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Sámi Language Act

(1086/2003)

Chapter 1 — **General provisions**

Section 1 — *Purpose of the Act*

The purpose of this Act is to ensure, for its part, the constitutional right of the Sámi to maintain and develop their own language and culture.

This Act contains provisions on the right of the Sámi to use their own language before the courts and other public authorities, as well as on the duty of the authorities to enforce and promote the linguistic rights of the Sámi.

The goal is to ensure the right of the Sámi to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights.

Section 2 — *Scope of application*

The following public authorities shall be subject to the provisions of this Act:

- (1) the municipal organs of Enontekiö, Inari, Sodankylä, and Utsjoki, as well as the joint municipal authorities where one or more of the said municipalities are members;
- (2) the courts and State regional and district authorities whose jurisdiction covers the said municipalities in full or in part;
- (3) the provincial government of Lapland and the organs attached to it;
- (4) the Sámi Parliament, the Advisory Board for Sámi Affairs and a village meeting referred to in section 42 of the Skolt Act (253/1995);

- (5) the Chancellor of Justice of the Government and the Parliamentary Ombudsman;
- (6) the Consumer Ombudsman and the Consumer Complaints Board, the Ombudsman for Equality and the Council for Equality, the Data Protection Ombudsman and the Data Protection Board, and the Ombudsman for Minorities;
- (7) the Social Insurance Institution and Farmers' Social Insurance Institution; and
- (8) the State administrative authorities that hear appeals against decisions of administrative authorities referred to above.

This Act applies also to administrative procedure under the Reindeer Husbandry Act (848/1990) and the Reindeer Husbandry Decree (883/1990) in the State authorities and herding cooperatives whose jurisdiction covers the Sámi homeland in full or in part, as well as in the Reindeer Herders' Association.

Sections 17 and 18 contain provisions on the application of this Act on State enterprises, companies and private entities; section 30 contains provisions on the application of this Act on ecclesiastical authorities.

The special provisions applicable in the Sámi homeland appear in chapter 3.

Section 3 — *Definitions*

For the purposes of this Act:

- (1) the *Sámi language* is defined as the languages of Inari Sámi, Skolt Sámi or Northern Sámi, depending on the language used or the main target population;
- (2) a *Sámi* is defined as a Sámi individual as referred to in section 3 of the Act on the Sámi Parliament (974/1995; *laki saamelaiskäräjistä*);
- (3) the *Sámi homeland* is defined as the Sámi homeland referred to in section 4 of the Act on the Sámi Parliament; and

- (4) an *authority* is defined as a court and another public authority, a herding cooperative and the Reindeer Herders' Association, as referred to in section 2, subsections 1 and 2.

Chapter 2 — **Linguistic rights**

Section 4 — *Right of the Sámi to use the Sámi language before the authorities*

A Sámi has the right to use the Sámi language, in his or her own matter or in a matter where he or she is being heard, before any authority referred to in this Act.

An authority must not restrict or refuse to enforce the linguistic rights provided in this Act on the grounds that the Sámi knows also some other language, such as Finnish or Swedish.

Section 5 — *Linguistic rights of a legal person before the authorities*

A corporation and a foundation whose language of record is Sámi has the right to use its language of record before the authorities; the provisions in section 4 on the right of a Sámi to use the Sámi language apply, in so far as appropriate, to this right.

Correspondingly, an educational institution whose language of instruction is Sámi has the right to use the Sámi language as provided in subsection 1.

Section 6 — *Use of the Sámi language in representative bodies*

The Sámi members of the representative bodies of the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki have the right to use the Sámi language in meetings and in written statements to be appended to the record. The same provision applies to the Sámi members of State Boards, Commissions, working groups and corresponding multi-member bodies in the Sámi homeland and, when matters of special concern to the Sámi are being discussed, also outside the Sámi homeland. Correspondingly, a Sámi participating in a meeting of the Reindeer Herders' Association or its committee has the right to use the Sámi language in the meeting.

When necessary, interpretation shall be arranged for a meeting referred to above in this section.

Section 7 — Right to declare Sámi as mother tongue in the Population Register

A Sámi resident in Finland in accordance with the Municipality of Residence Act (201/1994) has the right to declare Sámi as his or her mother tongue for purposes of the Population Register.

Section 8 — Official communications

An authority shall use also the Sámi language in its communications addressed to the public.

Official advertisements, notices and promulgations and other information releases to the public, as well as signs and forms intended for use by the public, with their instructions, shall in the Sámi homeland be prepared and issued also in the Sámi language.

However, the official notices and notifications issued by a District Court, a judge, the State District Office, a department of the same, an independent Office in a State District, or an official of one of the same in a matter pertaining to an individual interest may on discretion be issued solely in the Finnish language, if the use of the Sámi language is manifestly unnecessary.

In State authorities other than those referred to in section 2, subsections 1 and 2, the advertisements, notices, promulgations, information releases and forms with instructions, as referred to in subsection 1, shall be prepared and issued also in the Sámi language when they mainly concern the Sámi or when there otherwise is a special reason for the same.

The notification cards prepared for elections and referenda shall not be prepared in the Sámi language, except for the cards referred to in section 24 of the Act on the Sámi Parliament.

Section 9 — *Acts, other statutes, legislative proposals and reports*

Acts of primary concern to the Sámi, as well as other such statutes, treaties and other instruments and notifications published in the Statute Book of Finland, shall on the decision of the Government or the pertinent Ministry be published also as a Sámi translation. The same provision applies to orders, guidelines, decisions and notifications published in the document series of a Ministry or another State authority.

Legislative proposals and reports or their summaries prepared and issued by a Ministry or a State Commission, working group or a corresponding body shall on the decision of the Ministry be published also in the Sámi language, if they are of primary concern to the Sámi or if there otherwise is a special reason for the same.

Section 10 — *Use of the Sámi language as the working language of an authority*

An authority whose activities concern solely the Sámi may use the Sámi language as a working language in parallel with Finnish.

Chapter 3 — **Provisions applicable in the Sámi homeland**

Section 11 — *Special duties*

The authorities referred to above in section 2, subsection 1, shall in the offices and other premises located in the Sámi homeland also observe the provisions in sections 12–16.

Section 12 — *Right to use the Sámi language before the authorities*

When dealing with the authorities, a Sámi has the right to use the Sámi or the Finnish language, as he or she may choose. The Language Act (423/2003) contains provisions on the right to use the Swedish language.

A Sámi has the same right before State authorities also outside the Sámi homeland, when these authorities are hearing appeals against decisions of authorities within the Sámi homeland.

Section 13 — *Right to receive documents containing a decision and other documents in the Sámi language*

A Sámi party to a matter shall on request be issued with an application for a summons, a judgment, a decision, a record or another document in the Sámi language in so far as the matter concerns his or her rights, interests or obligations, except where the document is manifestly irrelevant to the resolution of the matter. If a Sámi party to the matter has used the Sámi language, written or spoken, when contacting an authority dealing with the matter, the document containing a decision shall be issued in the Sámi language, to the same extent and under the same conditions, without the need for a separate request to this effect.

However, a document containing a decision shall be issued merely as an official translation into the Sámi language if there are several parties to the matter and they are not unanimous regarding the use of the Sámi language.

Section 14 — *Knowledge of the Sámi language and qualification requirements*

When recruiting, an authority shall see to it that the personnel in each office or other premises can provide customer service also in the Sámi language. In addition, the authority shall provide training or take other measures in order to ensure that the personnel have the knowledge of the Sámi language necessary for the performance of the functions of the authority.

Knowledge of the Sámi language may be required as a qualification for personnel of a State authority by Act or, on the basis of an Act, by a Government Decree or a Decree of the pertinent Ministry, and for personnel of a municipal authority as provided in the Municipalities Act (365/1995), unless such a qualification requirement already appears in an Act or a provision adopted on the basis of an Act. Knowledge of the Sámi language shall be considered a special merit also in the event that it has not been required as a qualification for the office, position or function in question.

The provisions of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) apply, in so far as appropriate, on the qualification requirements in the Sámi language. Knowledge of the Sámi language can be demonstrated by an examination referred to in the Act on Public Language Examinations (668/1994), by an examination passed in the context of studies, or by studies in an institution of tertiary education.

Section 15 — Duty of the authorities to use the Sámi language

In their notices, summonses and letters that are sent to a party or to a person who under law is to be informed of a pending matter or a matter about to become pending, the authorities shall, regardless of the language of proceedings, use the language of the recipient, if this is known or can reasonably be ascertained, or use both the Finnish and the Sámi language.

An authority shall use the Sámi language, without a separate request, when responding to written communications in the Sámi language.

The authorities shall also otherwise promote the use of the Sámi language in their activities.

Section 16 — Use of the Sámi language in municipal documents

In municipalities where the proportion of Sámi speakers in the population has on 1 January of the preceding year exceeded one third, the municipal organs shall use also the Sámi language in records and other documents not to be issued to private parties, but being of general concern. Also in other municipalities, the municipal organs shall use the Sámi language in such documents to the extent deemed necessary.

Section 17 — State enterprises and State- or municipality-owned companies

A State enterprise and a service-producing company in which the State or one or more of the municipalities referred to in section 2, subsection 1, paragraph 1, exert authority, shall in the Sámi homeland provide the linguistic service referred to in this Act and provide information to the public also in the Sámi language to the extent warranted by the nature and context of the activity and in a manner that cannot be deemed

unreasonable to the enterprise or company when assessed as a whole. What is provided in this Act regarding authorities applies also to a State enterprise that attends to a function of an authority.

Section 18 — *Obligation of a private entity to provide linguistic services*

If a public administrative function has by Act or on the basis of an Act been assigned to a private entity, the provisions of this Act on an authority apply to the entity when operating in the Sámi homeland. If the assignee of such a function in the Sámi homeland is determined by the decision or other measure of an authority or by contract between the assignee and the authority, the authority shall ensure that linguistic service is provided in the performance of the function as provided in this Act. The authority shall ensure the same also when assigning a task other than a public administrative function to a private entity in the Sámi homeland, if the standard of service required in this Act so necessitates.

Chapter 4 — **Right to interpretation and translation**

Section 19 — *Right to interpretation*

When the Sámi language is being used in the oral hearing of a matter in accordance with this Act, the matter shall be assigned to an official with knowledge of the Sámi language. If the authority does not have an official with knowledge of the Sámi language to take care of the matter, the authority shall arrange for interpretation free of charge, or self see to the interpretation.

Section 20 — *Right to a translation of a document containing a decision or another document*

If an application for a summons, a judgment, a decision, a record or another document in an administrative matter, a matter of administrative judicial procedure, or a criminal matter has been drafted in Finnish or Swedish, the authority shall on request, free of charge, give a Sámi party to the matter an official translation into the Sámi language of such a document in so far as the matter relates to his or her rights, interests or obligations, except if the document is manifestly

irrelevant to the resolution of the matter. The translation shall be attached to the document containing a decision or other document.

If a translation error is noted in an official translation, the authority shall correct it unless its correction is manifestly unnecessary. In such a case the Sámi party shall be given the corrected document free of charge.

Section 21 — Right to a translation from the Sámi Language Bureau

An authority, which in accordance with this Act is to issue a document containing a decision as an official translation into the Sámi language or as a Sámi-language original, has the right to obtain the translation from the Sámi Language Bureau, unless the translation can conveniently be procured from other sources. The authority has the corresponding right to a translation into Finnish of a Sámi-language document addressed to it.

Section 22 — Liability for the costs of translation and interpretation

If a State authority is to give or issue a document containing a decision or another document to a party as a Sámi-language original or as a translation into the Sámi language, or make use of interpretation, the State shall bear the costs of drafting or translating the document or of the interpretation.

A municipality, a joint municipal authority, a diocese and a parish shall bear the costs of drafting or translating a document containing a decision or another document referred to in sections 4–6, 12, 13, 15, 16, and 30, and of interpretation.

Section 23 — Procuring a translation at the expense of the customer

If a Sámi-language document has been delivered to an authority of the State, a municipality or a joint municipal authority or to an ecclesiastical authority even though the customer does not have the right to use the Sámi language before the authority, the authority shall, when necessary, hear the opinion of the customer and then procure a translation of the document into the language of the authority at the expense of the customer.

Chapter 5 — **Measures to promote linguistic rights**

Section 24 — *The obligation of an authority to secure linguistic rights*

An authority shall in its activity and on its own ensure that the linguistic rights guaranteed in this Act are secured in practice. The authority shall show to the public that it provides service also in the Sámi language.

An authority may provide also better linguistic service than what is required in this Act.

Section 25 — *Paid leave of absence and liberty from work for studies in the Sámi language*

An official of a State authority referred to in section 2, subsection 1, whose jurisdiction lies completely within the Sámi homeland, has the right to paid leave of absence for studies towards a knowledge in the Sámi language necessary for the performance of the service, if the duration of his or her service with that authority has been at least one year. An employee of such an authority has the corresponding right to liberty from work for the same purpose.

A person in the service of a municipality or a joint municipal authority referred to in section 2, subsection 1, or of a State authority referred to in section 2, subsection 1, paragraphs 2 and 3, whose jurisdiction lies partially within the Sámi homeland, as well as a person in the service of the Reindeer Herders' Association, may be granted paid leave of absence or liberty from work for studies towards a knowledge in the Sámi language necessary for the performance of the service, if the duration of the service has been at least one year. Other conditions for the leave of absence or liberty from work may be laid down by a Government Decree.

It may be set as a condition for the leave of absence or liberty from work that the person enters into a written contract with the authority to the effect that he or she will remain in the service of the authority within the Sámi homeland for a given period, not to exceed one year, after the

end of the leave of absence or liberty from work. A term may be taken into the contract to the effect that the official must reimburse the authority with at most the amount of the direct costs of the language training, if the official during the contract period resigns or is given notice for a reason arising from him- or herself other than illness.

Section 26 — *Sámi Language Bureau*

The Sámi Parliament shall have a Sámi Language Bureau for translation and for other tasks provided in this Act; the Bureau shall have its premises within the Sámi homeland.

More detailed provisions on the Sámi Language Bureau shall be issued by Government Decree.

Section 27 — *Sámi language advisor*

The Provincial Government of Lapland and the State regional and district authorities in the Sámi homeland may have Sámi language advisors. The services of an advisor shall be free of charge to the customers.

Section 28 — *Supervision and monitoring*

Each authority supervises application of this Act within its own area of operation.

The Sámi Parliament monitors the application of this Act and may issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed.

Section 29 — *Reporting*

For each term of the Parliament, the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament shall issue a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions, as provided in greater detail by a Government Decree.

The Language Act contains provisions on the Government report on the application of language legislation.

Chapter 6 — **Miscellaneous provisions**

Section 30 — *Ecclesiastical authorities*

The provisions in this Act on the use of the Sámi language before State authorities apply also to the language of the parties and the language of documents containing a decision and other documents in the diocesan office of the Diocese of Oulu and in the offices of the parishes that fall completely or partially within the Sámi homeland, unless the matter is to be considered an internal church matter under the Church Act (1054/1993), as well as in the chancellery of the Orthodox Diocese of Oulu.

The provisions in sections 1, 4, 5, 8, 20, and 24 of this Act apply correspondingly to the Evangelical Lutheran parishes of Enontekiö, Inari, Utsjoki and Sodankylä, unless the matter is to be considered an internal church matter under the Church Act, as well as to the Orthodox parish of Lapland.

Section 31 — *State funding*

An appropriation shall be included in the State budget for purposes of State support to municipalities, parishes, herding cooperatives within the Sámi homeland and private entities referred to in section 18 for covering the specific additional costs of applying this Act.

Section 32 — *Status of the Sámi language in certain administrative contexts*

Separate provisions apply to the right of the Sámi to receive primary and lower secondary education in their mother tongue, to instruction in the Sámi language, and to the status of the Sámi language as a language of teaching, a discipline and a degree language.

The Act on Child Day-Care (36/1973) contains provisions on the right of the Sámi to receive day-care in their mother tongue.

The authorities referred to in section 2, subsection 1, shall observe the provisions of this Act in the application of the Act on the Status and Rights of Patients (785/1992) and the Act on the Status and Rights of Social Welfare Customers (812/2000).

Section 33 — *More detailed provisions*

More detailed provisions on the implementation of this Act shall be issued by Government Decree.

Chapter 7 — **Entry into force and transitional provisions**

Section 34 — *Entry into force*

This Act enters into force on 1 January 2004; it repeals the Act on the Use of the Sámi Language before the Authorities (516/1991), as later amended.

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

This Act shall be published in the Statute Book of Finland also in translation to Inari Sámi, Skolt Sámi and Northern Sámi.

Section 35 — *Transitional provisions*

A reference in another Act or Decree to the repealed Act on the Use of the Sámi Language before the Authorities shall after the entry into force of this Act be considered a reference to this Act.

The provisions of the previous legislation continue to apply to matters that have become pending before the entry into force of this Act, unless the authority otherwise decides in view of the rights and interests of the parties.