

*To the Finnish Parliamentary Commissioner for the Judiciary and Civil Administration  
To the Ombudsman*

*Request of reply*

*Dnr 1538/4/04*

After the organization Finlandssvensk samling r.f. (Finland-Swedish Association) handed in its complaint to the Ombudsman regarding the language discrimination within the Court of Civil and Criminal Appeal in Vasa has the situation remarkably worsened.

The average hearing time by the Court of Civil and Criminal Appeal in Vasa is according to registrar Johanna Pulli during the period 1.1.2004 to 15.10.2004 the following: civil cases 9 months and 3 days. Criminal cases 6 months and 5 days.

The following information can consequently be notified regarding the discrepancy between cases in Finnish and cases in Swedish during above mention time period:

Civil cases

9 months and 3 days

Cases in Swedish 13 months and 18 days = **54% longer hearing time**

Criminal cases

6 months and 5 days

Cases in Swedish 11 months and 3 days = **84% longer hearing time**

The Court of Civil and Criminal Appeal in Vasa states that the organization has not declared which information the organization has had access to apart from what is a part of the Court of Civil and Criminal Appeal's annual report.

Regarding the average hearing time for all cases (that is both cases in Swedish and cases in Finnish) has the organization emanated from the average hearing times presented in the Court of the Civil and Criminal Appeal's annual report. Regarding the cases in Swedish, both Civil and Criminal Cases, has the individual hearing time for each case been looked at. This means that the discrepancy in reality is larger in a disadvantage to the Swedish speakers since these cases already are a part of the average hearing times, which in the annual report is consolidated with the hearing time for the cases in Finnish.

We are pleased to note that the Court of Civil and Criminal Appeal admits that the hearing times for Civil and Criminal Cases are longer and that it is increasing, however, we do not

comprise the Court of Civil and Criminal Appeal's standpoint that differences in the hearing time during the years 2000- 2002 have been "close to marginal and most likely due to differences in the structure and complexity of the cases". This would mean that the Swedish speaking persons basically would be more prone to Civil Cases and more prone to criminality, which also the Chief Justice of the Court puts forward in an interview for the Vasabladet (the article is included). The organization dissociates itself from such insinuations.

Finlandssvensk samling r.f. wants with the initially mentioned discrepancy in the hearing times between Civil and Criminal Cases in Finnish and Swedish show that it is not at all about "**unfounded attacks**", which the Chief Justice of the Court claims (please see the opinion by the Court of Civil and Criminal Appeal in Vasa p.9). As the Executive Manager of the organization am I astonished by the Chief Justice's statement that hearing times for Swedish cases in 2003 and 2004 "**probably will be somewhat longer than in the Finnish cases**" (please see the opinion by the Court of Civil and Criminal Appeal in Vasa p.8).

The discrepancy is not "somewhat longer" in 2003 and 2004. It is alarming. When the Civil Cases in Swedish during the 10 first months of the year 2004 have 54% longer hearing times, and the Criminal Cases 84% longer hearing times then cases in Finnish does the statement by the Chief Justice of the Court not strengthen the confidence for the Finnish judicial system.

Whether or not the lack of Swedish-speaking judges/executives partly is artificially conditioned by the Court of Civil and Criminal Appeal's internal planning and organization needs to be investigated. Can it be that so that Swedish-speaking judges/executives at the Court of Civil and Criminal Appeal is not used in enough extent in cases where Swedish is being spoken? That this is the case is being indicated by that Swedish-speaking judges and/or executives took part in as many as 218 cases in Finnish during the time January – June 2004. During the same period the Court of Civil and criminal Appeal did only decide 32 cases in Swedish, which is almost seven times fewer cases.

The hearing time for each individual Civil and Criminal case in Swedish from 1.1.2003- 15.10.2004 has been controlled and compared with the general hearing times. To therefore call the critique by the organization for "unfounded attacks" conveys an image of the Court of Civil and Criminal Appeal as not feeling any responsibility to right the situation.

Finlandssvensk samling r.f. maintains that the Constitution of Finland, other binding legislation as well as ratified international conventions must be applied. The organization will therefore also to leave this complaint to the group of experts that monitors the application of the Framework Convention for the Protection of National Minorities.

Finlandssvensk samling r.f. has during the current year been strengthened in its conception that an indirect negative linguistic discrimination is occurring at the Court of Civil and Criminal Appeals in Vasa.

Närpes the 20<sup>th</sup> of October 2004

Finlandssvensk samling r.f.

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Executive Manager