, the relevant authorities do not want to introduce legislation that specifically declares Karelian a minority language. The position is that if one lists the minorities included in the notion 'other groups' in Section 17(3) of the Constitution, one will inevitably risk to exclude some groups that may appear in Finland in the future, and therefore, an open definition is preferable. In addition, this would not add to the protection the Karelian language already enjoys under Section 17(3). The creation of a separate language act for Karelian as proposed by the Karelian Language Society remains unlikely, but would have the potential to change the legal status of Karelian.<sup>214</sup> To achieve the purpose of linguistic diversity, Finland may instead opt for sustainable policy measures that clearly indicate how Karelian should be protected, maintained and developed, for example in the form of the language strategy for the Karelian language proposed by the Ministry of Justice.

The lack of unambiguous interpretation of the Constitution also leads to an unequal amount of attention being given to the different language groups. While Finland now reports to international human rights bodies on almost all languages that have long been spoken in Finland, it only reports on one immigrant language, Russian, and this only on the situation of the so-called 'old Russians'. While this approach may be understandable in the context of those international conventions that have been regarded as protecting only traditional minorities, there appears to be less reason to limit reporting on large immigrant languages to other international human rights bodies such as the UN Human Rights Committee.<sup>215</sup>

As regards Karelian, there is a lack of a wider public debate concerning the legal position and the protection, maintenance and development of the language, while there are some very active civil society actors. When it comes to Estonian, there are few actors making demands or suggestions regarding its legal position or its protection, maintenance and development, and very little public

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<sup>214</sup> Kimmo Sasi in interview by Anneli Sarhima of Kimmo Sasi and others, 10 February 2011.

<sup>215</sup> Finland's Fifth Periodic Report on the International Covenant on Civil and Political Rights, 2003, only very briefly mentions the Estonian-speakers in Finland. Karelian-speakers are not mentioned at all in this report. The International Covenant on Civil and Political Rights was adopted in 1966 and entered into force in 1976. Finland ratified it in 1975. It should also be kept in mind that the relevant Council of Europe bodies have encouraged states to submit information also on their 'new' minorities, including those not holding the citizenship of the country. See footnotes 148 and 212 above.

debate regarding the language in general.

Estonian-speakers have not articulated their linguistic needs and ambitions in public to any larger extent, but these may differ from those of the Karelian-speakers, since Estonian is not a language threatened by extinction but rather a vital immigrant language. One relevant interest would be the continued teaching of Estonian to children, but perhaps also adapted language classes for adult Estonian immigrants who lack knowledge of Finnish and therefore risk exclusion from society.

There is an emerging discussion about the resources and attention given to the different languages in Finland. The constitutional status of Swedish as a national language instead of a minority language has been seen as problematic by some. These people find that the status grants undue privileges to the language. Meanwhile, also minority language representatives see the requirement for knowledge of Swedish in certain context as limiting their possibilities in the labour market. There may be a lack of knowledge among immigrants about the possibility of being exempted from this requirement. The discussion about the allocation of resources and support to different languages in Finland will have to be a part of the policy discussions when the Government prepares a language strategy for Finland.

In this context, the lack of interest from the various competent bodies and authorities to the different languages of Finland is also likely to come up. At present, though, there is little public discussion of this matter.

### **4.3 The position of language diversity in the legal and political system**

Language diversity as a goal at societal level is implicit in the constitutional notion of two national languages and the collective constitutional right of linguistic groups to maintain and develop their own language and culture.

According to the present Government Programme, Finland belongs to everyone, regardless of place of residence, life situation, mother tongue, or ethnic background. The Programme mentions the rights and interests of the speakers of Swedish and Sámi, but does not mention any other languages or language diversity in general.

There is no Governmental policy that explicitly stresses multilingualism as a goal. Multilingualism at the individual level has however long been implicit in the education system, where learning the other national language in primary school has until now been obligatory, as has the learning of foreign languages.

The Government's recommendation to the Parliament to adopt a national language strategy to strengthen the different language groups in Finland, including those not specifically enumerated in the Constitution is a step in the direction of promoting language diversity and implementing Section 17(3) of the Constitution.<sup>216</sup> The same objective would be achieved in relation to the Karelian language if the Government adopted a specific language strategy for the Karelian language. No such proposal has, however, been made for the Estonian language, and as a language not under threat as such, it has a better chance of being promoted within the framework of a general language strategy.

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<sup>216</sup> See Sub-Chapter 2.5 above.

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- PTK 10/2010 vp, Täysistunnon pöytäkirja (Plenary Session Records)
- PTK 140/2010 vp, Täysistunnon pöytäkirja (Plenary Session Records)
- Constitutional Law Committee Opinion 2 of 1990, Perustuslakivaliokunnan lausunto hallituksen esityksestä n:o 22 ihmisoikeuksien ja perusvapauksien suojaamisesta tehdyn yleissopimuksen ja siihen liittyvien pöytäkirjojen eräiden määräysten hyväksymisestä, PeVL 2/1990 vp (Constitutional Law Committee Opinion on Government proposal No. 22 to approve the ECHR and certain sections in its protocols)
- Constitutional Law Committee report, Perustuslakivaliokunnan mietintö, Valtioneuvoston selonteko Suomen ihmisoikeuspolitiikasta, PeVM 1/2010 vp (Constitutional Law Committee Opinion on the Finland's report on its human rights policy)
- Report of the Finance Committee, Valtiovarainvaliokunnan mietintö, Hallituksen esitys valtion talousarvioksi vuodelle 2002, VaVM 37/2001 vp (Government budget proposal for the year 2002)

### **Interviews**

- Pertti Lampi, Secretary of the Karelian Language Society, Helsinki 15 December 2010
- Rain Ots, Chair of the Union of Estonians in Finland, Helsinki 18 December 2010