

Language Act Nr 423/2003

NB: Unofficial translation

© Ministry of Justice, Finland Language Act
(423/2003)

The following is enacted in accordance with the decision of Parliament:

Chapter 1 – General provisions

Section 1 — National languages

The national languages of Finland are Finnish and Swedish.

Section 2 – The purpose of the Act

- (1) The purpose of this Act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before courts and other authorities.
- (2) The goal is to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure the linguistic rights an individual person without him or her needing specifically to refer to these rights.
- (3) An authority may provide better linguistic services than what is required in this Act.

Section 3 — The scope of application of the Act

- (1) This Act applies to courts and other State authorities, the authorities of one or several municipalities, independent institutions under public law, Parliamentary offices and the Office of the President of the Republic (an authority), unless otherwise provided.
- (2) Provisions on the languages used in Parliamentary work are contained in the Constitution and in the Rules of Procedure of Parliament (40/2000).
- (3) Unless otherwise provided in the respective Acts, this Act does not apply:

- 1) to universities, in respect of which provisions on languages are contained in the University Act (645/1997);
- 2) to the Evangelical-Lutheran Church, in respect of which provisions on languages are contained in the Church Act (1054/1993); nor to
- 3) the Orthodox Church, in respect of which provisions on languages are contained in the Orthodox Church Act (521/1969).
- (4) Sections 24, 25, 33(4) and 34 contain provisions on the application of this Act to public enterprises, companies and individuals.

Section 4 — Other provisions regarding language

(1) In addition to this Act, for example the following special legislation applies:

- 1) legislation on education contains provisions on the language of instruction, language as an educational subject, and the language of examination;
- 2) legislation on broadcasting, theatres, pictorial presentations, libraries, youth work and physical education contains provisions on linguistic rights related to cultural activity;
- 3) legislation on health care and social welfare contains provisions on the linguistic rights of patients and social welfare clients;
- 4) legislation on preliminary investigation and court procedure contains provisions on the language used in preliminary investigation and in court procedure; and

5) legislation on the personnel of public bodies contains provisions on the language skills required of such personnel.

Section 5 — Linguistic division of the country

(1) The basic unit of the linguistic division of the country is the municipality. A municipality is either unilingual or bilingual. Government determines every ten years by a Government Decree, on the basis of the official statistics, which municipalities are bilingual and which is the language of the majority in these municipalities, as well as which municipalities are unilingual Finnish or Swedish-speaking municipalities.

(2) A municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. A bilingual municipality is designated unilingual if the minority comprises less than 3,000 persons and its proportion has decreased below six percent. On the recommendation of the municipal council Government may determine by a Government Decree that the municipal is bilingual for the following ten-year period even if the municipality would otherwise be unilingual.

(3) When the boundaries of municipalities are changed, a decision shall be taken at the same time on the effect of the amendment on the linguistic status of municipalities.

Section 6 — Unilingual and bilingual authorities

(1) The following terms are used in this Act:

1) unilingual authority refers to a State authority with a district that contains only municipalities that use the same language, to an authority of a unilingual municipality, and to an authority of a joint municipal organisation if all the member municipalities use the same language; and

2) bilingual authority refers to central State administrative authorities and another State authority with a district that contains municipalities that use different languages or at least one bilingual municipality, to an authority of a bilingual municipality and to an authority of a joint municipal organisation if the member municipalities use different languages or the organisation contains at least one bilingual municipality.

(2) The linguistic status of a local unit or other regional organisation of an authority is determined by the linguistic status of its district. For special reasons, unilingual units or departments may be established to meet the needs of the linguistic minority in a district.

Section 7 — Linguistic provisions regarding the Åland Islands

Linguistic provisions regarding the Åland Islands are contained in the Act on Autonomy of Åland (1144/1991).

Section 8 — The Saami language

Separate provisions apply on the use of the Saami language by authorities and otherwise in the performance of a function that is incumbent on a public authority.

Section 9 — Other languages

Provisions on the right to use languages other than Finnish, Swedish and Saami before an authority are contained in the legislation on court proceedings, administrative proceedings and administrative judicial procedure, legislation on education, legislation on health care and social welfare and legislation on other administrative sectors.

Chapter 2 – The right to use Finnish and Swedish before an authority

Section 10 — The linguistic rights of a private individual before an authority

(1) Everyone has the right to use Finnish or Swedish before a State authority and an authority of a bilingual municipality. In addition, an authority shall arrange that a person to be heard in a matter has the possibility of being heard in his or her own language, Finnish or Swedish.

(2) A unilingual municipal authority uses the language of the municipality, unless the authority decides otherwise on request or unless otherwise provided elsewhere in law. However, everyone has the right to use, and be heard in, his or her own language in a matter that has become pending on the initiative of an authority and that directly affects his or her fundamental rights, the fundamental rights of a person in his or her custody, or an obligation that he or she has been assigned by the authority.

Section 11 — The linguistic rights of a legal person before an authority

A company, association and other legal person has the right, when dealing with an authority, and through application as appropriate of the provisions on the linguistic rights of a private individual, to use its language of record, either Finnish or Swedish. However, in a matter that is under consideration before a court or another authority, a legal person that is bilingual in accordance with its articles of association or rules shall respond in the language in which the matter has been initiated.

Chapter 3 – The language of proceedings before an authority

Section 12 — The language of proceedings in administrative matters

(1) The language of the party is used as the language of proceedings in administrative matters in a bilingual authority. If the parties speak different languages or if not all parties are known to the authority at the time the matter is initiated, the authority decides on the language to be used with regard to the rights and interests of the parties. If the language to be used cannot be decided on this basis, the language of the majority of the authority's district is used.

(2) A unilingual authority uses its language as the language of proceedings in administrative matters, unless with regard to the rights and interests of the parties the authority selects the other language.

Section 13 — The language of proceedings in administrative judicial procedure

(1) The provisions of Section 12 on the language of proceedings in administrative matters apply to the language of proceedings in administrative judicial procedure.

(2) In administrative litigation before a bilingual court in a matter where the parties are an authority and a private individual, the language of the private individual is used as the language of proceedings. If all the parties are authorities, the language of the authority that has initiated the matter is used, unless with regard to the rights and interests of the opposing party the use of the other language is justified.

(3) In administrative litigation before a unilingual court the language of the district is used as the language of proceedings, unless with regard to the rights and interests of the parties the court selects the other language.

Section 14 — The language of proceedings in criminal cases

(1) In criminal cases before bilingual local courts the language of the defendant is used as the language of the proceedings. If the defendants speak different languages or if the defendant speaks a language other than Finnish or Swedish, the court decides on the language of the proceedings with regard to the rights and interests of the parties. If the language cannot be decided on this basis, the language of the majority in the court district is used.

(2) In unilingual local courts the language of the court district is used unless with regard to the rights and interests of the parties the court selects the other language.

(3) The provisions in subsections 1 and 2 on courts apply as appropriate also to prosecutorial authorities. The Preliminary Investigation Act (449/1987) contains more detailed provisions on the language to be used in preliminary investigation.

Section 15 — The language of proceedings in civil cases

(1) In civil cases before bilingual local courts the language of the parties is used as the language of the proceedings. If the parties speak different languages and cannot agree on the language to be used, the court decides on the language of the proceedings with regard to the rights and interests of the parties. If the language cannot be decided on this basis, the language of the majority in the court district is used.

(2) In unilingual local courts the language of the court district is used unless with regard to the rights and interests of the parties the court selects the other language.

Section 16 — The language of proceedings in non-contentious civil cases

(1) What is provided in Section 15 applies also to non-contentious civil cases and to the consideration of other than criminal and civil cases in a local court.

(2) If there is only one party in the case, the language of the applicant is used in a bilingual court and what is provided in Section 15(2) applies in a unilingual court.

Section 17 — The language of proceedings in appellate cases before a Court of Appeal and the Supreme Court

The language used on the lower level is used before the Court of Appeal and the Supreme Court, unless with regard to the rights and interests of the parties the court selects the other language.

Section 18 — The right to interpretation

(1) If a person has the right under law to use his or her own language but the language of an authority or the language of proceedings is different, the authority shall arrange for interpretation free of charge unless it itself takes care of the interpretation or unless otherwise provided under subsection 2.

(2) A party who wants interpretation in a case referred to in Sections 15 and 16 shall arrange for the interpretation himself or herself and at his or her own expense, unless with regard to the nature of the case the court decides otherwise.

Chapter 4 – The language of a document containing a judgment and of other documents

Section 19 — The language of a judgment, decision and other document

(1) A judgment, decision and other document issued by an authority in a case referred to in Sections 12 through 17 is drafted in the language of the proceedings.

(2) In accordance with the discretion of an authority, documents related to the preparation and consideration of a matter may be drafted in part in Finnish and in part in Swedish. Nonetheless, a decision and a judgment shall be issued in one language only.

(3) Notices, summons and letters that are sent to parties or to a person who, under law, are to be notified of a pending case or a case that is to be taken up for consideration are sent by a bilingual authority, regardless of the language of proceedings, in the language of the recipient if this is known or can reasonably be ascertained, or in both Finnish and Swedish.

Section 20 — Right to a translation of a judgment and other documents

(1) If an application for a summons, judgment, decision, record or other document has been drafted in a language other than the language of the party, and unless otherwise provided under subsection 2, a State authority and an authority of a bilingual municipality shall give the party on request an official translation free of charge of such documents to the extent that the matter relates to his or her rights, interests or obligations.

(2) A party who wants a translation in a matter referred to in Sections 15 and 16 shall attend to this himself or herself at his or her own expense, unless with regard to the nature of the matter the court decides otherwise.

(3) An authority of a unilingual municipality gives a party on request an official translation free of

charge of a document containing a judgment that has been initiated by the authority and that directly affects his or her fundamental rights, the fundamental rights of a person in his or her custody, or an obligation that he or she has been assigned by the authority.

Section 21 — Official translation of a document containing a judgment and of other documents

(1) In this Act an “official translation” refers to a Finnish or Swedish-language translation made by an authority or a licensed translator.

(2) An official translation of a document containing a judgment that has been issued in accordance with this Act is valid as an original.

(3) 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 party is given a copy of the corrected document containing the judgment free of charge. Section 22 — Issuing a document containing a judgment and other documents in a foreign language

(1) A document containing a judgment or other document to be sent by a Finnish authority abroad or issued to a foreigner or intended for use abroad may be issued in other than Finnish or Swedish, unless otherwise provided.

(2) If a document containing a judgment or other document issued in a foreign language pertains to the rights, interests or obligations of another person, and such person would otherwise have the right under this Act to receive it in Finnish or Swedish, an official translation of it shall on request be issued to him or her free of charge.

Chapter 5 – Securing linguistic rights

Section 23 — The obligation of an authority to secure linguistic rights

(1) An authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice.

(2) A bilingual authority shall serve the public in Finnish and Swedish. An authority shall demonstrate to the public both in its services and in its other activity that it uses both languages.

(3) In its contacts with private individuals and legal persons, a bilingual authority shall use their language, Finnish or Swedish, if this is known or can reasonably be ascertained, or both.

Section 24 — Linguistic services of a public enterprise and a State and municipal company

(1) A public enterprise and a service-producing company in which the State or one or more bilingual municipalities or municipalities using different languages exert authority shall provide services and information in Finnish and Swedish to the extent and manner required by the nature of the activity and its substantive connections and which in view of the totality cannot be deemed unreasonable from the point of view of the company. What is provided in this Act regarding authorities applies to a State company that attends to a function of an authority.

(2) In addition to what is provided in subsection 1, public enterprises and companies shall comply with what is provided separately on the linguistic services that are to be given in their activity.

Section 25 — The obligation of a private individual to provide linguistic services If a public administrative task has been assigned by or under law to a private individual, the provisions of this Act on an authority apply to said private individual in attending to this task. If the recipient of the task is determined on the basis of a decision or other action of an authority or on the basis of an agreement between an authority and the recipient, the authority shall ensure that linguistic services are provided in accordance with this Act in the performance of the task. This shall also be ensured when an authority assigns other than a public administrative task to a private individual, if the maintenance of the level of service required by this Act so demands.

Chapter 6 – The working language of the authorities

Section 26 — The working language of State authorities

A State authority uses the language of the majority of its official district as its working language,

unless the use of the other language, of both languages or for a special reason of a foreign language is more appropriate.

Section 27 — Correspondence between authorities

(1) The Finnish language is used in correspondence between State authorities, unless the recipient or sending authority is unilingually Swedish-speaking or unless for another reason it is more appropriate to use Swedish or another language.

(2) When sending correspondence to a municipality, a State authority shall use the language of the municipality or of the majority of the population in the municipality, unless provided otherwise in accordance with subsection 3 or unless the authority uses both languages. A State authority shall use the language of the recipient when sending correspondence to universities, vocational colleges and other educational institutions.

(3) When requesting and submitting statements in a matter in which a document containing a judgment or another document is to be given to a party, a State and municipal authority shall use the language of the proceedings. However, a unilingual authority may issue its statement in its own language. In such a case, on the request of the authority, the authority that deals with the matter issues an official translation of the statement free of charge.

Section 28 — Multi-member bodies

A member of the Government and of a State committee, commission, working group and corresponding body as well as a member of an organ of a bilingual municipality has the right to use Finnish or Swedish in a meeting and in a written statement or opinion to be appended to the records or report. If another member of the body does not understand an oral statement, it shall be explained to him or her briefly on request.

Section 29 — Summons to and records of municipal meetings and municipal regulations

(1) A summons to a meeting and a record of a meeting of the council of a bilingual municipality is drafted in Finnish and Swedish. The municipality decides on the language of summons to meetings and records of meetings of other municipal bodies.

(2) The regulations and corresponding rules of bilateral municipalities are issued in Finnish and Swedish.

Chapter 7 – Languages to be used in legislation and in public notices

Section 30 — Acts and other statutes

(1) Acts are adopted and published in Finnish and Swedish. Also decrees and legal rules issued by authorities are issued in both national languages.

(2) Provisions on the publication of Acts and of other statutes are contained in the Constitution and in the legislation on the Statute Book of Finland and on collections of the regulations of authorities.

(3) Separate provisions apply to the language of international agreements and to standards referred to in statutes.

Section 31 — Legislative proposals and reports

(1) The legislative proposals and related reports of Ministerial and State committees, commissions, working groups and corresponding bodies are published in Finnish. The publication shall include a Swedish summary and the Swedish text of the legislative proposal.

(2) If the Ministry in question deems the report to be of considerable significance to the Swedish-speaking population in the country, the report shall be published in full in Swedish. Similarly, a legislative proposal or report that deals only with the Åland Province or that is of particularly great significance to the Province shall be published in full in Swedish.

(3) If a legislative proposal or report is of significance primarily to the Swedish-speaking population

or to the Åland Province, it may be published in Swedish so that the publication includes a Finnish summary and a Finnish text of the legislative proposal.

Section 32 — Information given by the authorities

- (1) In information given by a State or municipal authority to the public in a bilingual municipality, Finnish and Swedish are used. The competent Ministry shall ensure that information relevant in respect of the life, health and safety of the individual and in respect of property and the environment are issued in the entire country in both national languages.
- (2) Notices, public announcements and proclamations as well as other information by an authority of a bilingual municipality shall be issued in Finnish and Swedish.
- (3) Publication of reports, decisions or other corresponding texts drafted by the authorities does not require that these be translated as such. Nonetheless, an authority shall provide for the needs of both the Finnish-speaking and Swedish-speaking population for information.

Section 33 — Signs and place names and public transport

- (1) The texts of signs, traffic signs and other corresponding signposts directed at the public posted by authorities in bilingual municipalities shall be in Finnish and Swedish, unless solely foreign languages are to be used in them in accordance with international practice.
- (2) Road traffic legislation contains further provisions on the language of traffic signs and other guideposts on roads and streets.
- (3) Provisions on the place names to be used in signs posted by the authorities may be issued by a Government Decree. A statement by the Research Institute for the Languages of Finland shall be obtained before a Decree is issued.
- (4) Provisions on the language to be used in signs and notices directed at passengers in public transport may be issued in a Government Decree.

Section 34 — Information to be provided on consumer goods

When the law requires that a product to be sold is labelled, in accordance with commercial practice, with a name, with a description of the product, instructions or warning, the text on a product to be sold in a unilingual municipality shall be at least in the language of this municipality and the text on a product to be sold in a bilingual municipality shall be at least in Finnish and Swedish. In providing the information here referred to, Finnish and Swedish shall be dealt with on an equal basis.

Chapter 8 – Promotion and follow-up of linguistic rights

Section 35 — Measures for the promotion of linguistic rights

- (1) In accordance with the Constitution, the Government shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking population of the country on an equal basis.
- (2) In the organisation of administration, the objective shall be made suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on an equal basis.
- (3) In their activity, authorities shall protect the linguistic cultural tradition of the nation and promote the use of both national languages. If required by the circumstances, the Government shall undertake special measures in order to secure cultural or societal needs related to the national languages.

Section 36 — Supervision and monitoring

- (1) Each authority supervises application of this Act within its own area of operation.
- (2) The Ministry of Justice supervises enforcement and application of this Act and issues recommendations in questions related to legislation on national languages. As necessary the

Ministry takes initiatives and undertake other measures in order to rectify defects that it has observed.

Section 37 — Report on the application of language legislation

- (1) Each electoral period the Government reports to the Parliament, as supplemental material to the Report on Governmental Measures, on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions.
- (2) The report deals not only with Finnish and Swedish but also with at least Saami, Romani and sign language.

Chapter 9 – Miscellaneous provisions

Section 38 — Finland's foreign missions

- (1) The provisions of this Act on bilingual authorities for which the language of the majority is Finnish apply to Finland's foreign missions. However, this Act does not apply to honorary consulates.
- (2) More detailed provisions on the use of foreign languages in missions may be issued by Government Decree.

Section 39 — Defence Force units and the language of command

- (1) The language of Defence Force units is Finnish. However, there shall be at least one Swedish-speaking unit. Other Swedish-language military units and military elements as well as bilingual units may be established as necessary as provided in the legislation on the Defence Forces.
- (2) The Military Service Act (452/1950) contains provisions on the right of a conscript to be assigned to a unit where the language of training is his or her mother language, Finnish or Swedish. The Civilian Service Act (1723/1991) contains provisions on the right of Finnish-speaking and Swedish-speaking conscientious objectors to perform civilian service in their mother language.
- (3) The language of command of the Defence Forces is Finnish.

Section 40 — The Prison Service Administration

- (1) Notwithstanding the provisions of Section 6, prisons and their departments that are part of the Prison Service Administration are unilingually Finnish.
- (2) Nonetheless, one or more Swedish-speaking or bilingual departments may be established in prisons by a Decree of the Ministry of Justice.

Section 41 — More detailed provisions

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

Chapter 10 – Provisions on entry into force and transitional provisions

Section 42 — Entry into force

- (1) This Act enters into force on 1 January 2004.
- (2) This Act repeals the Language Act of 1 June 1922 (148/1922) as subsequently amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 43 — Transitional provisions

- (1) After this Act enters into force, a reference in an Act or Decree issued before this Act enters into force to the Language Act repealed by this Act shall refer to this Act.
- (2) Provisions that were in force at the time this Act enters into force continue to apply to matters that have become pending before this Act enters into force, unless an authority decides otherwise with regard to the rights and interests of the parties.
- (3) The Government Decree on the Linguistic Divisions of Official and Self-Government Districts 2003—2012 (1174/2002) is in force until the end of the period of validity provided in the Decree, to

the extent that it applies to the linguistic status of municipalities, after which a new Government Decree shall be issued on the linguistic status of municipalities, on the basis of Section 5(1) of this Act.

(4) Texts related to consumer goods referred to in Section 34 of this Act shall be brought into conformity with this Act within five years of the entry of this Act into force.