



**To the Advisory Committee of the European Council  
concerning the Framework Convention  
for the Protection of National Minorities**

**Report by the Finland-Swedish Association**

**Introduction**

The NGO Finland-Swedish Association (FSA) was established in 2001 in order to encourage and support the identity and affinity within the Finland-Swedish population. Today there are about 500 members in the organisation, which only receives private funding. The aim of the FSA is to gather individuals with an interest in Finland-Swedish matters, to spread knowledge about the Finland-Swedes, to increase the Finland-Swedish cultural supply and to develop and encourage projects concerning Finland-Swedish matters. One of the association's most important tasks is to look after the constitutional rights of the Finland-Swedes and the rights granted by international conventions and to observe how Finland acts up to these obligations. The aim of the FSA is to make national authorities and organizations aware of Finland-Swedish interests. The Finland-Swedish Association also particularly follows the international and European discussion and development concerning minority rights and seeks to activate Finland-Swedish lawyers and legal experts in this process.

There is a considerable lack of NGOs and judicial activism within the Finland-Swedish national minority, even though many culturally orientated organisations operate within the group. There is also an evident lack of official representation. The Swedish Assembly, set up in order to keep surveillance of the Finland-Swedes' rights, is often regarded as an official representative of Finland-Swedish society. However, as a not directly elected fully state-financed organ, it cannot be considered to represent the real interests of the minority or to constitute an NGO. In fact, by way of introduction, the Swedish Assembly did not even wish the Finland-Swedes to be considered as a national minority of Finland and still today there is no information on international law concerning Finland-Swedes available on the Assembly's web page ([www.folktinget.fi](http://www.folktinget.fi)). According the last report by the Advisory Committee, para. 16, the Swedish assembly of Finland considered the Finland-Swedes not to constitute a national minority. This point of view was not shared by the majority of the Finland-Swedes. On the contrary, many Finland-Swedes support the idea of international minority protection and find it important, despite and because of the national linguistic legislation. The reason for this is that national legislation from a Finland-Swedish perspective has become a paper dragon, not operating in real life. An example of this is the Language Act anno 2004, which does not render economic sanctions possible upon neglect, nor constitutes a possibility to report potential incongruities to a Linguistic Ombudsman. Many Finland-Swedes believe that an international minority perspective may contribute to international surveillance and protection, to further emphasize national linguistic legislation and develop successful minority strategies, adapted to the real life situation of the Finland-Swedes. It is also important to keep in mind

that the minority is linguistically and culturally heterogeneous, where many individuals in especially urban regions are more or less bilingual, and many individuals in other regions are unilingually Swedish speaking. Therefore the perspectives are multifaceted, but unfortunately not always equally represented.

### **General point of view**

According to the Finland-Swedish Assembly, Finland does not act up to the Framework Convention in several respects.

Today's most significant threat against the position and situation of the Finland-Swedes are the public administrative reforms, especially the municipal reform. By referring to an aim to promote the economical efficiency aspiration, the traditional administration borders are being reviewed, without prior serious investigations of the consequences for the Finland-Swedish minority. The measures are often being taken discreetly. The undertaken politics directly oppose to international obligations and indirectly in its consequence violates national legislation. In the following examples, according to the FSA, Finland does not fulfil its obligations according to the Framework Convention.

### **The municipal reform**

A municipal reform is taking place in Finland; a reform which as such can be justified in certain areas. The reform in itself does not constitute a breach of international law. However, the fact that this reform may turn a clear Swedish majority into a small minority in many areas is alarming also from an international law perspective, especially since State representatives in public have claimed the reform not to be an issue of language and declared that no linguistic concerns will be taken. Taking into consideration national law including the Language Act, the likely outcome of many proposed reform models would constitute a breach of at least Articles 4, 5 and 16 of the Framework Convention.

The outcome of not respecting the interests of the areas traditionally inhabited by Swedish-speakers would effectively reduce Swedish from a National Language to a language only spoken at home in a few decades. Swedish as an (inter-)administrative language, which today is a reality in many of the areas traditionally inhabited by Finland-Swedes, is severely threatened by the municipal reform. There have been suggestions to form separate Swedish units within the administration in order to guarantee service in Swedish, but so far the suggestions have been imprecise and it is unclear if such a solution would protect Swedish as an (inter-)administrative language and maintain democracy. Such units would also be of considerable less virtue, compared to a model of functional autonomy, based on self-determination within certain areas of importance. Functional autonomy is already practised in Finland within the school system, the forestry and the Evangelic-Lutheran Church. According to the FSA, this model could and should be further developed if administrative reforms will take place.

### **Judicial sector reforms**

The State has removed almost all international and human rights treaty texts in Swedish from the on-line data base Finlex ([www.finlex.fi](http://www.finlex.fi)). The removal of these texts in Swedish took place on November 10th 2004 and includes all texts prior to 1998. Basic texts such as human rights treaties as well as the Nordic cooperation and EC texts are since then no longer available to those Swedish speaking persons who wish to benefit from or seek protection

according to these treaties. Neither are the special agreements with Sweden concerning cooperation in language and cultural issues available in Swedish.

Extensive reforms are also being planned within the court districts. The court districts where the Swedish-speakers constitute a majority often wish to be transferred to similar neighbouring districts, but so far this wish has not been respected and the Swedish-speaking areas are suggested to become part of districts, where the overwhelming majority is Finnish.

The national law is not even respected in areas dominated or almost dominated by Swedish-speaking persons. The Court of Appeal in Vasa in Ostrobothnia, a landscape with Swedish-speaking majority, is one example and the situation does not seem to improve. According to research in 2004, the time of procedure for criminal cases in Swedish was in average 84% longer and in civil cases 54% longer compared to cases in Finnish before the Court declared its verdict, which the FSA has reported to the Parliamentary Ombudsman. The annual report of the Court of Appeal of Vasa 2005 states even more alarming numbers – up to 90 % longer time of procedure for Swedish cases, compared to Finnish cases. According to the research and the Parliamentary Ombudsman, the problem is not in general the amount of Swedish-speaking judges and executives, but the way the linguistic competence is handled within the court. During the period 2003-2004, Swedish-speaking judges and executives took part in 841 cases in Finnish and only 136 in Swedish. The linguistic competence is not properly used within the court. This has resulted in cases where Swedish-speaking parties have been presented before the court in Finnish in order to be understood and have a fair trial.

In addition, the laymen's linguistic skills have become problematic. The laymen are elected on political basis in connection with the municipal elections. The role and influence of the laymen in the process has increased and their function is has successively become similar to the formal judges'. However, there are no legal demands concerning laymen's linguistic skills, only concerning the formal judges'. The interest organisation of laymen in Finland has expressed its concern for unfair trials if this is not to be remedied. Today, there are no obstacles for a layman to interact in a process he or she has not fully understood.

Transferring courts and the redrawing of administrative borders into regions with even fewer Swedish-speakers will certainly not improve the situation.

Further, verdicts of the Supreme Court of Finland are not available in Swedish, unless the process has been held in Swedish in the lower courts. Hence, Finland-Swedes are not able to acquaint themselves with the majority of the precedents and accurate case law.

### **Racism towards Finland-Swedes**

The State has allowed hate and inflammatory speech directed towards Finland-Swedes on their official websites and at the homepages of the state financed Finnish Broadcasting Company, YLE. One recent example occurred in late spring 2005, when humiliating requests to decapitate all Finland-Swedes were published at YLE's web page. The requests were removed from the web page after several days, due to considerable pressure by Finland-Swedes. The FSA contacted the police, since it regarded the event as potential persecution based on ethnicity. The police report was filed in Swedish and the answer, contrary to national law, was given in Finnish. Surprisingly, the police and not a court gave the verdict. According to the police, this could not have been considered as a real threat to Finland-Swedes in general and the case was therefore dismissed.

According to FSA's view, the State authorities do not take issues of racism towards Finland-Swedes seriously and the FSA finds this very distressing.

### **History education**

The historical epoch 1157-1809, when Finland was a part of the Swedish kingdom, is nowadays a non-compulsory part of the history education in the upper secondary schools. The knowledge of Swedish influence and culture in Finland and its significance will therefore decrease, which will undermine the position of the Swedish language in Finland affect the understanding and knowledge of the Finland-Swedish population in a negative respect. Also among the Finland-Swedes, the knowledge of their origin and culture is often imperfect, while Finland-Swedish schools only focus on the matters to a small extent. A new curriculum is at the moment being introduced, but it contains no improvement concerning history education. Little attention has been given to the organisation of history teachers in Finland, which has declared its serious worries about the ongoing lack of history education and has suggested immediate measures to be taken.

### **National legislation**

The new Language Act has so far not inspired to studies of the Swedish language to any larger extent. Instead has the policemen educated between May 21st 2004 and November 10th 2006 been exempted from the obligation to learn at least basic Swedish, despite the fact that the very limited language skills of the police have been a problem for a long time in Swedish-speaking areas.

As mentioned, the FSA finds it distressing that the Language Act does not include sanctions, nor that incongruities in public administration can be reported to a Linguistic Ombudsman.

### **Health care**

The knowledge of Swedish is especially poor in the health-care sector, where it sometimes has had alarming consequences, such as emergency cases which have put Swedish-speaking patients at extreme danger and situations where Swedish-speaking patients have been hospitalized for a week before they have had their diagnose explained to them.

Research has shown that hospitals in areas traditionally inhabited by Finland-Swedes and where they constitute a minority usually do not even ask about the language skills in the employment interviews conducted in Finnish. In the same areas many social- and healthcare services have been privatized and do not provide any service in the Swedish language. Especially specialist care is difficult to receive in Swedish. For example, recent reports have revealed that young Finland-Swedes suffering from paralysis have not been able to receive therapy at the specialist care divisions in Helsingfors, since therapy has only been offered in Finnish.

The FSA further wishes to emphasize the most distressing fact that the only school for deaf Finland-Swedish children, situated in Borgå where it had functioned for 150 years, was closed down about a decade ago. Hence, Finland-Swedish deaf children and their families have to choose either to learn Finnish sign language within the Finnish school system or to emigrate to Sweden in order to get education. Therefore, the number of deaf Finland-Swedes has decreased and is currently about 150 persons or 3 % of the deaf community in Finland. It should also be noted that the state-financed Finnish Broadcasting Company nowadays only as

an exception provides Finnish public service programs with Swedish subtitles, which has especially negative consequences for the Finland-Swedish deaf community.

Sincerely,

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