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**THIRD REPORT SUBMITTED BY SWEDEN  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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REGERINGSKANSLIET

Government Offices of Sweden

# Sweden's report to the Council of Europe under the Framework Convention for the Protection of National Minorities

Third report  
in accordance with Article 25(2)

## Foreword

Strengthening protection for the national minorities is a key element in Sweden's systematic work on human rights at the national level. Since the second report under the Framework Convention was submitted in 2006, the level of ambition for minority policy has been raised further and follow-up of work on minority policy has been intensified.

But while we are proud of the successes we have achieved, we must not be blind to the problems that exist. Human rights work is an ongoing process. Situations and circumstances change, and new shortcomings may become apparent. New measures and working practices may be required.

There are still shortcomings with regard to human rights in Sweden. They can barely be regarded as isolated faults but are based rather on more deep-rooted problems, which can only be solved through long-term efforts. The monitoring process of the Council of Europe is an important tool in work on developing and improving minority policy.

An example of improvement is increased participation by the national minorities in issues that concern them. Our work is not, however, finished here either. At the meeting on this report, to which the Swedish Government invited representatives of the national minorities, there was a clearly expressed wish for a further expansion of self-government and real participation. The national minorities were also informed at the meeting of the opportunity to submit their views to the Council of Europe. Some of their views have also been included in this report.

The Government's goal is to move from words to action and from recognition to empowerment for Sweden's national minorities.



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## I Practical arrangements made at national level for following up the results of the second monitoring cycle

### A. Information on the participation of minority organisations and other non-governmental organisations in the authorities' implementation and monitoring of the Framework Convention, and the impact of their involvement.

The Stockholm County Administrative Board and the Sami Parliament have been tasked since 1 January 2010 with following up compliance with the Act (2009:724) on National Minorities and National Minority Languages. These authorities are required to submit an annual report to the Government on application of the Act by municipalities, county councils and government agencies. A first report was submitted in February 2011. In this report, the Stockholm County Administrative Board and the Sami Parliament note that differing progress has been made in the municipalities and county councils in work aimed at implementing the provision on consultation (Section 5 of the Act on National Minorities and National Minority Languages). While a number of municipalities and some county councils/regions have made a start on organised consultation, others have not made particularly great progress and some have not even started. This is also true of the county councils. There is therefore a need for further information initiatives and other support targeted at municipalities and county councils on consultation. In some municipalities neither have the national minorities been organised in such a way that it has been possible for consultation to take place. Efforts are now being made to improve consultation. The Stockholm County Administrative Board and the Sami Parliament held two conferences on consultation in the spring of 2011.

Under its follow-up remit, the Stockholm County Administrative Board has held consultative meetings with representatives of the national minorities Jews, Roma, Sweden-Finns and Tornedalers. The Sami Parliament has had a similar remit to consult with Sami organisations. The consultative meetings have been partly intended for the gathering of views and experiences from representatives of the national minorities on the management of minority issues at local level.

The Ministry of Integration and Gender Equality (which used to be responsible for issues relating to national minorities) and now the Ministry of Employment have held annual consultative meetings with representatives of the national minorities, which have related to compliance with the minorities conventions, among other issues. In addition, the Ministry of Employment has held three meetings with the Roma group in order to conduct in-depth discussions on proposals contained in the report *Roma Rights - A Strategy for Roma in Sweden* (SOU 2010:55). These views will be included in the consideration of the proposals in the report.

**B. Steps taken to publicise the results of the second monitoring cycle (Opinion, State comments, Resolution): publication, dissemination and translation into Swedish and the minority language(s) where appropriate**

The recommendations from the Committee of Ministers, as during the first monitoring cycle, have been translated into Swedish and all the national minority languages. As Sweden recognises all varieties of Sami and Romani Chib, the translations into these languages have included several varieties. The recommendations in the second monitoring cycle with regard to Sami have consequently been translated into North, South and Lule Sami, and with regard to Romani Chib have been translated into the Arli, Kelderash and Kale varieties.

All the documents, i.e. the Advisory Committee reports on Sweden, the Advisory Committee's thematic reports, Sweden's country reports and comments on the Committee's reports, as well as the Advisory Committee's recommendations, were available at the follow-up meeting held on 5 and 6 February 2009 (see also under C). All the documents have also been handed out on various occasions at meetings between representatives of the national minorities and the responsible minister or officials. They have also been published on the Government website [www.regeringen.se](http://www.regeringen.se) and on the Government website for human rights [www.manskligarattigheter.se](http://www.manskligarattigheter.se).

**C. Follow-up activities organised at national, regional and local level**

On 5 and 6 February 2009, Sweden held a follow-up meeting in cooperation with the Council of Europe on the results of the second monitoring cycle. The purpose of the meeting was to see what progress has been made in Sweden in implementation of the Framework Convention for the Protection of National Minorities and to discuss what measures have been taken, or need to be taken, to follow up the conclusions contained in the second report of the Advisory Committee on Sweden from November 2007 and the recommendations of the Committee of Ministers from June 2008.

The meeting was attended by representatives of the Swedish Government Offices at political and civil servant level, government agencies, the national minorities, other organisations, the Advisory Committee and other Council of Europe representatives. The issues discussed related principally to the institutional and legal framework, participation and education. The institutional and legal framework, the participation of the national minorities and minority education were examined in the presence of responsible government agencies, minorities associations, non-governmental organisations and other experts on national minorities.

In the run-up to the meeting, all documents not previously translated from both the first and second monitoring cycles were translated into Swedish. The Advisory Committee's thematic reports on consultation and education were also translated into Swedish prior to the meeting.

## **D. Information on any other measures taken to promote awareness of the Framework Convention**

### *Knowledge-raising activities*

Knowledge and awareness of Sweden's international commitments in this area and of the national minorities and the rights of minorities need to be increased to achieve better compliance. The Stockholm County Administrative Board and the Sami Parliament have been tasked with implementing such knowledge-raising measures.

The Sami Parliament has also been tasked with creating and being responsible for a website on the national minorities. The new website ([www.minoritet.se](http://www.minoritet.se)) went live in December 2009. It contains information on legislation, the minorities conventions of the Council of Europe and the national minorities.

In connection with the Government's minority policy strategy, the Ministry of Integration and Gender Equality produced factsheets on the reform in the national minority languages. These factsheets are available on the Government website, [regeringen.se](http://regeringen.se). New legislation on language and minorities has also been translated into national minority languages.

The National Agency for Education has produced information material on the Council of Europe Framework Convention for the Protection of National Minorities and their rights in Swedish school. The aim is for the authorities responsible for schools to learn what is applicable in this area and consequently to improve the information they provide to schools, parents and pupils. The information material has been distributed to all municipalities and schools on two occasions.

Under its Government remit (2008–2010) to examine how women in national minorities subject to violence are treated and supported by public authorities, the National Institute of Public Health has prepared training material for the police, social services and health care services on national minorities.

The National Board of Health and Welfare has compiled an information sheet to clarify what the new Act (2009:724) on National Minorities and National Minority Languages means, as described on page 35.

## **II Measures taken to improve the implementation of the Framework Convention**

### **How the specific recommendations in Part 2 of the Committee of Ministers resolution have been implemented**

#### **Recommendation No 1**

**Take further steps to ensure that the protection of national minorities is tackled in a consistent and co-ordinated manner at both central and local level, and that there is clarity and stability as regards institutional responsibilities.**

The Government has taken a number of measures since 2006 to improve the implementation of the Framework Convention and comply with the recommendations of the Council of Europe. Until December 2010, minority issues within the Swedish Government Offices were dealt with by the Ministry of Integration and Gender Equality. With effect from January 2011, responsibility is borne by the Ministry of Employment following the abolition of the Ministry of Integration and Gender Equality. The issues are dealt with by the very same division in the new ministry, the division responsible for discrimination issues, human rights and national minorities.

#### *A new minority policy strategy*

In June 2009, the Swedish Parliament (Riksdag) adopted the Government Bill *From Recognition to Empowerment – the Government's Strategy for the National Minorities* (Government Bill 2008/09:158, Report 2008/09:KU23, Parliamentary Communication 2008/09:272). The new strategy has been implemented with effect from January 2010.

The purpose of this strategy is, in part, to adopt an integrated approach to minority issues by clarifying the goals of minority policy, making the responsibilities of central and local authorities clear and introducing a system for follow-up.

The strategy contains measures to ensure better compliance with the Council of Europe's minorities conventions, improve follow-up of the implementation of minority policy, counteract discrimination and marginalisation of the national minorities, strengthen the empowerment and influence of the national minorities and promote the preservation of the national minority languages.

Statutory regulation of the rights of the national minorities has been clarified by the new Act (2009:724) on National Minorities and National Minority Languages. The Act entered into force on 1 January 2010 and applies throughout the country. (Further information on the Act follows.)

It is noted in the minority strategy, among other things, that the recognition of the national minorities adopted by the Swedish Parliament in December 1999 has not been accompanied by sufficiently resolute measures to enable the national minorities to fully enjoy their rights. There are a number of areas where changes are needed. The level of ambition in Swedish minority policy must, in the Government's view, be substantially raised. There is a need, for instance, to create a structure that results in minority policy being put into practice more successfully. Another important principle underpinning the reform work has been an endeavour to strengthen the empowerment of the national minorities and the prospects of preserving and revitalising their languages and cultures.

The budget appropriation for minority policy has been raised with effect from 2010 to just over SEK 80 million per year, and from 2011 to just over SEK 85 million per year. The budget appropriation has previously been SEK 10 million per year.

#### *Follow-up and control of minority policy*

Insufficient involvement and taking of responsibility make it more difficult to implement commitments relating to minorities, and there is a need for improvement in both management and implementation at national and local level. A government follow-up system



has therefore been introduced as part of the minority policy strategy for compliance with the Act (2009:724) on National Minorities and National Minority Languages and the effects of minority policy. The aim is to improve the conditions under which the Government can follow continued development in the area.

The follow-up system consists of the following parts:

*The minority policy goal is made specific and broken down into a number of sub-areas*

The effects of minority policy are to be followed up in each sub-area in the continued work. A first assessment of the effects in relation to these sub-areas is made in the budget bill for 2011. The Government notes that in the sub-area of “discrimination and marginalisation” the Equality Ombudsman has drawn particular attention to discrimination against Roma and Sami. Experience shows that systematic promotional activities to spread knowledge of human rights and the Discrimination Act is an important tool with which to increase awareness among groups that are particularly at risk of discrimination. Various studies in the area have, however, pointed to continued lack of knowledge in public administration with regard to both the rights and any particular situations and needs of these groups. Another important element in the area of discrimination and marginalisation is work on gender equality among the national minorities. It has been possible to make a start on such activity by taking targeted initiatives. These have already produced results, but have also indicated a continued need for work on gender equality.

The legal opportunities for influence by the national minorities have been strengthened in the area of “influence and participation”. The increased financial support for the minorities also improves the prospects of consultation and improved knowledge of the rights of minorities within the groups. Information initiatives among the national minorities have been of great significance in strengthening their empowerment, as knowledge of rights is fundamentally important in enabling them to enjoy these rights. How the opportunities to exert influence and put consultation into effect at the local level are exploited must, however, continue to be monitored.

With regard to the sub-area of “language and cultural identity”, the statutory regulations and the responsibility of the public institutions for promoting the preservation of minority languages have been clarified and provide better conditions in which to work for the revitalisation of minority languages. Funds for the revitalisation and establishment of Sami language centres also give the national minorities greater opportunities to implement various language projects.

The minority policy objective also needs to be more clearly integrated into other policy areas, which relate to the national minorities and their prospects of preserving their culture and languages.

*Introduction of responsibility for follow-up*

The responsibility of public authorities in the area of minority policy needs to be clarified. As already mentioned, Stockholm County Administrative Board and the Sami Parliament have been given national responsibility to follow up the implementation of minority policy. These authorities additionally have to assist other administrative authorities through advice,

information and similar activities in application of the Act (2009:724) on National Minorities and National Minority Languages. The aim is to facilitate work at municipal level.

Under the Government instructions for 2010 and 2011, Stockholm County Administrative Board and the Sami Parliament have to report back on how budget funds earmarked for minority policy have been spent and how these authorities have followed and evaluated application of the Act (2009:724) on National Minorities and National Minority Languages. The following position is presented in the authorities' first report in February 2011.

2010 was a launch year for the reformed minority policy. The slow start, according to the County Administrative Board and the Sami Parliament, was accentuated by the fact that 2010 was an election year, which had an impact on both the political and operational management of the municipalities and county councils. The County Administrative Board and the Sami Parliament consider there to be a need for substantial further analysis of existing resources in municipalities and county councils and of the needs of the minorities so that a clear picture of the situation can emerge. Particular mention is made of the shortage of Sami-speaking staff in relation to the Sami municipalities. The County Administrative Board and the Sami Parliament consider that three factors for success can be identified in this activity:

- the activity having clear goals and being clearly endorsed by both the political and operational management,
- there being a clear coordinating function for activities relating to minorities, and
- functioning consultation with the national minority concerned is central.

It has also been found that municipalities that have voluntarily joined an administrative area have been successful in their efforts. This is deemed to be due to the affected national minority having been highly motivated to bring about this affiliation and the municipality having conducted an endorsement process in the municipal administration in their activities relating to applications. This has had the effect that analytical and similar activities have progressed smoothly.

A number of initiatives were taken by the County Administrative Board and the Sami Parliament in 2010 to support municipalities and county councils, for instance:

- a large number of information meetings, conferences and training seminars were held for municipalities, county councils and authorities,
- visits took place in all the municipalities in the administrative areas,
- dialogue meetings were held with representatives of the national minorities,
- information material was prepared and sent to all the municipalities in the country,
- meetings were held with specially designated government agencies,
- an intranet was developed within [www.minorit.se](http://www.minorit.se) to assist the work of the authorities concerned,
- the language manual of the Sami Parliament was actively launched among the Sami administrative authorities and
- work is in progress to prepare a manual targeted at municipalities and county councils for work relating to minorities.

### *More effective coordination of authorities*

Stockholm County Administrative Board and the Sami Parliament have also been given coordinating responsibility for the objectives of minority policy. A number of government agencies are to follow up, analyse and report on their efforts based on the objectives of minority policy over a three-year period. These government agencies are the National Police Board, the National Board of Health and Welfare, the National Institute of Public Health, the National Agency for Education, the Swedish Schools Inspectorate, the National Agency for Higher Education, the Swedish mapping, cadastral and land registration authority Lantmäteriet, the Equality Ombudsman, the National Board for Youth Affairs, the Swedish Election Authority and the Swedish Arts Council. Stockholm County Administrative Board and the Sami Parliament are due to present an overall assessment of compliance with the Act (2009:724) on National Minorities and National Minority Languages to the Government. A first report under this remit, as mentioned, was submitted in February 2011.

The report notes that in the authorities that have made most progress in their minority policy activities there is positive interaction between targeted government assignments, consultation with the national minorities, development of expertise within the agency and the presence of a designated coordinator/project leader with clear terms of reference. The County Administrative Board and Sami Parliament consider important areas for development in 2011 to be:

- making a start on consultation and analysis of the specific needs of each national minority linked to the activities of the government agency concerned at those authorities where this is lacking,
- the authorities designating people in senior positions to be responsible and giving them clear terms of reference, and
- continued work by the authorities aimed at spreading knowledge of the Act on National Minorities and National Minority Languages both internally and externally.

### **Recommendation No 2**

**Ensure close involvement of persons belonging to national minorities in decision-making processes at both central and local level, including in general questions of central importance to national minorities, ranging from health to spatial planning.**

### *Influence of the national minorities strengthened and regulated by law*

The improved opportunities of the national minorities to exert influence are of crucial importance in highlighting the groups' needs in society and essential if Sweden is to be able to meet its commitments in the minorities conventions. In its minority policy strategy, the Government has judged that the measures taken to date are not sufficient to ensure influence, and has therefore taken a number of measures to strengthen the influence of the minorities.

Administrative authorities have to give the national minorities the opportunity to influence matters which concern them and, as far as possible, consult representatives of the minorities on such matters (Section 5 of the Act (2009:724) on National Minorities and National Minority Languages). A functioning dialogue in the municipalities is particularly important, as many important decisions which concern the national minorities are taken at local level.

The obligation to consult under the Act has led to mobilisation in the national minorities' organisations. This commitment should be exploited, as the organisations are a resource in the change process. The municipalities and county councils have a responsibility to develop the forms of consultation so that all the national minorities, both women and men, have an opportunity to utilise the consultations and make their voices heard on matters which concern them. It should be possible for this to take place regardless of whether they are members of minority organisations or not.

The central government grant to municipalities and county councils in the administrative areas needs to be used in a cost-effective way where the need is most pressing. The further priorities in local work can be established through consultation and mutual taking of responsibility. This creates transparency in the use of financial resources and provides better consensus and a more long-term approach in continued work on minority policy.

In order to strengthen the empowerment of national minorities, the financial support for organisations which represent them has been raised by a further SEK 2 million to SEK 6 million per year from 1 January 2010. At this stage it is crucial to give special priority to the prospects of national minorities creating functioning models of consultation in the administrative areas, where strengthened minority rights apply to Sami, Finnish and Meänkieli.

The increased financial support for the minorities also provides better conditions for consultation and for increasing knowledge of minorities' rights within the groups. Information campaigns conducted among the national minorities have been of great significance in strengthening their empowerment. How the opportunities for influence and consultation are used at local level must, however, continue to be monitored.

#### *The Sami Parliament*

The role of the Sami Parliament has been clarified. The Sami Parliament has to establish goals for, and not just lead, Sami language activity. The expanded responsibility of the Sami Parliament is expressed in an amendment to the Sami Parliament Act (1992:1433). The Swedish Parliament and the Government can formulate overarching goals for national language policy, but responsibility with regard to expressing objectives for internal Sami language activity should, according to the Government, be held by the Sami Parliament in its role as a popularly elected body. The goal of promoting, nurturing and developing the Sami language demands democratic endorsement within the group which an elected body can provide.

#### *National consultative meetings*

The minister responsible for minority policy holds consultative meetings with representatives of the national minorities to discuss current issues. When the minority policy strategy was being drawn up, special consultative meetings were also held with representatives of the national minorities. Various inquiry proposals which concern the national minorities have also been referred for comment to organisations which represent them. In ongoing work on discussing the proposals from the Government-appointed Delegation for Roma Issues, special dialogue meetings have also been held to supplement the consultation procedure. Both representatives of Roma organisations and individual Roma

attended these meetings. The aim was to gather Roma views on some of the key proposals contained in the report.

The Government intends to launch a dialogue with the youth associations for the national minorities at the national level in order to increase their opportunities to exert influence.

At the meeting on this report which the Government held with representatives of the national minorities, clear wishes were expressed for a further increase in self-government and an opportunity for real participation in matters of significance to the national minorities.

### **Recommendation No 3**

**Pursue swiftly the pending proposals to strengthen the legislative guarantees for the protection of national minorities. These include the important initiative to expand the scope of guarantees for the use of minority languages.**

#### *The Instrument of Government*

The amendment to the Swedish Instrument of Government, which entered into force on 1 January 2011, also signifies stronger protection for the national minorities. The Government presented the bill *A Reformed Constitution* (Government Bill 2009/10:80) in December 2009. The bill proposed that the provision in Chapter 1 Article 2 of the Instrument of Government on protection of certain minorities should be amended. The proposal meant that the Sami population group is specifically named in the purpose clause to express more clearly that the Sami are an indigenous people and not just a national minority. It is also proposed in the bill that the purpose clause on the responsibility of the public institutions to promote the opportunities of minorities to preserve and develop a cultural and social life of their own should be made mandatory in order to reflect Sweden's commitments under the European Framework Convention for the Protection of National Minorities and elsewhere. The Swedish Parliament adopted the proposal in the autumn of 2010.

#### *The Language Act*

It is stated in the Language Act (2009:600), which entered into force on 1 July 2009, that the national minority languages are Finnish, Yiddish, Meänkieli, Romani Chib and Sami (Section 7). It is also stated that the public sector has a particular responsibility to protect and promote the national minority languages (Section 8). Persons belonging to a national minority are to be given the opportunity to learn, develop and use the minority language (Section 15). The public sector is responsible for ensuring that the individual is given access to his or her minority language (Section 15).

#### *New Act on National Minorities and Minority Languages*

Statutory regulation of the rights of the national minorities has been further clarified by an integrated law which applies throughout the country and not just in one specific region. The new Act (2009:724) on National Minorities and National Minority Languages replaces previous laws on the right to use Sami, Finnish and Meänkieli. The Act entered into force on 1 January 2010.

All the national minorities are mentioned in the new Act. It is also stated that these groups are regarded as national minorities in accordance with Sweden's obligations under the

Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages (Section 2).

General provisions have been introduced into the Act to clarify the responsibilities of society. The Act also clarifies the special position of the minorities in Sweden in relation to the commitments made under the Framework Convention and in Part II of the Minority Languages Convention. These commitments have to be implemented and respected throughout the country for all the national minorities. They have not previously been regulated in detail in Swedish law.

Administrative authorities are, where necessary, to inform the national minorities in a suitable manner about their rights under the new Act on National Minorities.

In addition to what is stated in the Language Act, the public sector in other respects also has to promote the opportunities of the national minorities to preserve and develop their culture in Sweden. The development of cultural identity and their own minority language by children has to be promoted in particular.

#### *Expansion of strengthened protection for minorities*

Strengthened protection of minorities in the administrative areas has been extended geographically by the new Minorities Act. More individuals gain access to strengthened protection for minorities as a result of the administrative areas having been extended to more municipalities. It is noted in the minority strategy that the opportunities for individuals to enjoy their rights also need to be improved in those areas where strengthened protection is provided.

The administrative areas for the Finnish and Sami languages were extended on 1 January 2010 by the addition of a further 18 and 13 municipalities respectively. A total of 48 municipalities are now covered.

There is reason to make use of the municipal involvement in minority policy matters. An option for municipalities to voluntarily join an administrative area has therefore been introduced. Such municipal involvement can also be engendered through the national minorities' own work locally and by a dialogue commencing between municipal representatives and the national minorities. The decision on whether a municipality is to be allowed to be included in an administrative area is taken by the Government. The municipalities are also entitled to government grants, that is to say government support for additional costs due to the strengthened protection of minorities. The Government approved applications for voluntary inclusion from ten municipalities in 2010. The number of municipalities included in an administrative area has consequently been raised from seven prior to the reform to the present-day total of 48. The number of county councils has increased from one to ten. The opportunity for voluntary inclusion has led the minority organisations to call on municipalities on the matter. This has been particularly noticeable in the Sweden-Finnish group. Discussions on voluntary inclusion are currently in progress in a number of municipalities. As of 1 April 2011, nine new municipalities had applied for voluntary inclusion in an administrative area. Decisions on possible inclusion will be taken by the Government at the end of 2011, and the outcome will depend on the scope for reform in the budget for 2012.

The government grant to municipalities and county councils in the administrative areas has been raised from just over SEK 50 million in 2010 to just over SEK 56 million in 2011 (previously SEK 6 million for seven municipalities). The government grant to municipalities and county councils in the administrative areas provides greater opportunities to work actively on improving the situation of the national minorities at the local level.

Measures to facilitate the extension of the administrative areas have also been taken. Stockholm County Administrative Board and the Sami Parliament have been tasked with supporting and coordinating the implementation of increased support for minorities in the new municipalities and county councils in the administrative areas. These authorities have received special funding in 2010 and 2011 to implement this and for knowledge-raising, information and educational efforts. Experience and specialist knowledge from the municipalities in the original administrative areas will also be utilised in this work.

Work in the new municipalities in the administrative areas in 2010 and 2011 has been concerned with passing on knowledge of the new legislation in both the municipality and any administrative authority in the municipality, analysing the language skills of staff, reviewing the organisation so that service can be provided in minority languages, creating local forms of consultation and launching a dialogue with the national minorities on future activity. This consultation has shown, for example that there is strong interest among Sweden-Finns and Sami for pre-school in the minority language. Pre-school activity is therefore now being prepared entirely or partially in the minority language in several of the new administrative areas.

#### *The right to use Finnish, Meänkieli and Sami at authorities*

Within the administrative areas, individuals have the right to use minority languages in their verbal and written dealings with an administrative authority in a geographical activity area which wholly or partly covers the administrative area, in matters where the individual is a party to the process or the representative of a party to the process, and if the matter is linked to the area. If the individual uses Sami, Finnish or Meänkieli in such a matter, the authority is obliged to reply verbally in the same language. Individuals who do not have legal counsel also have the right, on request, to receive a written translation of decisions on cases in Sami, Finnish or Meänkieli. The authority also, as previously, has to endeavour to address individuals in these languages. The right to written translation has been introduced.

Outside the administrative areas, individuals have the right to use Finnish, Meänkieli or Sami in verbal and written dealings on administrative matters where the individual is a party to the process or the representative of a party to the process, if the matter can be dealt with by staff who are fluent in the minority language. This provision is new.

Individuals always have the right to use Finnish and Sami in their written dealings with the Parliamentary Ombudsmen, the Chancellor of Justice, the Swedish Social Security Agency, the Swedish Tax Agency and the Equality Ombudsman in matters where the individual is a party or the representative of a party. This provision is also new.

An obligation to endeavour to recruit staff with language proficiency has been introduced. Administrative authorities have to endeavour to make staff available who have a knowledge

of Finnish, Meänkieli or Sami where this is needed in individuals' dealings with the authority. This is also a new provision.

*The right to use Finnish, Meänkieli and Sami in courts of law*

The right to use Finnish, Meänkieli and Sami has not been extended to further courts of law, as this has not been deemed to be a priority at the present stage. However, this right continues to apply in the original administrative area, that is to say seven municipalities in the county of Norrbotten. A new element is that a party, or a representative of a party, who does not have legal counsel has the right, on request, to receive the court's judgment and the grounds for its judgement or decisions and reasons for decisions translated in writing into any of the languages.

*Pre-school activity*

Within the administrative areas, children have a right to pre-school activity wholly or partially in Sami, Finnish or Meänkieli. As a result of the extension of the administrative areas for Finnish and Sami, more children are entitled to such pre-school activity.

*Care of the elderly*

Within the administrative areas, the elderly have the right to elderly care wholly or partially in Sami, Finnish or Meänkieli. As a result of the extension of the administrative areas for Finnish and Sami, more elderly people are now entitled to such care.

The same applies in municipalities outside an administrative area, if the municipality has access to staff who are proficient in Finnish, Meänkieli or Sami. The municipality has to endeavour to make staff with a knowledge of Finnish, Meänkieli or Sami available where this is needed in the care of the elderly. This entails an amendment to the Social Services Act (Chapter 5 Section 6) with effect from 1 January 2010.

*Active revitalisation measures*

The ongoing process of language replacement needs to be reversed so that the national minority languages can be preserved as living languages, as is noted in the minority policy strategy. Some of the minority languages, such as South Sami, are so endangered that immediate action is needed.

It is important to continue the long-term work of active revitalisation and to support the national minorities' own language work. There is a continued need for revitalisation measures that can be implemented by organisations and foundations. It is crucial to tap into the optimism the national minorities are now displaying on language issues in order to reinforce efforts to break and reverse the ongoing process of language replacement. Efforts to spread knowledge of revitalisation methods also need to continue, as individuals also need practical tools to enable them to recapture their language.

Active revitalisation measures are needed to boost the survival of the national minority languages. Government funds have been earmarked for special revitalisation measures for the languages. These funds are distributed by the Institute for Language and Folklore following applications from organisations. SEK 3.4 million was distributed to various types of revitalisation projects in 2010. There has been great interest in applying for such funds. The Institute received just over 100 applications for a sum of around SEK 26 million. The



Institute granted 33 applications deemed to represent revitalisation projects of good quality. The breakdown provided by the Institute shows that 35 per cent of funds went to actions in support of Sami, 24 per cent for Finnish, 17 per cent for Meänkieli, 15 per cent for Romani Chib and 5 per cent for Yiddish. A sum of SEK 3.5 million has been allocated for 2011.

Two Sami language centres are under construction in the South Sami area, in Östersund and Tärnaby. Sami is understood in this context to mean all varieties of the language in the Swedish part of Sápmi. The aim is to strengthen the revitalisation of Sami. The Sami Parliament is the authority responsible for these language centres. The language centres are to actively promote and encourage increased use of Sami in society, assist with specialist knowledge, develop methods to boost individuals' prospects of using and recapturing the Sami language and spread knowledge about revitalisation. SEK 6 million has been earmarked annually for these language centres with effect from 2010. A corresponding level of funding has been earmarked for 2011.

The Sami Parliament started work on the establishment of the language centres in 2010. The Sami Parliament report to the Government states that the language centres find that most Sami take a positive view of the revitalisation of the Sami languages. However, there are also signs that revitalisation is bringing topics other than language into focus, leading to a discussion on identity and acceptance as a Sami, both internally and externally, where language represents one of several factors. A Sami future conference was held in Lycksele in November 2010 at which the Sami language was a topic. Many important visions and points of view emerged during the conference. It became clear that those attending the conference wish to:

- live in an inclusive Sápmi where everyone is equal, has the same opportunities and has a sense of affinity,
- re-establish the value of their Sami knowledge, traditional and new, so that it enriches themselves and the surrounding world, while they live sustainably and have more time for one another,
- create more and more natural arenas where everyone, regardless of age, gender, place of residence, education or work, uses and values the Sami language, and
- include everyone in the language and give everyone an opportunity to speak Sami or learn to speak Sami.

A common denominator, according to those who attended the Sami future conference, is that there is a need for more arenas and meeting places of various kinds. Another common denominator is the realisation that change starts primarily with the Sami themselves, that change can only take place if Sami change their attitudes, raise the level of awareness and highlight taboos, and if Sami are prepared to break old habits and show a willingness for renewal.

Knowledge about revitalisation within the national minorities needs to be increased. To facilitate the preservation of the national minority languages, individuals belonging to the national minorities should be given better knowledge of additive bilingualism and revitalisation. The new website on national minorities, which is operated by the Sami Parliament, therefore has to contain information on linguistic revitalisation and language preservation for all the national minority languages.

In March 2010 the Government appointed a special reference group within the Swedish Government Offices to offer specialist knowledge and experience on issues related to the revitalisation of the national minority languages. The reference group also has to identify areas for improvement and serve as an arena for the exchange of experience. A broader dialogue with various actors in society also needs to be initiated to strengthen the revitalisation of the national minority languages. The reference group is due to present its final report on its remit in June 2012.

The Government also made grants to Uppsala University to enable young people from the national minorities to take part in an international research conference on the revitalisation of minority languages in October 2010. The aim was to activate young people in revitalisation work and endow them with greater knowledge of active revitalisation efforts. One outcome of the conference was that a network was created for young people who are interested in the revitalisation of minority languages.

A further SEK 700 000 was earmarked in 2010 and 2011 for increased guidance on national minority languages usage. The Institute for Language and Folklore received an extra allocation of SEK 397 000 in 2010 for actions relating to Yiddish and place names in minority languages. In the area of place names, the Institute is due to hold a course on place name documentation in May 2011. The aim is to spread knowledge of the art of recording and collecting place names using both traditional and new techniques. The quality of place name collections can consequently be improved and the conditions improved for presenting place names in the minority languages on public maps and road signs.

#### **Recommendation No 4**

**Enhance data on national minorities by supporting data collection practices that take into account the views amongst national minorities and fully respect data protection and other pertinent concerns.**

As mentioned in earlier reports, Sweden does not compile official statistics on people's ethnicity, apart from their citizenship and country of birth, since there are no methods of calculating ethnicity which are both ethically acceptable and scientifically reliable. There are therefore no official statistics on ethnicity or linguistic or cultural affiliation.

On the other hand, there is collated information on and knowledge of the national minorities based on various types of both qualitative and quantitative studies in which the participants have assisted voluntarily. Among other things, the National Institute of Public Health has been tasked with analysing the health situation in the national minorities and presenting proposals on ways in which health promotion and preventive public health activity among these groups could be undertaken. The report was presented in April 2010. It indicates that there is a dearth of knowledge among the majority population and the authorities of the national minorities, their culture, rights and health situation, and that there is a need for health-promoting efforts among the national minorities at various levels of society. The proposals contained in the report are currently under consideration in the Swedish Government Offices.

### Recommendation No 5

**Take decisive measures in order to expand the availability of minority language education and give adequate support to bilingual education. These measures should also address teacher shortages and other capacity problems.**

With regard to the higher education sector, the Government has taken several initiatives to build up education in national minority languages since 2007. The Government has given Linköping University responsibility for education in Romani Chib, Lund University for education in Yiddish, Uppsala University and Stockholm University for education in Finnish and Umeå University for education in Meänkieli and Sami. In addition, Luleå University of Technology has been tasked with offering teacher training focused on Finnish, Meänkieli and Sami. As far as Finnish is concerned, this takes place in the form of a specialisation in teacher training. Professionally active teachers and others with an interest in language can also apply for the course. Unfortunately it has proved difficult to attract students to this training, and the number of applicants for Finnish was down sharply in 2010 compared with previous years. Luleå University of Technology cooperates with Umeå University on Finnish above basic level. With regard to the courses in Sami and Meänkieli, Luleå University of Technology has not had any applicants for a number of years, and the course was therefore not held in the autumn of 2010. In the run-up to 2010, the Government asked Luleå University of Technology to report on what steps it was taking to increase the number of applicants to teacher training.

The Government has also tasked the National Agency for Higher Education (Ref. No U2010/3886/UH) with proposing measures to increase the number of teachers who can teach in and on national minority languages. Under this remit, the National Agency for Higher Education, if deemed appropriate, following dialogue with higher education institutions concerned, is to propose changes to the present-day distribution of responsibilities between the higher education institutions which hold training courses in national minority languages. The National Agency for Higher Education is due to submit its report by 31 October 2011.

### Recommendation No 6

**Pursue further efforts to combat discrimination against Roma and persons belonging to other national minorities, keeping this as a key consideration in the continuing institutional and legislative reforms.**

#### *Combating discrimination, negative attitudes and marginalisation*

One of the interim goals to be followed up in particular from 2010 onwards in minority policy concerns discrimination and marginalisation of national minorities.

The former Ombudsman against Ethnic Discrimination – which was replaced by the new authority the Equality Ombudsman on 1 January 2009 – has, since 2002, been particularly concerned with issues relating to discrimination against Roma. This authority deems targeted efforts and dialogue with the group to be crucial to people's willingness to report discrimination. In 2009 the Equality Ombudsman additionally focused its activities on issues relating to discrimination against Roma. It has been demonstrated that the authority's long-term endeavours to increase knowledge of human rights among Roma have contributed to Roma reporting discrimination and asserting their rights to a greater extent.

The authority has pursued, and continues to pursue, a large number of cases relating to discrimination against Roma, for instance in the housing market and in employment and retailing. In 2009 the Equality Ombudsman received just over 30 reports of discrimination from Roma, and some form of redress has been successfully achieved in seven cases. Jews, Sami, Sweden Finns and Tornedalers continue to report discrimination to the authority to a relatively small extent. The precise number of reports of discrimination against people belonging to national minorities is difficult to gauge. Since the Equality Ombudsman was created in January 2009, the Equality Ombudsman has investigated, or is still investigating, around eighty reports deemed to be linked to some national minority. For example, the Equality Ombudsman is currently investigating reports of mother-tongue support for Sami being denied. Reports of discrimination of Roma principally relate to the area of housing, the system of justice, social services and the education sector. The Equality Ombudsman presented a report on discrimination of Roma in April 2011, based on an analysis of around 230 cases in which Roma had reported discrimination. The report has been compiled together with a Roma reference group. The report notes that Roma are subject to discrimination in everyday situations, despite this being prohibited by law. It shows what form discrimination takes, but also indicates how Roma can obtain redress when their rights are violated.

The Equality Ombudsman has also developed its website to make it more accessible to national minorities, for example with a translation of certain key information into national minority languages. The Equality Ombudsman has additionally conducted an inventory of language skills among its staff and is endeavouring, in its recruitment, to look for people with such language skills in particular. The Equality Ombudsman is working towards making it possible for everyone who contacts the authority to have the opportunity to communicate in Finnish, Meänkieli or Sami.

In the reports *Discrimination of the Sami* (2008) and *Discrimination of National Minorities in the Education System* (2008), the Ombudsman against Ethnic Discrimination describes individuals' experiences of discrimination and marginalisation in the education system, in dealings with authorities and courts of law and in health care. In the first of these reports it is stated that Sami experience discrimination in all areas of society. In the area of education, for example, it is stated that Sami often find that schools do not contribute towards strengthening Sami children's identity and that children who are subject to harassment and discrimination do not receive the protection they need and are entitled to. In the latter report it is stated, for example, that children from all five national minorities have experience of harassment linked to their ethnicity. They have been subject to such harassment by both pupils and teachers.

The Ombudsman for Children in Sweden, in the report *The Right to Participation and Influence for Sami Children and Adolescents* (2008), has addressed the perception by young Sami that they encounter prejudice, bullying and discrimination. The Ombudsman for Children regards the situation as giving cause for concern.

In 2009 the Equality Ombudsman conducted a special initiative concerning the right of schoolchildren to schooling free of discrimination. As part of this activity, the authority has focused on the opportunities of children from national minorities to develop their minority

languages and the obligation of municipalities to arrange mother-tongue support and mother-tongue instruction. The Equality Ombudsman is currently investigating reports of inadequacies in mother-tongue support in Sami and in Romani Chib.

The Equality Ombudsman has commissioned an analysis of reporting on Roma by the media. In addition, the Equality Ombudsman has found, in a survey of the incidence and extent of discrimination in the housing market conducted by the Institute for Housing and Urban Research at Uppsala University, that Roma are a particularly marginalised group. The authority is working on a report on experiences from the implementation of the EU's Racial Discrimination Directive in relation to Roma in Sweden. The new Discrimination Act (2008:567), which has replaced the seven previous discrimination laws, puts the Equality Ombudsman in a good position to continue to press for equal rights and opportunities for national minorities, for instance by increasing knowledge of discrimination issues among these groups. In its minority policy strategy, the Government notes that the promotional efforts initiated by the Equality Ombudsman among the national minorities need to continue.

The Government has continued to focus in particular on improving the situation of Roma both in Sweden and internationally. This work has been pursued at the national level in particular by the Delegation for Roma Issues, which has been tasked with taking a proactive role in measures to improve the situation of Roma in Sweden (Terms of Reference 2006:101). The Delegation pursued its remit to support local work on Roma issues and knowledge gathering ahead of the final report by consultation with Roma. It presented its final report *Roma Rights - a Strategy for Roma in Sweden* (SOU 2010:55) to the Government in July 2010. The proposals contained in the report are currently under consideration, and during this period of consideration Stockholm County Administrative Board has been tasked with supporting those municipalities which under the Delegation's work have started on development work relating to the Roma minority. The remit also includes acting as intermediary for contacts between the Roma minority and responsible authorities.

Internationally, efforts to improve the situation for Roma have been principally made within the Council of Europe and the EU. A number of conferences hosted by Sweden have addressed the situation of the Roma in various ways, for example the Roma Summit and the Equality Summit. Some conclusions from the conferences are that the implementation of international agreements and guidelines must be developed more successfully at local level, that those with sector responsibility must become more involved in, and take responsibility for improving, the situation of the Roma and that coordination and cooperation at and between all levels needs to be improved.

The issue of Sweden setting up a national institution for human rights has been highlighted for instance by several of UN monitoring committees. When the United Nations Human Rights Council reviewed Sweden in 2010, the issue of a national HR institution was the object of most recommendations. In October 2010, the Delegation for Human Rights in Sweden (see also under Article 6) submitted its final report containing a number of proposals to strengthen the structural protection for human rights in Sweden. The Delegation proposes that a national institution should be established in Sweden. It should have an independent position and broad mandate to promote the safeguarding of human

rights in the country. Under the proposal, it should not be possible for the national institution to examine individual complaints.

The report was sent out for comment with a deadline of the end of March 2011. The Delegation's proposals are now under consideration in the Swedish Government Offices.

#### **Recommendation No 7**

**Tackle, as a priority, the continuous legal uncertainty around land rights in northern Sweden, in a manner that fully protects the rights of the Sami. In the meantime, ensure that the related legal disputes do not threaten the viability of Sami villages and their reindeer herding activities.**

The extent of the year-round reindeer pastures is geographically defined in the Reindeer Husbandry Act. There is thus no legal uncertainty in this respect. With regard to the winter grazing areas, the traditional Sami lands (*sedvanerättsmarker*), the Boundary Delimitation Committee's report *Traditional Sami Lands* (SOU 2006:14) was submitted to the Government in 2006. The extent of winter grazing lands was investigated in that report. Representatives of the Sami and the reindeer owners are not, however, agreed on the extent of the area. The proposal is under consideration in the Swedish Government Offices, and discussions between representatives of the Sami and the land-owners may become relevant in the future.

On 27 April 2011 the Supreme Court passed judgment on a case in which around a hundred property owners in the municipality of Nordmaling had brought an action against the Sami villages of Ran, Umbyn and Vapsten. The property owners had asked the court to rule that the Sami villages did not have the right to conduct reindeer herding on their properties. The Supreme Court found, as the district court and court of appeal had previously, that the Sami villages had the right to winter grazing for their reindeer on the properties in Nordmaling concerned in the case. The property owners' action was therefore dismissed. The provision which was applied in this case is contained in Section 3 of the Reindeer Husbandry Act (1971:437). The provision states that reindeer herding may be conducted between 1 October and 30 April in areas outside the Lapp lands and the reindeer grazing mountains where reindeer herding since time immemorial has been conducted during certain times of the year. In its judgment, the Supreme Court ruled on a number of issues relating to application of the provision. The Supreme Court concluded that what is to be considered in a case concerning the right of reindeer herding is whether the Sami by ancient custom conduct reindeer herding in areas where the right of reindeer herding is a matter of dispute. The matter has to be considered on the basis of how reindeer herding is actually conducted.

#### **Recommendation No 8**

**Consider increasing the role of the Sami Parliament in areas other than the reindeer industry.**

The self-determination of the Sami Parliament is an important issue. The content of this self-determination is established through dialogue between the Government and the Sami Parliament. There are opportunities in the areas of education, culture and language to extend self-determination. The Sami Parliament must also be given time and opportunity to grow in a way that makes it possible to take on new tasks responsibly and for the distribution of

responsibilities between the elected part and the part which acts as an administrative authority to work well.

The Sami Parliament has acquired new tasks as an authority under the minority policy reform. As described above, the Sami Parliament has a key role to play in work relating to minorities through its remit to follow up compliance with the Act (2009:724) on National Minorities and National Minority Languages, to support municipalities in efforts to implement minority legislation and to run Sami language centres.

#### **Recommendation No 9**

**Take further measures to support minority language media and cultural initiatives of national minorities, including ensuring that the eligibility criteria of the related subsidy systems take into account the specific concerns of national minorities.**

The terms and conditions governing public subsidies for the press include special rules on the allocation of financial support to newspapers which address minorities in their own languages. Amendments to the Press Subsidy Ordinance entered into force on 1 January 2009, under which the requirement for a subscription-based print run has been lowered from 2000 to 1500 copies. This amendment is significant for newspapers aimed at linguistic minorities in Sweden.

It is important that the conditions for daily newspapers in Meänkieli and Sami are improved. The Government has therefore taken the initiative for cooperation with actors in Finland and Norway. To facilitate the establishment of daily newspapers in Meänkieli and Sami, in a decision dated 22 December 2010 the Government tasked the Sami Parliament with conducting a preliminary study in consultation with the Swedish Tornedalian Association on the conditions for cross-border newspaper cooperation in these languages. The Sami Parliament was granted SEK130 000 to accomplish this remit. A report on the remit is due to be submitted to the Government by 30 June 2011.

### **III Particular issues**

#### *The gender equality initiative in minority policy*

Over the period 2008–2010, the Government conducted a special initiative to strengthen the position in society of national minority women (Government Bill 2007/08:1), financed by funds from the special gender equality initiative (Appropriation 3:1 Special Gender Equality Measures in Expenditure Area 13, Integration and Gender Equality). A total sum of around SEK 18 million has been earmarked for this work.

The initiative consisted of several parts and was implemented by the National Board for Youth Affairs, the Sami Parliament, the National Institute of Public Health, the Swedish National Council of Adult Education and Uppsala University. These have, for instance, carried out special studies and provided support to organisations which undertake gender equality work, as well as taking targeted action in support of participation by women of

minorities in politics and in the business community. The studies have shown that there is a general lack of knowledge both in the public sector and in adult education about the national minorities and about any special needs they might have. As a result of this initiative, the Sami Parliament and the political parties, as well as several organisations, have been able to take active steps towards gender equality. Another result is that women among the national minorities have created a joint network. A further outcome is that many women feel that their self-esteem has been boosted. More representatives in the authorities concerned have also become aware of the lack of knowledge of national minorities which exists in their operations.

Efforts to improve gender equality need to continue to be supported and developed. Women and men among the national minorities, like the women and men in the majority population, must have the same opportunities and rights. The experience gained in the cooperation which has started between women from different national minority groups should be utilised.

In its report *Roma Rights – A Strategy for Roma in Sweden* (SOU 2010:55), the Delegation for Roma Issues has highlighted the situation of Roma women and has presented proposals on special initiatives for women.



## Fundamental principles, Section I of the Framework Convention

### ARTICLE 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

Based on the communication *A National Action Plan for Human Rights* (Government Communication 2005/06:95), a number of measures were taken to strengthen work on human rights over the period 2006–2009. This communication covered measures both to strengthen the rights of the national minorities and to combat discrimination and initiatives in other areas. The action plan was based on a survey of deficiencies in the protection and implementation of various human rights in Sweden. The survey was based in part on the views and recommendations on Sweden presented by international monitoring bodies, including the Council of Europe. The implementation of the measures described in the communication was reported in April 2010 in the publication *Follow-up of the National Action Plan for Human Rights*. Factsheets on the action plan are available in all the national minority languages on the Government website for human rights, [www.manskligarattigheter.se](http://www.manskligarattigheter.se).

The Delegation for Human Rights in Sweden was established in accordance with the national action plan for human rights. (See also under Article 6)

The action plan and its implementation have been evaluated by an inquiry (ToR 2009:118 and 2010:122). The inquiry presented the results of its remit on 31 March 2011 in the report “*Coherent, Thought-through and Sustainable? An Evaluation of the Government’s National Action Plan for Human Rights 2006–2009*” (SOU 2011:29). The inquiry has principally chosen to focus on two areas. One concerns fundamental issues of a procedural nature, such as action plans as a method, improved control and coordination of work on human rights and support for and coordination of work on human rights at local and regional level. The second relates to what the inquiry has chosen to call an improved infrastructure for human rights. It includes an indicator-based follow-up of the human rights situation in Sweden, the issue of incorporation of more conventions on human rights into Swedish law and the creation of a national body for human rights. The inquiry also considers some specified areas, namely certain issues of the rule of law, discrimination issues, the situation of the Roma and the indigenous Sami people.

A new survey of what deficiencies may exist in the protection and implementation of various human rights is being conducted within the Swedish Government Offices. The survey pertains to the period from the previous action plan was presented in 2006 through to 2010. The Government is also consulting organisations in civil society, including representatives of the national minorities and other relevant actors on these issues.

Based on the views and proposals which have emerged from the evaluation of the previous action plan for human rights, the final report from the Delegation for Human Rights in Sweden and the survey of the situation regarding various rights, including the dialogue with

organisations and other actors, the Government intends to prepare a communication describing how work on human rights should be conducted in the future. It is planned that the communication will be presented to the Swedish Parliament in 2012.

The fact that the protection of the national minorities, and the rights and freedoms to which they are entitled, forms part of the protection of human rights is made clear by these issues having been dealt with since 2004 by the division in the Swedish Government Offices which is responsible for national coordination and development of human rights. This division has formed part of the Ministry of Employment since 1 January 2011.

The Government considers ratification of ILO Convention No 169 still to be complicated, and is working on the matter. The reason for not ratifying essentially relates to Article 14, land rights, which poses a major obstacle for Sweden. The Government wishes to maintain the present balance between the two competing interests in the area concerned. Since 1995 both the right to ownership, and the right to herd reindeer, have been protected by the Constitution. Since the land within the reindeer herding area is used for different purposes, this could lead to conflicts and disputes regarding the use of the land in the area. The idea is that the right to herd reindeer must not impinge on the right of ownership, whilst the practice of ownership must not impinge upon the right to herd reindeer. The Government's aspiration is to maintain a balance between the competing interests of different groups living in the same areas of northern Sweden.

## ARTICLE 2

**The provisions of this framework convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and cooperation between States.**

In order to promote, develop and preserve the Sami language, the Sami ministers and the Presidents of the Sami Parliaments in Norway, Finland and Sweden have established the Nordic Sami Language Prize, *Gollegiella*, which means "Golden Language". This language prize has been awarded every other year since 2004. It is awarded to individuals or organisations who have made a valuable contribution to promoting the Sami language.

To guard against the borders between the countries where Sami live posing an obstacle to development, cross-border cooperation between Sami is prioritised in the EU sub-programme Interreg IVA North Sápmi. Just under EUR 4 350 000 is being invested in the Sápmi sub-programme, on top of which Norway is contributing just under EUR 3 650 000 to the programme. In addition to this, there is EUR 2 342 224 in national funding. The programme period runs from 2007 to 2013, and the aim is to continue to develop Sami culture and trade and industry on the basis of ecological and long-term utilisation of resources. Just over 63 per cent of the funding has been decided or is in the process of being decided.

The Sami School pursues language immersion projects (an Interreg project) together with the County Governor of Nordland (Norway). All pupils in school grades 5 to 8 in Sweden who study South Sami as their mother tongue or study South Sami at Sami school are allowed to take part in the language immersion together with all pupils in Norway in grades 6 to 9 who study South Sami at school.

### ARTICLE 3

1) Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2) Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Every person in Sweden belonging to a national minority has the right to choose to be treated or not to be treated as such. Such a choice is not associated with any disadvantage or obligations under Swedish law. Neither are there any provisions in Swedish legislation that prevent persons belonging to a national minority, either individually or as part of a group, from enjoying the freedoms enshrined in this Framework Convention.

#### *Definition of national minorities*

The concept of national minorities is not defined in Swedish legislation. As stated and described in Sweden's previous reports on compliance with the Framework Convention for the Protection of National Minorities, the criteria to be fulfilled for a group to be considered a national minority are stated in the Government Bill *National Minorities in Sweden* (1998/99:143). Sweden has not recognised any further group as a national minority. The five groups constituting national minorities in Sweden remain the Sami - who are also an indigenous people – Sweden-Finns, Tornedalers, Roma and Jews.

At the meeting on this report to which the Government issued invitations it emerged that the Swedish Tornedalian Association (*Svenska Tornedalingars Riksförbund – Tornionlaaksolaiset*) considers that use of the term Tornedalers needs to be investigated, as there is a tendency for it not to encompass all speakers of Meänkieli.

In the Bill on the minority policy strategy, the Government considered whether it might be appropriate to recognise further minorities. Groups discussed were Finland Swedes and the people of Älvdalen. The Government did not find cause to expand the number of national minorities or minority languages. Experience shows that the measures taken to date to preserve the minority languages already recognised and to protect the recognised minorities have not been sufficient to put the intentions of the legislators into effect and that further steps will need to be taken. The planned minority policy measures must therefore be focused on actively preserving the recognised minority languages and protecting the recognised minorities, so that Sweden complies with commitments already made in public international law.

## Commitments under Part II of the Framework Convention

### ARTICLE 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

#### *Equality before the law*

One of the cornerstones of the Swedish judicial system is the principle of the equal value of every human being. As described in Sweden's previous reports to the Council of Europe, this principle and the principle of treating everyone equally before the law are explicitly enshrined in the Swedish Constitution. As an objective of state activity, it is also enshrined in the Swedish Constitution that the public institutions not only are to promote the opportunity for all to attain participation and equality in society but are to combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, disability, sexual orientation, age or other circumstance affecting the individual.

#### *Legislation*

The wording of the penal provision on agitation against ethnic group contained in Chapter 16 Section 8 of the Swedish Penal Code was amended in 2003. The amendments meant that a special range of penalties was introduced for serious cases of agitation and the scope of the provisions on agitation was extended to include agitation alluding to sexual orientation.

Since Sweden submitted the second report, the four ombudsmen against discrimination (the Gender Equality Ombudsman, the Ombudsman Against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman Against Discrimination on the Grounds of Sexual Orientation) have been combined into one authority – the Equality Ombudsman. The previous seven anti-discrimination laws have been replaced by one new Discrimination Act (2008:567).

In June 2008 the Swedish Parliament adopted the Bill *Stronger Protection Against Discrimination* (Government Bill 2007/08:95, Report 2007/08LAU7, Parliamentary Communication 2007/08:219). A new Discrimination Act (2008:567) and a new Equality Ombudsman Act (2008:568) entered into force on 1 January 2009. The prohibition of

discrimination covers ethnicity, religion or other beliefs, among other grounds. The national minorities are consequently also protected under the new Discrimination Act. The prohibition of discrimination has been strengthened and covers more areas of society and more situations. For example the protection against discrimination now applies in dealings with public institutions. A new sanction has also been introduced, compensation for discrimination. The compensation for discrimination is intended both to compensate for the violation of rights that the contravention signifies and to act as a deterrent against discrimination.

In conjunction with the introduction of a new integrated Discrimination Act (2008:567), the *Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils* (2006:67) ceased to apply. The provisions in the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils concerning discrimination were incorporated into the new Discrimination Act. The 2006 Act also contained a ban on other degrading treatment, which in everyday language is known as bullying. These provisions were transferred to the Education Act (1985:1100). As far as the schools are concerned, it means that there are now two laws protecting pupils against discrimination and other degrading treatment, compared with one previously.

The new Education Act (2010:800), which comes into effect on 1 July 2011, introduces a duty of notification for teachers, pre-school teachers or other staff who learn that a child or pupil considers himself or herself to have been the subject of degrading treatment in connection with the activity.

The responsible authority is obliged to swiftly investigate the circumstances surrounding the alleged degrading treatment and where applicable to take those measures which may reasonably be required to prevent degrading treatment in the future.

The Office of the Child and School Student Representative (BEO) is now part of the Swedish Schools Inspectorate, but at the same time has an independent remit. Together with the Swedish Schools Inspectorate, BEO monitors the part of the Education Act concerned with degrading treatment. The authority is tasked with investigating reports of degrading treatment and can represent individual children and pupils in courts of law. The BEO also has to provide information on the legislation and advice on how schools can take preventive action against discrimination, harassment and degrading treatment.

Under the Equality Ombudsman Act, the authority, in addition to exercising supervision of the Discrimination Act, has to promote equal rights and opportunity regardless of ethnicity, religion or other beliefs, among other grounds. The Equality Ombudsman additionally has to train, inform, write reports and follow international developments in its area of activity.

The Ombudsman Against Ethnic Discrimination presented a report on discrimination against Sami in 2008. In April 2011 the Equality Ombudsman presented a report on discrimination against Roma, as mentioned above. The activities of the Equality Ombudsman also include active work for the rights of the national minorities.

### *Activity to counter racism and other forms of intolerance*

On 15 February 2007, the Government tasked the then authority, the National Agency for School Improvement, with taking an educational initiative in research-based action programmes against bullying at school (U2007/1205/S). The remit was later broadened to also include discrimination. The remit was transferred to the National Agency for Education in connection with a major review of government agencies in 2008.

The background to the remit was that the Government considered that school staff needed scientifically evaluated knowledge on how to counter discrimination and other degrading treatment. The remit was reported to the Government on 24 January 2011.

Under this remit, the National Agency for Education has given 1 575 people continuing professional development at university level on ways of combating discrimination and other degrading treatment in schools. In addition, the National Agency for Education, together with a research team, has evaluated eight of the most common methods employed by schools in their efforts to reduce discrimination and other degrading treatment. The Agency's evaluation, which is unique in Sweden, shows that all the methods contain certain elements that work extremely well in efforts to combat bullying, but that at the same time they include elements capable of actually increasing bullying in schools.

The conclusions from the Agency's study are important to future work aimed at reducing discrimination and bullying in schools together with clear legislation against discrimination and other degrading treatment in schools, the possibility of taking legal action against a school authority which does not take preventive and investigative measures and the National Agency for Education's general recommendations on work aimed at combating discrimination.

In order to strengthen and supplement efforts by society to combat racism and other forms of intolerance, government support has long been provided to organisations which undertake activities towards this end. A new Ordinance (2008:62) on government grants for activities to combat racism and other forms of intolerance has replaced the Ordinance (2002:1058) on government support for activities to assist persons wishing to leave racist and other similar groupings. Government grants may be paid to support activities whose purpose is to counteract or prevent racism or other forms of intolerance that may be manifested for instance as Antisemitism and Antiziganism. Issues relating to grants are examined by the National Board for Youth Affairs. The Ordinance entered into force on 1 April 2008.

### *Activities to prevent and counteract discrimination*

Over the period 2008–2010 the Government took a special initiative to strengthen the position of national minority women in society (Government Bill 2007/08:1), financed by funds from the special gender equality initiative (Appropriation 3:1 Special Gender Equality Measures in Expenditure Area 13, Integration and Gender Equality) which was mentioned above. A total sum of around SEK 18 million has been earmarked for this work, as mentioned earlier. Over the period 2008–2010 the Government took a special initiative to strengthen the position of national minority women in society (Government Bill 2007/08:1) financed by funds from the special gender equality initiative. A total sum of just over SEK 18 million has been earmarked for this work, as mentioned earlier.

Non-governmental organisations and foundations are able to apply for government support under the Ordinance (2002:989) on government support for activity to prevent and combat discrimination, which Sweden described in the second report. For support to be granted, the organisation/foundation must undertake activity aimed at preventing and counteracting discrimination on the basis of gender, transgender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation and age. It thus has to work on all the grounds for discrimination in order to be able to obtain support under the Ordinance. The activity must also be undertaken without a profit motive, with clear aims and methods and have a long-term focus. In addition, there have to be people in the organisation who have knowledge of discrimination and the provisions applicable in the area.

Most of the organisations/foundations to which funds are granted under the Ordinance are included in the network *Sveriges Antidiskrimineringsbyråer* (Swedish Anti-Discrimination Bureaus). All the organisations/foundations in the network are independent, but cooperate with one another and with the Equality Ombudsman. The network issues a joint annual report.

The Anti-Discrimination Bureaus' activities consist of free advice and information for individuals, opinion-forming, courses and seminars and general information and advice. The Bureaus also investigate individual cases of discrimination and sometimes forward these to the Equality Ombudsman for further investigation and for the case to be taken to court if appropriate. As a result of the amendments to the new Discrimination Act, the antidiscrimination bureaus can now also pursue actions for individuals in courts of law.

The right under the Discrimination Act for certain non-profit organisations to pursue actions in courts of law has led to one of these organisations, the Örebro Rights Centre, having pursued an action at Örebro District Court in a case in which a Roma woman claimed compensation for discriminatory treatment at a petrol station. The main hearing has taken place and judgment was passed in December 2010. The District Court chose to follow the petrol station's line of argument.

Some examples of "best practice" in projects/measures implemented by various organisations and foundations follow below.

#### *ACT – Without Discriminating*

The Swedish Anti-Discrimination Bureaus, in cooperation with the Swedish Red Cross, the Centre Against Racism and the Association for Folk High Schools Owned by NGOs have conducted the project entitled *Act – Without Discriminating*. The project took place between December 2009 and November 2010. It was principally financed by the European Commission's PROGRESS programme, which is aimed at supporting the anti-discrimination efforts of the Member States. This project is aimed at increasing knowledge of ways in which it is possible to prevent and combat discrimination. The project, which covered all grounds for discrimination, was also intended to increase knowledge of what forms discrimination takes in Sweden today.

#### *Handbook – Proving cases of discrimination*

The Centre for Equal Rights in Kista has compiled a handbook together with an international expert. This can be used by anti-discrimination bureaus, law firms, courts of

law and non-governmental organisations to raise the level of proof before courts of law when they report discrimination, through studies and analyses in the field (places of work, recruitment processes, drinking establishments etc.). The handbook has been distributed to various stakeholders. Interest in the handbook has been shown for example by trade unions, human rights organisations, anti-discrimination bureaus and individuals. Almost 200 copies of the handbook have reached various stakeholders.

### *Government inquiries and studies on discrimination*

#### *Active measures*

The legal protection against discrimination at the individual level has been strengthened through the integrated Discrimination Act. Work is in progress to further strengthen this protection and to promote equal rights in society regardless of the grounds for discrimination. This relates for example to how compliance with provisions on active measures in the world of employment and in the area of education can be improved and whether requirements for active measures can be extended to other areas of society.

#### *Health and medical care*

The National Institute of Public Health has been tasked with analysing the health situation among the national minorities and presenting proposals on ways in which health promotion and preventive public health activity relating to the national minorities could be undertaken. This remit, which has also been described above, has been carried out in consultation with the National Board of Health and Welfare and representatives of the national minorities. The Swedish Government Offices are currently considering the results of this remit.

The Health and Medical Service Act (1982:763) stipulates that health and medical services are aimed at assuring the entire population of good health and of care on equal terms. Care on equal terms means that it has to be possible for everyone – regardless of where in the country they live – to avail of health and medical services in case of need and on equal terms. The opportunities to obtain care must not be influenced by such circumstances as age, sex, ability to take initiatives, education, ability to pay, nationality or cultural differences. Under the Health and Medical Service Act, the patient has to be given individually adapted information about his or her state of health and about methods of examination, care and treatment available. The Act also enshrines the principle that where health and medical services are undertaken, the personnel, premises and equipment needed to enable good care to be provided must be available. It is the responsibility of the county councils and municipalities to offer citizens the health and medical services stipulated by the Act.

The Health and Medical Service Act is formulated in such a way that it covers all patient groups without designating any specific group for example on the basis of language affiliation. As a result of the legislation being formulated in this way, all groups in the population are guaranteed the same care. It is obviously valuable for there to be access to personnel who can meet the needs of patients and clients in a multicultural society. It can therefore be considered to follow from the provisions of the Health and Medical Service Act and the Social Services Act that there is already an obligation for access to personnel with a knowledge for example of Sami, Finnish or Meänkieli, if this is needed to achieve good care or interventions of good quality.



The National Board of Health and Welfare, which is responsible for the central supervision of health and medical services, has compiled a booklet clarifying what the new Act (2009:724) on National Minorities and National Minority Languages means for the health and medical services and social services (5/2010 *The New Act on National Minorities and National Minority Languages*).

At the meeting on this report, to which the Government invited representatives of the national minorities, it emerged that some consider it crucial that the general actions to protect the national minorities are adapted more precisely to the specific needs of the particular minority concerned.

#### ARTICLE 5

1. The Parties 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.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

As already described, the legal rules relating to national minorities have been clarified. The public institutions now have an obligation to actively promote the preservation of national minority languages and the languages of the minorities – see above under Part 1.

#### *The Constitution*

Under an amendment to the purpose clause of the Instrument of Government, which entered into force on 1 January 2011, it is now stipulated that the opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop their own cultural and social life have to be promoted. This provision was previously facultative: the provision stated that these opportunities ought to be promoted. The amendment also means that, unlike previously, it is now clearly evident from the Constitution that the Sami people holds a special position as an indigenous people in the country.

#### *Government grants for minority organisations*

The possibility of organisations which represent a national minority group receiving a government grant remains in place. The aim is to promote efforts which strengthen the culture and identity of such groups, support minority policy and allow the groups to exert more influence in society. With effect from 2006, this support is governed by the Ordinance on Government Support for National Minorities (2005:765). The appropriation has been raised to SEK 6 million annually with effect from 2010.

#### *Culture*

The Swedish Arts Council provides activity and project grants to promote the languages and culture of the national minorities. The Council has had special funds since 2002 to promote

the languages and culture of the national minorities. SEK 7.1 million was distributed to various organisations for such purposes in 2009.

The Sami Parliament has appropriations of SEK 8.9 million at its disposal for initiatives relating to Sami culture. Support can also be provided for initiatives promoting the publication and distribution of national minorities' literature and cultural journals at the Swedish Arts Council. Under the Act (2009:724) on National Minorities and National Minority Languages, the public institutions, as already mentioned, have to promote the opportunities of the national minorities to preserve and develop their culture in Sweden. Everyone who belongs to a national minority has to be given an opportunity, under the Language Act (2009:600) to learn, develop and use their minority language.

At the meeting on this report to which the Government invited representatives of the national minorities, there was in general an emphasis on the shortage of resources with regard to culture and opportunities to strengthen the cultural identity of the national minority concerned, and not just from the point of view of language.

The Swedish Arts Council provides grants for the publication of literature in the national minority languages and of literature in Swedish deemed to be of significance to the national minorities. On 15 August 2010, a new Ordinance (2010:1058) on Government Support for Literature, Cultural Journals and Initiatives to Promote Reading was additionally introduced. The new Ordinance makes it possible to provide government support for the planned publication of literature. The aim in this support of literature is to promote quality, versatility and depth in book publishing.

Since 1993, support has been paid from the culture budget to the Sami Parliament to fund subsidies to Sami organisations at the local and national level for education, research and projects relating to Sami culture. These grants have been distributed by the Culture Council of the Sami Parliament according to established criteria and methods for grants made by the Parliament. In addition to this, the Sámi Theáter received a fixed government appropriation in 2001, and has since been regarded as a Sami national stage on the Swedish side. The head office of the theatre is in Kiruna, and in cooperation with Beaivvas, the Sami national theatre in Norway, it has performed two plays by Shakespeare, Hamlet and Macbeth, at the Ice Globe Theatre in Jukkasjärvi. The Sami Theatre also has its own productions which tour Sápmi at regular intervals.

The total grant from the Swedish Arts Council for all the national minorities was SEK 9 165 000 in 2010. Four activities in the languages and cultures of national minorities were awarded activity grants. The Tornedalen Theatre, the Sweden-Finnish Library in Stockholm, the Jewish Library in Stockholm and Finnish-language theatre activity at Uusi Teatteri (New Finnish Theatre) received grants under the appropriation directions of the Swedish Arts Council. The Roma Cultural Centre in Malmö and Stockholm also receives activity grants of SEK 500 000. In addition to this, the Swedish Arts Council distributes grants for Sweden-Finnish amateur theatre totalling SEK 600 000.

The meeting with representatives of the national minorities to which the Government issued invitations in connection with the compilation of this report can in general be summarised as showing that there is great interest in language and cultural centres in these groups.

The cultural collaboration model is one of the Government's greatest reforms in culture policy. It entered into force on 1 January 2011 and is based on collaboration and dialogue between central government and the county councils, where account is taken of both national cultural policy goals and regional priorities. In the cultural collaboration model, the Swedish Arts Council is tasked with monitoring the goals of minority policy. The dialogue with civil society and professional cultural activity also has to increase. The cultural collaboration model means that the freedom and responsibilities of the regions increase in the area of culture and that culture is brought closer to the citizens. The first regions to introduce the new model are Skåne, Halland, Västra Götaland, Norrbotten and Gotland. The Swedish Arts Council decides how much government funding a county council is allowed to distribute to cultural activities in the county.

In 2008, the Government decided on a grant of SEK 200 000 to the Jewish Museum to enable it to develop educational initiatives for children in 2009. The educational activity of the Jewish Museum is aimed in particular at young people of school age, who make up to the single largest group of visitors. The Government also made a grant of SEK 200 000 to the Jewish Museum for the same purpose in 2010.

In 2007, the Government made an extra grant of SEK 300 000 to Ájtte, the Swedish Mountain (Fjeld) and Sami Museum, to list, collect and preserve Sami cultural heritage. In 2008, Ájtte was allocated a grant of SEK 400 000 to carry out initiatives during the Museum's 20th anniversary for a special documentation project focused on changes in the nature of the mountain landscape. Ájtte has received an annual grant of SEK 500 000 through the central government budget since 2010.

In the 2011 Budget Bill, the Institute for Language and Folklore was allocated SEK 1.5 million per year over the period 2011–2013 for special project actions and measures to strengthen initiatives relating to the intangible cultural heritage in line with the Unesco Convention for the Safeguarding of the Intangible Cultural Heritage. The remit includes ensuring that the future organisation for issues concerning the intangible cultural heritage also includes representatives of the indigenous people the Sami and the other national minorities, performing arts, study associations and non-governmental organisations. Consultation with the Sami Parliament has to take place on issues concerning the Sami intangible cultural heritage. The Institute for Language and Folklore is due to present an interim report on its remit by 30 June 2012 and a final report by 15 February 2014.

### *Traditions and trade and industry*

As stated in the previous report, the Government tasked the Swedish Board of Agriculture with ensuring that an agreement on winter grazing in Härjedalen is brought about between Sami villages and land-owners. This was done with the aim of finding a long-term sustainable solution to the needs of the Sami villages for winter-grazing land. The parties are now agreed on a framework agreement on winter grazing for reindeer, and agreements are being signed between the land-owners and the Sami villages.

Sweden and Norway have signed a convention on cross-border reindeer husbandry to replace the 1972 convention, which has lapsed. The convention provides access to the

grazing the reindeer-owners need in the other country. Work is in progress on the consequential legislation needed to enable the convention to be ratified by Sweden.

Since Sweden's previous report, the Sami Parliament has acquired greater responsibility for Sami issues in order to increase the influence of the Sami Parliament on issues that concern the Sami. The tasks which have been transferred have previously been accomplished by the county administrative boards and the Swedish Board of Agriculture and principally relate to the reindeer industry. Responsibility was transferred to the Sami Parliament on 1 January 2007. The Sami Parliament has been allocated new funds to enable it to accomplish the new tasks.

#### ARTICLE 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

#### *Spread of knowledge of national minorities*

The Sami Parliament operates a website on national minorities commissioned by the Government, as described in Part 1. The new website, [www.minoritet.se](http://www.minoritet.se), is intended to be used to spread knowledge of the national minorities and minority rights to the groups themselves, to decision-makers and civil servants and to the general public. The Government deems that increased knowledge of the national minorities, their languages and their culture in society promotes understanding of these groups. The Government has emphasised that the languages and culture of the national minorities are part of the Swedish cultural heritage.

The handbook "*Human rights..? I know they exist and I think Sweden is good at them – Handbook of human rights at municipal level*" was published in 2008. It is primarily aimed at local government officers and decision-makers and was produced by the University of Gothenburg commissioned by the Swedish Government Offices. The handbook contains a section on national minorities. It addresses issues concerning consultation, social care, school and language rights in particular.

In 2008, the Sami Parliament published a '*Language Handbook for Preserving Sami*' commissioned by the Swedish Government Offices. The handbook contains practical proposals on how to work actively at local level to strengthen Sami in municipal activities.

#### *The Delegation for Human Rights in Sweden*

In accordance with the national action plan for human rights (see under Article 1), the Government set up the Delegation for Human Rights in Sweden. Over the period 2006–2009, the Delegation principally worked on supporting government agencies, municipalities and county councils in their efforts to ensure full respect of human rights in their activities. Within this remit, the Delegation designed training courses and methodological material

adapted to activities for government agencies, municipalities etc. The Delegation also carried out information initiatives and campaigns on human rights aimed at both the public sector and the general public. In October 2010 the Delegation presented its final report containing a range of proposals to strengthen the structural protection of human rights in Sweden. The proposals are not focused on strengthening protection for certain specific parts of the population, but are instead concerned with how protection of human rights can be strengthened in the legislation and agency governance more generally. There are also proposals to strengthen knowledge development and awareness of human rights through education and research. The report was sent out for comment with a deadline of the end of March 2011. The proposals are now under consideration in the Swedish Government Offices.

### *The Swedish Government's human rights website*

As part of the implementation of the first action plan for human rights adopted in 2002, the Government set up a website on human rights, [www.manskligarattigheter.se](http://www.manskligarattigheter.se). This website also contains information on human rights in the national minority languages and information on the Government's work to protect and promote rights both nationally and internationally. The website also contains the key human rights conventions, as well as other important documents in the area, for example Sweden's reports to international and regional bodies whose task is to review compliance by the signatory states with the conventions, and the summaries of conclusions drawn by these bodies, including the Council of Europe. The conventions and documents concerning the rights of the national minorities and Sweden's reports to the Council of Europe are also presented here. The website receives around 30 000 individual visits each month.

In December 2009, the Government allocated a sum of SEK 500 000 to the Ombudsman for Children in Sweden to translate the Convention on the Rights of the Child into the national minority languages Meänkieli, Sami, Romani Chib and Yiddish and their varieties. The remit also included preparing a plan for distribution of the material produced. The Government justified its decision on the grounds that as the level of knowledge of Swedish varies among both children and adults in the minority language groups, translations of the Convention are of value. Having access to the Convention on the Rights of the Child in one's own minority language can facilitate in-depth discussion of and reflection on issues linked to the Convention which are important to the specific group. This remit can also be regarded as a factor in strengthening the opportunities of the national minorities to exert influence and support the historical minority languages so that they are kept alive.

The Ombudsman for Children in Sweden reported on this remit in December 2010. The Convention on the Rights of the Child has been both translated in full and adapted for children and young people. The language varieties have been chosen in consultation with the Language Council of Sweden, the Sami Parliament and various national minority associations. A Swedish-language poster containing the Convention on the Rights of the Child is distributed to all Swedish compulsory schools, with information that the poster is also available in the national minority languages. Posters with translations into these languages and varieties are offered in a separate mailing to those schools which provide teaching in any of the minority languages. All the material will additionally be available on the website of the Ombudsman for Children in Sweden.

### *Living History Forum*

In view of the information project “Living History Forum” which was established on the initiative of the Government in 1997, an agency was established in Stockholm in 2003 for issues concerning democracy, tolerance and human rights using the Holocaust as a starting point. The public authority was given the name Living History Forum. Its activities are aimed at strengthening people’s willingness to work actively for the concept of the equal value of all people. Combating Antisemitism and antiziganism is central to the agency’s mission.

The Living History Forum seeks to oppose intolerance in society at the point where the past and the present come together. Aspects of this work are to repeatedly analyse how well democratic values are endorsed in society and at the same time keep tendencies towards intolerance under observation. The Living History Forum, in cooperation with the National Council for Crime Prevention, has conducted an analysis known as the Intolerance Report, in which Antisemitism, Islamophobia, homophobia and general intolerance among youth in school is studied with respect to attitudes, marginalisation, self-declared crime and distribution of extremist propaganda. The purpose of this analysis is to increase knowledge in the area by describing various aspects of these circumstances. The results suggest that the vast majority of young people have a positive attitude towards the various minorities. The young people in the study tend, for example, to agree with the statements that most Muslims (or Jews or homosexuals) are definitely “nice people”, while they tend to dissociate themselves from negatively charged statements. The proportion with a high degree of intolerance, expressed in high values (>2.5) on the index is around 8 per cent on the index relating to attitude towards Muslims, 6 per cent relating to Jews and 7 per cent relating to homosexuals. The equivalent proportion of the general intolerance scale is 5 per cent. Altogether, one in 20 young people express a predominantly negative attitude. The proportion of pupils indicating strong antipathy (>3 on the scale) is lower, at 1.7 per cent.

There is also a group which can be described as more or less “doubtful” in their attitude. This group accounts for around 24 per cent of young people with regard to general intolerance. The proportion is roughly the same for the various sub-scales with regard to attitude to the group concerned.

This public authority has also conducted the survey *Ambivalent Intolerance - A Study of the Attitudes of Upper Secondary School Studies in the 2009/2010 School Year*. This is the first of a planned series of studies intended to provide in-depth knowledge of intolerance and tolerance.

The Living History Forum has been commissioned by the Government to investigate on the basis of the report *Rights of Roma - A Strategy for Roma in Sweden* (SOU 2010:55) how the position of Roma culture and language can be strengthened. The Living History Forum is to consult concerned organisations and institutions in carrying out this task. The proposals presented by the investigation are to fall within the existing appropriations of concerned organisations and institutions. The Living History Forum is due to report on its remit to the Swedish Government Offices (Ministry of Culture) by 1 November 2011.

The Living History Forum was tasked by the Government on 31 March 2011 with conducting an analysis of Antisemitism and Islamophobia. The agency has to collate the

knowledge which exists on the incidence of Antisemitic and Islamophobic manifestations in Sweden and on the marginalisation of the Jewish and Muslim groups and their inclination to exercise their rights. Its remit also includes identifying best practice in order to counteract and prevent Antisemitism and Islamophobia. Phenomena such as Antisemitism and Islamophobia have appeared in various guises in Sweden in recent years. Both Jews and Muslims are at risk of being subject to harassment if they wear religious symbols. The situation appears to be particularly serious in Skåne. Ideas of collective guilt are put forward in debate – Jews are held responsible for Israeli government policy and Muslims report being treated as suspected terrorists. However, an in-depth analysis of the mechanisms behind prejudices and negative attitudes towards Jews and Muslims is lacking. It is therefore necessary to obtain a more coherent picture of the situation in order to be able to assess the need for further measures to counter Antisemitism and Islamophobia. This remit is due to be reported on 28 August 2011. This will form part of the basis for a wider inquiry on xenophobia and intolerance that is planned to present its results no later than 30 September 2012.

#### *White paper on Roma*

A white paper is to be produced in the Swedish Government Offices to provide a combined overview of assaults, violations of rights and other discriminatory measures in the 20th century up to the year 2000. This represents a first step in the process of improving the situation of Roma in Sweden. The white paper is a survey of assaults and violations of rights by government and other public-sector actors and is therefore a public acknowledgement on the part of central government aimed at making it easier for everyone involved to move on and look to the future in order to improve the situation of Roma.

#### *Sami Information Centre and research programme*

Since 2002, the Sami Parliament has operated the national Sami Information Centre (SIC) with the principal task of informing the public about the Sami and Sami circumstances. The information centre produces information about the Sami as an indigenous people and Sami circumstances on the website [www.samer.se](http://www.samer.se), issues information material, answers questions and acts as an intermediary for lecturers. In addition, the centre carries out information initiatives for major events with a Sami connection and undertakes cooperative projects with various actors.

In Sweden and other countries where the Sami indigenous people lives, there is in general a dearth of knowledge about the Sami and how they live. As the Sami population is divided into four different countries with different living conditions, knowledge of the Sami has become fragmented and difficult to obtain. The Government has decided that a Sami research programme should be created as part of its efforts to address this problem. The programme is aimed at better coordination of the Sami-related research between those who carry out the research and those who fund it. The Swedish Research Council for Environment, Agricultural Sciences and Spatial Planning, the Swedish Research Council and the Swedish Council for Working Life and Social Research are given responsibility for jointly designing and announcing the programme.

#### *Protection against discriminatory actions*

The Swedish Parliament adopted the Government Bill *Stronger Protection Against Discrimination* (Bill 2007/08:95, 2007/08:AU7, Parliamentary Communication 2007/08:219)

in June 2008, as already mentioned. A new Discrimination Act and a new Equality Ombudsman Act entered into force on 1 January 2009. The prohibition of discrimination covers, among other grounds, the grounds for discrimination of ethnicity, religion or other beliefs. The national minorities are consequently also protected in the new Discrimination Act. The prohibition of discrimination has been strengthened and covers more areas of society and more situations.

### *The judicial system*

The police make resolute efforts to reduce discrimination and other forms of violations of human rights. In their operations, the police encounter people in differing circumstances and with differing backgrounds. These meetings presuppose respect for people's differences and the activity being formulated with due consideration for the needs of individuals. A citizen's perspective, being treated professionally and having access to police services are fundamental to quality in these activities.

As mentioned earlier, eleven government agencies, including the National Police Board, have been tasked by the Government over a three-year period with following up, analysing and reporting their efforts on the basis of the three sub-areas of minority policy – discrimination and marginalisation, influence and participation and language and culture. This remit is to be reported annually from 2010 to 2012.

Under the government remit (2008–2010) to study how women subject to violence in national minorities are treated and supported by public authorities, the National Police Board has contributed in preparing training material for police officers, the social services and the health and medical services. This remit was reported in March 2011. The National Institute of Public Health proposes that sections on national minorities should be included in training courses on the protection of women against violence held by the National Police Board, among others, and general training courses for personnel in authorities on the history, culture and current situation in Sweden of national minorities.

### *Hate crimes*

The number of reported cases of hate crime is stable in comparison with previous years, according to the 2009 hate crime statistics from the National Council for Crime Prevention, [www.bra.se](http://www.bra.se). The number of hate crimes reported in 2009 was 5 800. Xenophobic/racist motives continue to dominate. Reports of Antisemitic hate crimes have increased principally in the metropolitan counties and, in particular, in the county of Skåne. The total number of Antisemitic hate crimes in the country in 2009 was 250. This was a rise of 57 per cent compared with the previous year.

Crimes against persons such as crimes of violence, unlawful threats and molestation are most common, followed by agitation against ethnic group. At the Government meeting with representatives of the national minorities ahead of this report, the Jewish representatives emphasised the importance of measures to create security for the Jewish group in various contexts and stable resources for this.

It was stated in the police appropriation directions for 2007 that the National Police Board, together with the Swedish Prosecution Authority, was to ensure that motives for hate crimes



are identified and investigated as early as possible in crime investigations wherever such a motive may exist.

A function was introduced into the police's IT-based crime reporting system (RAR) at the beginning of 2008 with a new text box, where everyone who records reports of crime has to answer yes or no as to whether the case in question is a suspected hate crime. The function with the hate crime text box reminds the person recording the crime report about assessing whether the case is a hate crime. In addition, this greatly improves the opportunity to compile statistics and conduct surveys of hate crime. The information box is visible to the head of the preliminary police investigation, who reviews the crime reports, allowing for feedback aimed at ensuring greater quality in reports regarding hate crime.

The criminal intelligence service at the local police authorities analyses hate crime and makes threat and risk assessments, for example ahead of demonstrations and other occasions where there may be a risk of hate crime. Several local police authorities have special hate crime investigating officers. Some also have specialists to pursue the local development of measures to combat hate crime. Many local police authorities cooperate for example with municipalities, schools, businesses and non-governmental organisations. The cooperation with organisations representing groups which are at risk of being subjected to hate crime is particularly important.

The police in Stockholm County have been intensively targeting various forms of discriminatory crime for several years. In 2007 a specialist investigation unit, the Special Hate Crime Unit, was launched as a project. The project has now been made permanent and expanded to cover the whole county. All eight police districts in the county of Stockholm now have a contact for dealing with hate crime.

#### *Police activity based on the three sub-areas of minority policy*

During 2011, the National Police Board will offer the local police authorities training on hate crimes in which attention will be given to threats to the national minorities. In addition, the police intend to update their national policy and action plan for diversity and equal treatment by more clearly including national minorities and minority languages.

In order to strengthen the influence and participation of the minorities, as well as their languages and identity, the National Police Board will offer information on the police website – [www.polisen.se](http://www.polisen.se) – in Sami, Finnish, Meänkieli, Romani Chib and Yiddish. The National Police Board will also compile basic facts about national minorities and minority languages and the requirements to be met by the police organisation. This compilation is to be available to those responsible for operations within the police force through the police intranet. The National Police Board also aims to draw the attention of the police organisation in police planning to the requirements contained in the Act (2009:724) on National Minorities and National Minority Languages.

#### *Prosecutors and courts of law*

Within the Swedish Prosecution Authority, the Prosecutor-General has issued guidelines for work to combat hate crime. Under these guidelines, all crimes where there may be a hate-crime motive have to be tackled and dealt with as a matter of priority. In addition, there has to be at least one prosecutor at each public prosecution office appointed with the task of

dealing with current crime investigations. Preliminary investigation of hate crimes is not to be regarded as being simple in nature and always has to be directed by a public prosecutor as soon as someone can be reasonably suspected of the crime.

In the appropriation directions for 2007, the Government tasked the Swedish Prosecution Authority and the National Police Board with jointly taking measures to ensure that motives for hate crimes are identified and investigated as early as possible in crime investigations wherever such a motive may exist. The remit was presented in a joint report which, among other things, describes how the Swedish Prosecution Authority and police undertake crime control with regard to hate crimes and how public prosecutors and police officers are trained. The basic training of all public prosecutors by the Swedish Prosecution Authority includes a section on hate crimes. The Swedish Prosecution Authority has published a judicial memorandum which contains an analysis of Supreme Court practice regarding agitation against ethnic group (RättsPM 2008:2).

Since 2010 there has been an inspiration network within the Swedish Prosecution Authority to facilitate the exchange of ideas and experiences and increase knowledge within the authority regarding issues of equal treatment.

Since 2002, Swedish law explicitly instructs the courts, as an aggravating factor in sentencing, to consider whether the motive of a crime has been to violate the rights of a person, an ethnic group or another such group of persons on the grounds of race, colour national or ethnic origin, faith, sexual orientation or similar circumstance.

#### **ARTICLE 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

It is stated in the Swedish Constitution, as one of the basic principles of the form of government, that public power is to be exercised with respect for the equal worth of all and the liberty and dignity of the individual.

The protection of fundamental freedoms and rights in the Constitution applies equally to all persons in the country, regardless of nationality and ethnic, cultural or linguistic affiliation. The fundamental freedoms of opinion – freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate, freedom of association and freedom of worship – are thus guaranteed to everyone. Furthermore, under the Instrument of Government no act of law or other provision may imply the unfavourable treatment of anyone because they belong to a minority group by reason, for example, of ethnic origin or similar circumstance.

A check that a legislative proposal is constitutional is conducted by a special Council on Legislation, which consists of judges and former judges in the country's two supreme courts. Legality can also be tested by courts and administrative authorities in the application of law in individual cases. If a court or an administrative authority finds that a provision conflicts with a rule of fundamental law or other superior statute, the provision is not to be applied.

These constitutional rules contribute to minimising the risk of laws conflicting with the fundamental freedoms and rights, including the protection of minorities against discrimination, or of provisions being applied in contravention of these freedoms or rights.

#### **ARTICLE 8**

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

No changes have taken place in the provisions in the fundamental laws which govern freedom of worship other than those touched upon in connection with Article 7 since Sweden submitted the second report on compliance with the Framework Convention on the Protection of National Minorities to the Council of Europe.

In July 2006 the Government tasked the National Board of Health and Welfare with analysing more closely why certain boys, particularly boys of pre-school age, are circumcised by persons outside the health service and with submitting proposals for measures aimed at preventing any boy being maltreated in the activity of circumcision as a whole. The National Board of Health and Welfare presented its report on 30 March 2007.

The National Board of Health and Welfare estimates in its report that around 3 000 circumcisions of boys are performed every year in Sweden, principally in the Jewish and Muslim populations. The Board states in its report that at least 1 000 of the circumcisions take place within the public health service, that a lesser number are performed by a small number of persons who have a special licence from the Board, and that an unknown number of circumcisions are performed abroad or by private doctors. Between 1 000 and 2 000 circumcisions annually are performed by persons who are neither doctors nor holders of licences from the National Board of Health and Welfare, but the figure is, according to the Board, highly uncertain.

It is apparent from the National Board of Health and Welfare report that circumcisions of boys work well within the Jewish population. On the other hand, with regard to boys in other groups where circumcision commonly occurs, the National Board of Health and Welfare considers that the Act (2001:499) on the Circumcision of Boys, the purpose of which is to prevent surgical procedures taking place in a way that is not compatible with the best for the child, has not had the intended effect. The report is still under consideration in the Swedish Government Offices.

Based partly on the report, the Swedish Association of Local Authorities and Regions (SALAR) in April 2009 issued an "association recommendation" in which a recommendation is made to the county council members no later than 1 October 2009 to offer circumcision on non-medical grounds to boys who are resident in the county council area.

#### **ARTICLE 9**

- 1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of**

frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

#### *Radio and television broadcasts in minority languages*

The public service media bear great responsibility for taking account of the needs of the national minorities, among others. Sveriges Radio AB (SR), Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB (UR) have received new broadcasting licences for the period 2010–2013. The same guidelines apply to activities for linguistic and ethnic minorities as during the previous licence period (2007–2010). This means that the broadcasters have to consider the interests of linguistic and ethnic minorities. This activity has to be a priority area, and accessibility has to be improved. The minority languages Sami, Finnish, Meänkieli and Romani Chib occupy a special position, and the range of programming is considerably greater in these languages than in Yiddish. The broadcasters have to engage in a dialogue with the groups concerned.

The bill on which the current broadcasting licence is based (Government Bill 2008/09:195) states that the broadcasters should take account of the fact that Yiddish also has the status of a national minority language. The Government also considers that the range of programming in Romani Chib should be increased and that it is up to the broadcasters to judge how the range should be formulated. The broadcasters independently design their programming in the framework of the generally worded provisions of the broadcasting licences. These licences also enable the broadcasters to share responsibility among them for various kinds of activities for linguistic and ethnic minorities. The broadcasters annually report the extent of their radio and television programming range in minority languages in what are known as public service reports. The latest report relates to 2010.

The total broadcasting time on SVT in 2010 was 22 090 hours, of which 340 hours of broadcasting was in the minority languages Sami, Finnish and Meänkieli. Of these 340 hours, 90 were broadcast in Sami, including the news programme Oddasat. SVT broadcasts news, current affairs, children's programmes, documentaries, etc., in Finnish. In 2010, SVT

broadcast a total of 239 hours of Finnish-language programming. In the same year, SVT broadcast a total of 11 hours of programming in Meänkieli.

SR's total broadcasting time in 2010 was 220 098 hours. Of these, 9 651 hours were broadcast in Sami on the FM network and on web radio. SR Sameradion broadcasts in North, South and Lule Sami, as well as in Swedish. SR Sisuradio broadcast a total of 8 111 hours in Finnish in 2010. SR broadcast a total of 642 hours in Meänkieli in the same year. Under the broadcasters' agreement for 2010 on programming for linguistic and ethnic minorities, SR is to be responsible for most programming in Romani Chib. SR broadcast 365 hours in Romani Chib in 2010. SR has also broadcast programmes in which Yiddish and Yiddish culture have been reflected.

UR's total radio and television broadcasting time was 3 742 hours in 2010. Of these, 24 hours were broadcast in Sami, Finnish, Meänkieli and Romani Chib.

### *Minority language film production*

The regional production centres are very important to the linguistic and cultural diversity of Swedish film, not least Filmpool Nord, which actively promotes film production in Sami and Meänkieli. According to information from Filmpool Nord, around ten Sami-related feature films, documentaries and short films are currently under development or in production. In addition, three Tornedalen-related films are in project development. It is common for the language to be mixed in both the Tornedalen films and the Sami films.

The Swedish Film Institute does not have any particular forms of support for film production in minority languages. However, no distinction is made between productions in Swedish and productions in minority languages when applying for production support. Sami films and Tornedalen films have received support from the Swedish Film Institute.

### *Minority language newspapers*

Adequate support for newspapers in the minority languages is essential to their preservation and development. The terms and conditions governing public subsidies for the press include special rules on the allocation of financial support to newspapers which address minorities in their own languages. There is one newspaper entitled to press subsidies which is published in Finnish, but there are no equivalent newspapers entitled to support in the other national minority languages. On the other hand, there are magazines which are partly published in Sami and Meänkieli.

The Press Committee in 2006 presented its report *Diversity and Range* (SOU 2006:8), which contained proposals to facilitate the establishment of daily newspapers in Sami and Meänkieli. The Committee also proposed that intergovernmental cooperation should be initiated to make it easier to establish newspapers in Sami and Meänkieli.

The government bill *New Conditions for Support to the Daily Press* (2009/10:199) states that it is important that the conditions for daily newspapers in Meänkieli and Sami should be improved. For this reason, the Government considers that initiatives for cooperation with affected authorities and actors in Finland and Norway should be taken in order to facilitate the publication of cross-border daily newspapers in Meänkieli and Sami. Such cooperation

should also involve the language groups affected and may, for example, comprise a study of the conditions for cross-border newspaper cooperation in Meänkieli and Sami.

The Government considers it crucial to investigate more closely the conditions for cross-border newspaper cooperation in Meänkieli and Sami, and has therefore tasked the Sami Parliament, in a decision dated 22 December 2010, with conducting a preliminary study in consultation with the Swedish Tornedalian Association on the conditions for cross-border newspaper cooperation in these languages. The remit is due to be reported to the Government with a deadline of 30 June 2011. The Government judges, however, that the Press Committee's other proposals on operating support for daily newspapers in languages other than Swedish should not be implemented, in part because it is doubtful whether the proposals will have the intended effect.

#### ARTICLE 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

#### *Public services in minority languages*

The administrative areas have been expanded from seven to 48 municipalities, as described in Part 1. This gives more individuals the right to use Sami, Finnish and Meänkieli in their dealings with authorities and the right to pre-school activity and care of the elderly entirely or partially in these languages.

#### *The right to use minority languages*

The Government is strengthening the opportunities for the national minorities to preserve their languages by earmarking SEK 4 million for the revitalisation of the minority languages. The funds are distributed by the Institute for Language and Folklore, and the aim is to enable organisations to take various types of revitalisation measures and in so doing to help individuals to recapture their minority language.

The language cultivation work of the Institute for Language and Folklore is being strengthened with respect to the national minority languages, particularly with regard to Meänkieli. The Sami Parliament is being allocated SEK 6 million to establish two Sami language centres in the South Sami area to actively and outwardly pursue language work

among Sami, as already mentioned. The Sami Education Board's appropriation for integrated Sami teaching is being raised by SEK 1 million to improve the opportunities of Sami children to acquire Sami.

### *An integrated language policy*

The Swedish Parliament adopted an integrated Swedish language policy in December 2005. One of the four overarching goals is that "Everyone is to have the right to language: to develop and acquire the Swedish language, to develop and use their own mother tongue and the national minority language and to have an opportunity learn foreign languages". As a consequence of the expanded tasks of the Institute for Language and Folklore, resources have been allocated to language cultivation for work with Romani Chib, Swedish sign language and other minority languages. The Language Council of Sweden Unit is responsible for work with Finnish, Romani Chib, Swedish sign language and Yiddish. The Dialect, Place Name and Folklore Archive Unit in Umeå (Daum) works in part with Meänkieli, while the Sami Parliament is responsible for work with Sami.

The Institute for Language and Folklore distributes government grants aimed at giving individuals better conditions for acquiring and using their national minority language by strengthening their reading and writing skills in the minority language. Minority languages are understood to mean Finnish, Yiddish, Meänkieli and all varieties of Romani Chib and Sami. Grants are made for example for educational activity in the language in which teaching is to be given, language projects targeted at children and their parents or efforts to promote reading. In addition, grants are made to increase individuals' knowledge of multilingualism, language as a bearer of culture or language transfer between generations. Efforts targeted at children and adolescents are promoted in particular.

### *Care of the elderly*

In the strategy for the national minorities – *From Recognition to Empowerment* (Government Bill 2008/09:158) – the Government has emphasised the need to be able to receive elderly care in a national minority language. Assuring the elderly of a life of dignity in care of the elderly is a matter of high priority for the Government. A number of measures have recently been implemented.

An amendment was made to the Social Services Act at the beginning of January 2010 which means that municipalities have to strive towards ensuring that personnel with knowledge of Finnish, Meänkieli or Sami are available for the care of elderly persons when this is deemed to be necessary (Social Services Act Chapter 5 Section 6.)

A provision has been introduced into the Social Services Act from the start of 2011 stating that the care provided by the social services should be tailored towards providing older persons with the opportunity to lead a dignified life and experience well-being. The Government bill *Dignified Life in Care for the Elderly*, which was adopted by the Swedish Parliament, states that the statutory amendment means that the social services have to be receptive to each person's unique circumstances and needs. Individually adapted care can include observing different cultural and ethnic conditions which may, for example, mean offering care in the language which the elderly person understands or which is linked to the elderly person's identity.

The Act (2009:724) on National Minorities and National Minority Languages also entered into force on 1 January 2010. Section 18 states that a municipality in an administrative area has to offer a person who so requests the possibility of receiving the whole or part of the service and care which is offered within the framework of the care of the elderly by staff who have a command of Finnish, Meänkieli or Sami. The same applies to municipalities outside an administrative area if the municipality has access to staff who are proficient in the language. Municipalities outside an administrative area can also, under the new Act, apply to the Government to voluntarily join such an area and, if the Government accepts the application, be eligible for extra government grants. It also provides new ways for the municipalities to work on these issues.

Since 1 January 2009, it has been possible for municipalities to use systems of choice under the Law on System of Choice in the Public Sector. A system of choice means that citizens can choose between more than one provider of services offered by municipalities and county councils/regions. The politicians consequently transfer part of the governance of the activity to the citizens, which determine through their choices who is to provide a service. An important aim of the law is diversity among providers. In December 2010 the National Board of Health and Welfare presented a report which shows that in municipalities where systems of choice have been introduced one in two states that a provider with a special focus operates in the municipality. It is most common for providers to differentiate themselves by offering staff who speak Finnish or other European or non-European languages.

### *The judicial system*

Communication in the national minority languages takes place where necessary with the assistance of interpreting and translation. If anyone, for example, expresses a wish to use Sami during the preliminary investigation, an interpreter is appointed.

In its appropriation directions for 2009, the Swedish Prosecution Authority was tasked by the Government with translating basic information material on public prosecution activity into the three territorial minority languages. Among other things, information for target groups directly affected by public prosecution activity – victims of crime, suspects, witnesses and young people – has been translated.

The National Police Board developed a new form containing written information about the rights of persons held in detention in January 2009. The form has been translated into 42 different languages, including all the minority languages.

## **ARTICLE 11**

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.



3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

### *Place names*

Place names in minority languages are a valuable part of the cultural heritage which needs to be actively supported by the representatives of society. In order to make this cultural heritage visible, the Swedish Road Administration has been asked to step up its work on signposting place names in minority languages. The provisions on good place name practice in the Heritage Conservation Act (1988:950) are intended to ensure that place names in minority languages are not lost. This provision also relates to place names in national minority languages. The current working of the Act only contains an enumeration of place names in the Sami and Finnish languages. The provision does not mention Meänkieli, despite Sweden having undertaken, in ratifying the European Charter for Regional or Minority Languages, to also promote the use of and signposting in Meänkieli. There is therefore cause to revise the provision on good place name practice so that it accords better with Sweden's international commitments and so that it expresses more clearly the intentions behind the Government's minority policy strategy. The Government has therefore tasked the Institute for Language and Folklore with conducting a review of Chapter 1 Section 4 of the Heritage Conservation Act (1988:950) regarding place names in minority languages. There is also a need to raise awareness in the municipalities of the significance of place names in minority languages.

A number of measures have been taken in support of place names in minority languages. The territorial minority languages Sami, Finnish and Meänkieli are equated, despite the various languages not at present having statutory support (Chapter 1 Section 4 of the Heritage Conservation Act). The minority languages are being successively strengthened by being shown on public maps and in public databases. In the new version of the Lantmäteriet (Swedish mapping, cadastral and land registration authority) e-service MapSearch and Place Names there has been an option from the start of 2011 to search on place names with Sami orthography. Place names shown here and on public maps form the basis for the signposting carried out by the Swedish Transport Administration. The Swedish Transport Administration has started work on adding greater density to this presentation of place names and cooperation is taking place with Lantmäteriet.

In 2010, Lantmäteriet and the Institute for Language and Folklore organised seminars and courses to which representatives of the minority languages were invited and in which they actively participated. The aim was to raise awareness of the issues in the municipalities. Examples of such courses and seminars are as follows:

- Seminar in Kiruna on place name conservation, focusing in particular on place names in minority languages (together with the Swedish Transport Administration),

- The language conference *Language - So Much More Than Words* in Korpilombolo,
- Workshop of recordings of place names in conjunction with the project *Settlement Names, Nature Names and Word Domains in the Meänkieli Area – Collaboration Between the Generations*, and
- Place-Name Advisory Board workshop on the role of place names in society.

Lantmäteriet is a national place-name authority whose task is to coordinate central government place-name activity, and has been tasked by the Government with following up, analysing and reporting its efforts towards the minority policy objective over a three-year period. Lantmäteriet has worked actively on the presentation of place names in minority languages since the early 1980s. Section 4 of the Heritage Conservation Act regulates good place name practice, and mentions place names in Sami and Finnish in particular. In addition to the requirement for linguistic correctness and consideration of tradition, good place name practice requires names in minority languages also, as far as possible, to be used simultaneously on official maps and in signposting and other marking in multilingual areas. Names which have been approved for the production of official maps are also to be used in other contexts in their approved form. The presentation of Sami place names now means that

- the Sami place names, comprising the varieties North Sami, Lule Sami, South Sami and Ume Sami, are introduced into geodata and the national place names register with the correct orthography,
- the older Swedish-based spelling is entered in parallel into the place names register,
- the Sami place names are presented on the public maps on the basis of purpose and area of use and in compliance with cartographic principles, and
- the linguistic review of the Sami place names is conducted in the same way as the review of place names in general.

The review of place names is done in collaboration with the Institute for Language and Folklore. The Sami Parliament has also been involved in recent years. The place names shown on public maps and in digital databases are also used as a basis for road signs. Lantmäteriet has smooth cooperation with the Swedish Transport Administration on these issues. The Sami name form appears in the property register in cases where such a name exists. It is, however, important to point out that no diacritical signs are used, which is due to the technical storage environment of the register. A development project is under way in which this problem will be addressed so that the Sami names can be correctly reproduced. With regard to place names in Finnish and Meänkieli, these are presented to some extent as district names. Lantmäteriet is to pursue the development of its part within the minority policy objectives in consultation with the Institute for Language and Folklore and the Sami Parliament. Having the municipalities follow the presentation of minority names in addresses, for example, may pose a challenge: information initiatives should be taken here to strengthen the use of the minorities' place names. Work on place names also includes developing the methods for collecting and reviewing place names and communicating decisions on place-name issues with other government agencies and the general public.

## ARTICLE 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

*Promoting knowledge of national minorities*

Revised curricula for nine-year compulsory school enter into force on 1 July 2011. The new curricula emphasise the national minorities in the subjects of Swedish, history and social science. According to the compulsory school curriculum in Swedish, teaching has to contribute towards pupils encountering and becoming acquainted with the national minority languages in Sweden. The position of the minority languages in society is, for example, part of the core curriculum for grades 7–9. The purpose of history teaching, according to the compulsory school curriculum, is that pupils should gain an understanding of different cultural contexts and ways of life. Part of the core curriculum in grades 7–9 consists of historical perspectives on the situation of the indigenous people the Sami and the other national minorities in Sweden. Teaching in social science, according to the curriculum for grades 4–6, has to address the position of the Sami as an indigenous people and other national minorities in Sweden and their rights. The core curriculum in social science in grades 7–9 also addresses what the special position and rights of the national minorities and the indigenous people the Sami mean.

Revised syllabuses for upper secondary school apply to education started after 1 July 2011. The core content of the Swedish 2 course includes linguistic conditions in Sweden and the rest of the Nordic Region, for example language legislation, minority languages and dialects.

*The Mother Tongue Theme website*

The National Agency for Education has maintained and extended its work on the Mother Tongue Theme website. The Government has invested SEK 13 million over the period from 2006 to 2011. The website is a resource for those who work on mother-tongue teaching and support for children and pupils with mother tongues other than Swedish. Information on the website is complemented by meetings and conferences. In this work, the National Agency for Education has to endeavour in particular to support the national minorities. The minority languages content of the thematic website is provided by active teachers under agreements between the National Agency for Education and the Sami Education Board, the Official Council of Swedish Jewish Communities, the Municipality of Pajala, the Municipality of Vänersborg, the Municipality of Trollhättan and individual contractors. All the national minority languages, including five Roma and three Sami language varieties, are on the website. In 2011, the National Agency for Education will renew agreements for work on Finnish, Meänkieli, Romani Chib and Yiddish and recruit new editors for the Sami languages. There has been a sister website in Norway since 2009, and collaboration takes

place between this and the Mother Tongue Theme website on the Romani, Sami and Kven languages.

### *Teaching materials*

The National Agency for Education was responsible for the development of new teaching materials for all the national minorities commissioned by the Government over the period from 2007 and 2009. A total of SEK 10 million was allocated for this assignment. The work took place in consultation with representatives of, and in collaboration with, producers in the various national minority groups. The National Agency for Education initiated the assignment by contacting the target groups and distributing the resources among the various minorities. The distribution was based in part on the number of pupils in each language group. Under this remit, the Agency gradually gathered material on the Mother Tongue Theme website in 2009. The website contains, for example, tips with comments on books, translations, audio books and brochures of varying degree of difficulty which can be used in everyday work. The various teaching materials are available for purchase or downloading from the Internet. In addition, the Sami Education Board received SEK 1 million to develop teaching materials in Sami. A further SEK 1 million was earmarked in 2010 for the production of teaching materials in Romani Chib and Sami at pre-school and school level.

The National Agency for Education has produced the reference and method material *Multilingualism in Pre-school*, containing tips and ideas anchored in theory on how the pre-school can meet bilingual and multilingual children. The material has been produced to support staff meet these children. It contains examples of what can be done, and what resources can be linked to the pre-school, in order to nurture the various languages of all children. The material is intended to be used at all pre-schools. The National Agency for Education has also developed conversational material on Roma children in pre-school and school, *Miritza & Sebastian*, with text in Kaale-Roma, Finnish and Swedish. The book addresses situations in Swedish school and culture and equivalent situations in Roma culture. The aim is to get to know one another's culture. The anthology *10 Pinnar i Luften (10 Sticks in the Air)* with texts for children in Finnish, Yiddish, Meänkieli, Romani Chib and Sami has also been published by the National Agency for Education. It is intended to provide all pupils with increased knowledge of the national minorities and their languages. In addition, the Sami Parliament has produced a special language box with material for the pre-school in Sami. The language box is to be distributed to pre-schools in the Sami area.

### *The situation for Roma in the Swedish school*

In response to a Government remit, the National Agency for Education published an in-depth study of the situation of the Roma in schools in 2007 (Report 292:2007). The report was compiled with the assistance of Roma representatives, who were employed experts in the project. In this report, the National Agency for Education argued that the municipalities must intensify their outreach activity and find attractive solutions for pre-school activity for Roma children in cooperation with their parents. The Agency saw a need to assert the pupils' obligation to attend school and right to education in several ways, for instance through outreach and close follow-up of pupils' absence. The Agency also intended to follow up the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students in order to assert the importance of a secure school environment.

The Agency has highlighted the importance of efforts in the municipalities to raise the proportion of pupils who make use of mother tongue tuition. The National Agency for Education has improved the statistics on the number of participants in tuition in Romani Chib, so that more varieties can be reported. The Agency has also noted that special support efforts are often required to improve the school attendance of Roma schoolchildren. This includes employing special assistants, known as bridge-builders, of Roma origin. The National Agency for Education produced information material on the rights of the national minorities at school in conjunction with the publication of the report.

### *Higher education*

The Government has carried out several initiatives relating to the structure of education in national minority languages since 2007, as described above. The Government has given Linköping University responsibility for education in Romani Chib, Lund University for education in Yiddish, Uppsala University and Stockholm University for education in Finnish and Umeå University for education in Meänkieli and Sami. In addition, Luleå University of Technology has been tasked with offering teacher training focused on Finnish, Meänkieli and Sami. The Government, ahead of 2010, tasked Luleå University of Technology with reporting on what the University is doing to increase the number of applicants for teacher training.

The languages have been allocated in accordance with a letter to the Government (in 2006) from the University of Gothenburg, Linköping University, Lund University, Stockholm University, Umeå University and Uppsala University. The proposals in this letter were drawn up by the Association of Swedish Higher Education. Principal responsibility through a special commitment means that an institution of higher education must offer education in this language, but not that other institutions of higher education are not allowed to offer equivalent education. Each institution of higher education can start any education programme it wishes, provided it comes within the framework of the areas for which it has the right to provide qualifications. Umeå University and Mälardalen University, for example, also offer education in Finnish, without having received a Government assignment to do so.

As already mentioned, the Government has also tasked the National Agency for Higher Education (Ref. No U2010/3886/UH) with proposing measures to increase the number of teachers who can teach in and on national minority languages. The remit additionally means that the National Agency for Higher Education, if deemed appropriate, following dialogue with higher education institutions concerned, is to propose changes to the present-day distribution of responsibilities between the higher education institutions which have educational programmes in national minority languages. The National Agency for Higher Education is due to submit its report by 31 October 2011.

The institutions of higher education are working to make the training courses more attractive. Umeå University, for example, has been working on online teaching with the aim of making the teaching in Sami more accessible. The whole range of language courses in Sami languages and Sami studies now consists of distance courses with online support or pure online courses. The number of full-time equivalent students has increased substantially in recent years. The number of applicants was nearly 370 for approximately 370 places in 2010.

### *Access to higher education*

Eligibility for higher educational studies is required in order to be able to study at a university or university college: basic eligibility which is common to all higher education, and special eligibility which indicates the specific requirements which have to be met in addition to basic eligibility in order to be able to benefit from a particular programme of higher education. If the number of eligible applicants exceeds the number of study places available, a selection is made among the applicants. The selection is based on grades from upper secondary school (or equivalent), results from the Swedish Scholastic Aptitude Test (voluntary test measuring knowledge and skills which are important for university studies) and selection criteria decided by the higher education institution, which may for example be interviews.

### *Financing*

All higher education institutions are free to offer the education programmes they wish, provided they have relevant licences to issue qualifications. The institutions of higher education receive funding for higher education at bachelor level based on the number of full-time equivalent students and annual performance equivalents. The funding for the students varies depending on the discipline they are attached to. The funding for medical students, for example, is higher than the funding for language students.

The institutions of higher education decide for themselves on:

- How resources are to be allocated within the institutions and how the quality of the activity is to be ensured and developed,
- The structure and contents of the educational programmes in courses,
- What programmes at bachelor level are to be offered (provided the institution of higher education has been granted permission by the National Agency for Higher Education to issue the qualification concerned),
- The number of places in each degree programme and
- Third-cycle education: what subjects are to be offered, how the education is to be organised etc.

### *Research*

The institutions of higher education are free to spend basic appropriations for research as they see fit. They thus decide for themselves in which subject areas research programmes are to be developed. The institutions of higher education can also apply for research funds from external sources of finance, both in Sweden and abroad.

### *Teachers*

#### *Developing teachers' skills*

The Government's further education initiative for teachers began in the autumn of 2007 and is continuing through to 2014. The initiative is based on professionally active and qualified teachers. The aim is to raise teachers' skills in order to consequently increase pupils' attainment of targets. The focus is on subject knowledge and subject didactics. The Government is investing a total of around SEK 2.8 billion in continuing professional development for teachers. Within the continuing professional development initiative, courses are offered at university level such as *Bilingual Children's Development of Language and Knowledge* (15 credits) and *Immigration, Minorities and Images of Foreigners in Modern Sweden* (30 credits).

A demand made by representatives of the national minorities at the meeting on this report, to which the Government issued invitations, was that all teachers who qualify in Sweden ought to have a basic knowledge of the five national minorities and their languages and cultures.

#### *New pre-school teacher and teacher training*

The Government has reformed pre-school teacher and teacher training. The new training programmes will begin in the autumn term of 2011.

In the Government Bill *Best in the Class – A New Teacher Education* (2009/10:89), the Government states that to make it possible for teachers in minority languages to be trained, it should be possible for the national minority languages to be studied as subjects in subject teacher training and to have real knowledge in the languages validated. However, few institutions of higher education have applied to the National Agency for Higher Education for permission to issue qualifications for subject teachers focused on minority languages, and no institution of higher education has to date had its application granted.

If a person has prior knowledge of a minority language, there are alternative routes to becoming a subject teacher in this language. In accordance with statements in the Government Bill, there is an option for someone with adequate subject knowledge in at least one subject to obtain a qualification as a subject teacher after a bridging programme (*kompletterande pedagogisk utbildning - KPU*). Individuals can have their non-formal knowledge of a subject validated at an institution of higher education. The bridging programme is to comprise 90 credits (equivalent to one and a half years of full-time studies) and among other things contain work placements and didactics. The Government has not yet presented the formal regulations for the bridging programme.

The Teacher Training Inquiry (SOU 2008:109), which preceded the Bill, has proposed that certain institutions of higher education be given special responsibility for teacher training in national minority languages. The Government noted in the Bill, however, that a number of additional details need to be clarified before a position can be adopted in this respect. As mentioned above, the Government has therefore tasked the National Agency for Higher Education with proposing measures by which the number of teachers who can teach in and on national minority languages can be increased.

#### *New qualification rules for pre-school teachers and teachers*

In the Government Bill *Professional Status Qualification for Teachers and Pre-school Teachers*, the Government proposed that a system of professional status qualification should be introduced. In March 2011 the Swedish Parliament adopted the Government's proposals (Government Bill 2010/11:20, 2010/11:UbU5, Parliamentary Communication 2010/11;171), and the first teachers and pre-school teachers can receive professional status qualification from 1 July 2011. An access qualification is one of the requirements to obtain professional status.

Under the new eligibility rules, which have been drawn up as a consequence of the professional status qualification system and the new Education Act (2010:800), a teacher is authorised to teach *on* the subject of mother tongue in all school grades if he or she has obtained professional status qualification as a teacher and knowledge of the language

equivalent to at least 30 credits. The teacher may have obtained a subject teacher qualification where mother tongue has been included as a subject, have another teaching qualification which has been supplemented by 30 credits in a mother tongue or have undergone an older programme of education intended for teaching in a mother tongue (Ordinance (2011:326) on eligibility and professionals status qualification for teachers and pre-school teachers and appointment as senior lecturer).

To teach *in* a language other than Swedish, however, there are no formal requirements for knowledge of the language concerned.

### *Promoting knowledge of the national minorities*

The new website [www.minoritet.se](http://www.minoritet.se) can also contribute to increasing knowledge of national minorities.

The Delegation for Roma Issues was tasked with informing and spreading knowledge about Roma and their situation in Sweden to the general public, governmental agencies and municipalities. The Delegation presented its report to the Government in July 2010. The report contains proposals for ways in which knowledge of Roma can be increased, for example in school and in the activities of other authorities and ways in which the educational situation of Roma can be improved. The proposals are currently under consideration in the Government Offices.

To summarise, it can be noted that all three points under Article 12 of the Convention were the object of discussion and demands for further, or improved, measures at the meeting on this report to which the Government invited the national minorities. In addition to various aspects of the issues considered above, the idea of folk high schools for each national minority was raised, for example.

### **ARTICLE 13**

1. **Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
2. **The exercise of this right shall not entail any financial obligation for the Parties.**

The Government takes a positive view of the formation of free schools specifically aimed at national minorities, but wishes to point out that according to current regulations a free school or free special school has to be open to all children and pupils, whatever their mother tongue. Free schools are financed from public funds disbursed by the municipalities. The education is free of charge for the pupils.

Under the Act (2009:724) on National Minorities and National Minority Languages, municipalities in the administrative area for Finnish, Meänkieli and Sami are obliged, if a child's guardian so requests, to provide for spaces in pre-school activity where the whole or part of the activity is undertaken in Finnish, Meänkieli and Sami. As a result of the enlargement of the administrative areas for Finnish and Sami, children in more places in



Sweden than previously are now covered by this right. The term pre-school activity has been deleted from the new Education Act (2010:800), which enters into effect on 1 July 2011. Pre-school activity is undertaken with effect from 1 July in the form of pre-school and other paedagogical care.

Since the Act (2009:724) on National Minorities and National Minority Languages entered into force on 1 January 2010, a number of pre-schools with activity focused on a few minority languages have started. One pre-school in the Municipality of Uppsala and one in the Municipality of Huddinge opened during the second half of 2010, each with a Finnish-speaking section. A Sami pre-school started in the Municipality of Berg in September 2010. Five children between the ages of one and five attend the pre-school, and the principal language is South Sami.

#### ARTICLE 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

#### *Pre-school*

The new Education Act (2010:800), which enters into force on 1 July 2011, has introduced new rules for mother tongue support for pre-school and also for the pre-school class. It stipulates that children whose first language is not Swedish have to be given the opportunity to develop both the Swedish language and their mother tongue. The aim is to strengthen support for children in pre-school and pupils in the pre-school class with a mother tongue other than Swedish.

Under the Act (2009:724) on National Minorities and National Minority Languages, municipalities in the administrative area for Finnish, Meänkieli and Sami are obliged, if a child's guardian so requests, to offer a place in pre-school activity where the whole or part of the activity is carried out in Finnish, Meänkieli and Sami, as mentioned under Article 13 above. The municipalities receive a government grant to enable them to accommodate these wishes.

#### *Compulsory school and upper secondary school*

When the new Education Act enters into force on 1 July 2011, the provisions on mother tongue tuition will be transferred from an ordinance to a law. The same rights for tuition have been in force for all the national minority languages since 1 July 2008. In contrast to mother tongue tuition in other languages, there is now no requirement for a minimum of five pupils in the municipality to request tuition in a minority language. The requirement for

the language to be a daily means of interaction in the home has also been removed. The limitation of a maximum of seven years of tuition has likewise been removed for all minority languages.

At the meeting on this report to which the Government invited representatives of the national minorities, it was argued that more information needs to be given to the municipalities on the right to mother tongue tuition and that it is often a matter of recapturing a language and that the national minority languages are therefore in practice to be regarded as languages learnt from scratch.

Mother tongue tuition can be arranged as language option, pupil's option, school option or outside the timetable. If a minority language is studied as a language option according to the modern languages curriculum, the pupil can anticipate the same qualification value for the minority language as for any other modern language. Pupils who are in school grade 6 in the current academic year will be the first ones to be able receive extra credits for their grades in modern languages when they apply to upper secondary school in the autumn term of 2014.

The Sami Education Board's appropriations for integrated Sami tuition were raised by SEK 1 million with effect from 2010 to improve the opportunities for Sami children to acquire the language.

With effect from the autumn of 2011, authorities responsible for school grades 7–9 are allowed to offer teaching in a new subject: Jewish studies. This special education is aimed at improving the opportunities of pupils in nine-year compulsory school who belong to the national minority of Jews to deepen their knowledge of the culture, history, traditions and religion of their minority. The pupils are also to be offered tuition in Hebrew and Yiddish as language options.

The Swedish Schools Inspectorate has been tasked by the Government with reviewing how the responsible authorities provide information on the right to, and fulfil their obligation to, offer mother tongue tuition in the minority languages in accordance with the provisions of the Compulsory School Ordinance (1994:1194), the Upper Secondary School Ordinance (1992:394), the European Charter for Regional or Minority Languages and this Framework Convention. The remit also includes reviewing bilingual tuition in minority languages which is carried out in accordance with Chapter 2 Section 7 of the Compulsory School Ordinance. The report is due to be submitted to the Swedish Government Offices with a deadline of 1 March 2012.

#### **ARTICLE 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

Through its commitment to gender equality work among the national minorities over the period 2008–2010, the Government wanted to contribute to creating equal opportunities for women and men to participate in community life. In addition, there is a government grant to the organisations of national minorities. A total of SEK 4.6 million was disbursed in

government grants in 2010 to five organisations which represent national minorities other than Sami. At the Government's meeting with representatives of the national minorities ahead of this report, the Roma representatives, for example, particularly stressed the significance of gender equality. Grants to Sami organisations to support activity in the area of minority policy are disbursed by the Sami Parliament. The grant for 2009 and 2010 totalled SEK 200 000, as it does for 2011.

### *Participation in cultural life*

The national minorities have rich cultures, which often find expression in a wide variety of artistic activities. This helps to preserve and develop the minority cultures in Sweden as well as enriching cultural activity in general. For further information on this, see under Article 5.

The Delegation for Roma Issues has submitted proposals on ways in which the prospects of Roma participating in society can be improved in its report *Rights of Roma – A Strategy for Roma in Sweden*. The opportunities for the national minorities to exert influence have been improved through the minority policy strategy – see Part 1 above.

The Living History Forum is to investigate, on the basis of the report *Rights of Roma - A Strategy for Roma in Sweden* (SOU 2010:55), how the position of Roma culture and language can be strengthened, as mentioned. The Living History Forum is to consult concerned organisations and institutions in carrying out this task. The proposals presented by the investigation are to fall within the existing appropriations of relevant organisations and institutions. The Living History Forum is due to report on its remit to the Swedish Government Offices (Ministry of Culture) with a deadline of 1 November 2011.

### *Participation in political life*

The Sami Parliament and the Government have regular contacts to discuss current issues. This takes place partly through regular contacts with the Swedish Government Offices and partly through an annual authority dialogue in which issues relating to finance, staff, organisation and work tasks are discussed. In addition, the minister responsible for Sami affairs and representatives of the Sami parties continue to hold annual deliberations on current issues. There is an Interdepartmental Working Group for Sami Policy (IDA) in the Swedish Government Offices comprising officials from the ministries concerned. The IDA group discusses current issues, and the Board of the Sami Parliament has been invited at regular intervals for a dialogue with the working group.

As for the rest of society, it is important for the Sami to experience participation and to feel that they have the potential to influence both the development of society and their own culture. These were some of the reasons why the democratically elected Sami Parliament was established in 1993. Electoral turn-out at Sami Parliament elections indicates, as in other elections, the degree of legitimacy in the political system. To be eligible to vote, a person must be enrolled in the Sami Parliament's electoral register. It was stated in the previous report that electoral turn-out had risen at the 2005 election (63 per cent turn-out) but that this nevertheless signified a decline from the first selection in 1993 (72 per cent turn-out). At the most recent election in 2009 the electoral turn-out was lower, at just over 59 per cent. However, the trend in the number of people enrolled in the electoral register is positive. This indicates that the legitimacy among the Sami population is likely to be unchanged.

As already mentioned under Recommendation 2, the minister responsible for minority policy holds annual consultative meetings with representatives of the national minorities. Special funds for consultation in the administrative areas are also provided to the organisations of the national minorities.

An example which was highlighted and attracted interest at the Government's meeting with representatives of the national minorities prior to the compilation of this report was activity at the Roma Information and Knowledge Centre in Malmö. The Centre's aspiration is to contribute to the application of public statements of position – moving from theory and rhetoric to practice. The task is to increase the level of participation of Roma in society and contribute to implementation of the Framework Convention. The Municipality of Malmö is the authority responsible for the Centre, and the Centre's work is based on three sources: the Roma people's own experiences, the Framework Convention and relevant Government bills and research. Major issues relating to how the advice in the Framework Convention on participation can be organisationally implemented and how the commitments Sweden has made can be met at the municipal level have emerged from the Centre's work. The Roma representatives at the meeting, and also other participants, argued that it is now time to discuss practical solutions and ways in which the empowerment of the national minorities can be strengthened.

#### ARTICLE 16

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

No changes have taken place in Swedish law within the scope of this article, and Sweden therefore refers in relation to this aspect to the first report under the Framework Convention.

#### ARTICLE 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

The purpose of the convention signed by Sweden and Norway on cross-border reindeer herding is to promote and develop cooperation between the countries, Sami villages and reindeer grazing districts and individual reindeer herders. The purpose of this is to ensure that reindeer grazing is utilised in a way that provides a long-term basis for ecologically, economically and culturally sustainable reindeer herding in both countries. Sami villages and reindeer grazing districts may enter into agreements on cooperation beyond that enshrined in the Convention. A legally binding judgement on the right to reindeer grazing takes precedence over the provisions of the Convention. As reported on the previous occasion,

the Sami Parliament still has cross-border cooperation relating to the Sami in Sweden, Norway and Finland through the Sami Parliamentary Council. Within the framework of the European Structural Funds, sub-programmes have been created during this programme period to promote cooperation between the Sami on different sides of the national border. The programme period runs from 2007 to 2013.

#### **ARTICLE 18**

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**
  
- 2. Where relevant, the Parties shall take measures to encourage transfrontier cooperation.**

There has been a working group of civil servants responsible for national minority issues in Sweden and Finland, the Finnish-Swedish Working Group for Minority and Minority Language Issues, since 2001. This working group is focused on issues concerned with the position of Finnish in Sweden and the position of Swedish in Finland, as well as other common minority policy issues.

Work aimed at deepening cooperation among the other Nordic countries on minority issues is also in progress. This cooperation is principally concerned with exchange of experience at civil-servant level, but there are also study visits at ministerial level.

In 2002, the Nordic ministers responsible for Sami affairs and the Nordic Presidents of the Sami Parliaments appointed a group of experts with the task of drawing up a draft Nordic Sami convention. This group presented its proposal in November 2005. Legal inquiries and impact assessments have since been carried out, as well as negotiations on the arrangements prior to the real negotiations. At a meeting between the ministers responsible for Sami affairs and the Presidents of the Sami Parliaments in November 2010 it was decided that national negotiating delegations should be appointed and that negotiations should then be initiated with the draft convention text as a framework. National negotiating delegations have since been appointed. The objective on the Swedish side is for the negotiations to be concluded within the specified time of five years.

## Appendices

### National Legislation

This appendix contains excerpts from legislation which is mentioned in this report and has not been addressed in the previous reports.

#### The Instrument of Government (excerpts)

##### Chapter 1. Basic principles of the form of government

Art. 2. Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual.

The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, the public institutions shall secure the right to employment, housing and education, and shall promote social care and social security, as well as favourable conditions for good health.

The public institutions shall promote sustainable development leading to a good environment for present and future generations.

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of the individual.

The public institutions shall promote the opportunity for all to attain participation and equality in society and for the rights of the child to be safeguarded. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, disability, sexual orientation, age or other circumstance affecting the individual.

The opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted.

Art. 9. Courts of law, administrative authorities and others performing public administration functions shall pay regard in their work to the equality of all before the law and shall observe objectivity and impartiality.

##### Chapter 2. Fundamental rights and freedoms

Art. 1. Everyone shall be guaranteed the following rights and freedoms in his or her relations with the public institutions

1. freedom of expression: that is, the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;
2. freedom of information: that is, the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;
3. freedom of assembly: that is, the freedom to organise or attend meetings for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;

4. freedom to demonstrate: that is, the freedom to organise or take part in demonstrations in a public place;
5. freedom of association: that is, the freedom to associate with others for public or private purposes; and
6. freedom of worship: that is, the freedom to practise one's religion alone or in the company of others.

The provisions of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression shall apply concerning the freedom of the press and the corresponding freedom of expression on sound radio, television and certain similar transmissions, as well as in films, video recordings, sound recordings and other technical recordings.

The Freedom of the Press Act also contains provisions concerning the right of access to official documents.

Art. 12. No act of law or other provision may imply the unfavourable treatment of anyone because they belong to a minority group by reason of ethnic origin, colour, or other similar circumstances or on account of their sexual orientation.

#### Chapter 11. Administration of justice

Art. 14. If a court finds that a provision conflicts with a rule of fundamental law or other superior statute, the provision shall not be applied. The same applies if a procedure laid down in law has been disregarded in any important respect when the provision was made.

In the case of review of an act of law under paragraph one, particular attention must be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

#### Chapter 12. Administration

Art. 10. If a court finds that a provision conflicts with a rule of fundamental law or other superior statute, the provision shall not be applied. The same applies if a procedure laid down in law has been disregarded in any important respect when the provision was made.

In the case of review of an act of law under paragraph one, particular attention must be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

## **Act (2009:724) on National Minorities and National Minority Languages**

### **General provisions**

#### Section 1 /Ceases to apply: 1 July 2011/

This Act contains provisions on national minorities, national minority languages, administrative areas and the right to use minority languages in administrative authorities and courts, as well as provisions on certain obligations within pre-school activities and elderly care. The Act also contains provisions regarding the following-up of the application of the Act.

#### Section 1 /Enters into force: 1 July 2011/

This Act contains provisions on national minorities, national minority languages, administrative areas and the right to use minority languages in administrative authorities and courts, and provisions on certain obligations within pre-schools such as the pedagogical operations referred to in Chapter 25 of the Education Act (2010:800) which supplement, or are offered instead of, pre-school or elderly care. The Act also contains provisions regarding the following-up of the application of the Act. Act (2010:865).

#### Section 2

National minorities, according to Sweden's undertaking within the Council of Europe's Framework Convention for the Protection of National Minorities (SÖ 2000:2) and the European Charter for Regional or Minority Languages (SÖ 2000:3), are Jews, Roma, Sami, Sweden Finns and Tornedalers.

In the Language Act (2009:600), it is stated that the national minority languages are Finnish, Yiddish, Meänkieli, Romani Chib and Sami.

#### Section 3

When needed, administrative authorities shall, in a suitable manner, inform the national minorities about their rights according to this Act.

#### Section 4

In the Language Act (2009:600), it is stated that public institutions has a special responsibility for protecting and promoting the national minority languages.

Public institutions shall also otherwise promote the national minorities' possibilities of maintaining and developing their cultures in Sweden. Particular attention shall be given to promoting opportunities for children to develop their cultural identity and the use of their own minority language.

#### Section 5

Administrative authorities shall give the national minorities the opportunity to influence matters which concern them and shall, as far as is possible, consult with representatives for the minorities in such matters.



## Administrative areas

### Section 6

The administrative area for Finnish includes the municipalities of Botkyrka, Eskilstuna, Gällivare, Hallstahammar, Haninge, Haparanda, Huddinge, Håbo, Kiruna, Köping, Pajala, Sigtuna, Solna, Stockholm, Södertälje, Tierp, Upplands Väsby, Upplands-Bro, Uppsala, Älvkarleby, Österåker, Östhammar and Övertorneå.

The administrative area for Meänkieli includes the municipalities of Gällivare, Haparanda, Kiruna, Pajala, and Övertorneå.

The administrative area for Sami includes the municipalities of Arjeplog, Arvidsjaur, Berg, Gällivare, Härjedalen, Jokkmokk, Kiruna, Lycksele, Malå, Sorsele, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Älvdalen and Östersund.

### Section 7

Other municipalities than those indicated in section 6 can after application be included in the administrative areas for Finnish, Meänkieli or Sami. The decision that a municipality shall be included in an administrative area is made by the government. The government may issue regulations concerning such a voluntary inclusion in an administrative area.

## The right to use Finnish, Meänkieli and Sami in contacts with authorities

### Section 8

A person shall have the right to use Finnish, Meänkieli or the Sami language in oral and written dealings with an administrative authority the geographical sphere of activity of which coincides completely or partly with the administrative area of the minority language. This applies in matters in which the individual is a party or the representative of a party, if the matter is related to the administrative area.

If a person uses Finnish, Meänkieli or the Sami language in such a matter, the authority is obliged to give an oral answer in the same language. In addition, a person who lacks legal assistance shall have the right, on request, to receive a written translation into Finnish, Meänkieli or the Sami language of the decision and rationale for the decision in the matter.

The authority shall otherwise also strive to use in these languages when dealing with such a person.

### Section 9

Outside an administrative area, an individual person shall have the right to use Finnish, Meänkieli or the Sami language in oral and written contacts in the matters at the administrative authority of which the individual is a party or the representative of a party, if the matter can be handled by staff who are proficient in the minority language.

### Section 10

An individual always has the right to use Finnish or Sami in written dealings with a Parliamentary Ombudsman. The same applies to any written contact which an individual

may have with the Chancellor of Justice, the Social Insurance Office, the Swedish National Tax Board or the Discrimination Ombudsman in matters in which the individual is a party or the representative of a party.

#### Section 11

The administrative authorities shall strive to ensure that there is access to staff with a knowledge of Finnish, Meänkieli or Sami, where this is necessary in contacts of individuals with the authority.

#### Section 12

The administrative authorities may establish special times and a special place for receiving visits of individuals who speak Finnish, Meänkieli or Sami, and may also have special telephone hours.

### **The right to use Finnish, Meänkieli or Sami in courts**

#### Section 13 /Ceases to apply: 2 May 2011/

A person who is a party or the representative of a party in a case or matter at an Administrative Court, District Court, Property Court, Environmental Court or Maritime Court with a legal jurisdiction which completely or partly coincides with the municipalities of Gällivare, Haparanda, Kiruna, Pajala, and Övertorneå, has the right to use Finnish or Meänkieli in the administration of the case or matter, if the case or matter has a connection to any of these municipalities. The same applies with regard to Sami at any such Court of Law with a jurisdiction which completely or partly coincides with the municipalities of Arjeplog, Gällivare, Jokkmokk or Kiruna, if the case or matter has a connection to any of these municipalities.

The right to use Finnish, Meänkieli or Sami also includes the Court which hears an appeal against a judgment or a decision in a case or matter referred to in the first paragraph. Act (2009:857).

#### Section 13 /Enters into force: 2 May 2011/

A person who is a party or the representative of a party in a case or matter at an Administrative Court, District Court, Environmental and Land Court or Maritime Court with a legal jurisdiction which completely or partly coincides with the municipalities of Gällivare, Haparanda, Kiruna, Pajala, and Övertorneå, has the right to use Finnish or Meänkieli in the administration of the case or matter, if the case or matter has a connection to any of these municipalities. The same applies with regard to Sami at any such Court of Law with a jurisdiction which completely or partly coincides with the municipalities of Arjeplog, Gällivare, Jokkmokk or Kiruna, if the case or matter has a connection to any of these municipalities.

The right to use Finnish, Meänkieli or Sami also includes the Court which hears an appeal against a judgment or a decision in a case or matter referred to in the first paragraph. Act (2010:943).

#### Section 14

The right to use Finnish, Meänkieli or Sami in cases or matters in the Courts of Law indicated in section 13 also includes the right to submit documents and written evidence in these languages, the right to have documents which belong to the case or matter orally translated to this language, and the right to speak this language in an oral hearing before the court. The court shall translate documents and written argumentation into Swedish, unless this is obviously unnecessary.

The Court shall also otherwise strive to use the minority language in its contacts with the parties or their representatives.

In all cases and matters which are covered by the right to use Finnish, Meänkieli or the Sami language in the Courts of Law indicated in section 13, the party or representative of a party who lacks legal assistance shall have the right, on request, to have the judgment and court findings or decision and decision motivation translated in writing to the appropriate language.

#### Section 15

A person who wishes to use Finnish, Meänkieli or the Sami language in the handling of a case or a matter at a Court of Law indicated in section 13 shall request this when the case or the matter is started or on the first occasion when the party is to make a statement in the matter.

The request to receive a translation in accordance with section 14 third paragraph shall be brought forward within one week from the day when the judgment or decision was pronounced, if such a request has not been made earlier in the handling of the case or matter.

If the request to use a minority language or to receive a translation is brought forward later than is indicated in the first and second paragraphs, it may be rejected. Such a request may also be rejected if it is obvious that it has an improper purpose.

#### Section 16

If a party or the representative of a party has the right to use Finnish, Meänkieli or Sami in a trial, an interpreter shall be appointed in accordance with the provisions in Chapter 5 sections 6-8 and Chapter 33 section 9 of the Code of Judicial Procedure and sections 50-52 of the Administrative Court Procedure Act (1971:291).

**Finnish, Meänkieli and Sami pre-school activities and the care of the elderly** /The heading ceases to apply: 1 July 2011/

#### Section 17 /Ceases to apply: 1 July 2011/

When a municipal authority in an administrative region offers a place in the pre-school activity in accordance with Chapter 2 sections 1 and 7 of the School Act (1985:1100), the municipal authority shall offer a child whose parents or guardians so request a place in the pre-school activity where the whole or a part of the activity is carried out in Finnish, Meänkieli or Sami as appropriate.

**Finnish, Meänkieli and Sami in pre-schools, certain other pedagogical activities and elderly care** /The heading enters into force: 1 July 2011/

Section 17 /Enters into force: 1 July 2011/

When a municipal authority in an administrative area offers a place in the pre-school or such pedagogical operations which are referred to in Chapter 25 of the Education Act (2010:800) which supplement or are offered instead of pre-school, the municipal authority shall offer a child whose parents or guardians so request a place in the pre-school activity where the whole or a part of the activity is carried out in Finnish, Meänkieli or Sami as appropriate. Act (2010:865).

Section 18

The municipal authority shall offer a person who so requests the possibility of receiving the whole or a part of the service and care which is offered within the framework of the care of the elderly by staff who have a command of Finnish, Meänkieli or Sami. The same applies for municipalities outside an administrative area if the municipal authority have access to staff who are proficient in the language as appropriate.

### Exceptions

Section 19

If there are special reasons, the government may issue provisions that an authority under the jurisdiction of the government may be exempted from the application of section 8. The same applies after the government's authorization for the County Council and Municipal Authority with respect to the municipal authorities.

### Follow-up etc

Section 20

The administrative authorities' application of this act shall be followed up. The government shall issue ordinances regarding the authority(ies) responsible for the follow-up. This follow-up responsibility implies no restriction in the supervisory responsibility which may rest with other authorities.

Section 21

In addition, an authority with a follow-up responsibility shall, through an advisory service, information and similar activities, assist other administrative authorities in the application of the Act.

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Enters into force on 1 January 2010

## **Language Act (2009:600)**

### **Contents and purpose of the Act**

#### **Section 1**

This Act contains provisions on the Swedish language, the national minority languages and Swedish sign language. The Act also contains provisions on the responsibility of the public sector to ensure that the individual is given access to language and on the use of language in the public sector and in international contexts.

#### **Section 2**

The purpose of the Act is to specify the position and usage of the Swedish language and other languages in Swedish society. The Act is also intended to protect the Swedish language and language diversity in Sweden, and the individual's access to language.

#### **Section 3**

If another act or ordinance contains a provision that diverges from this Act, that provision applies.

### **The Swedish language**

#### **Section 4**

Swedish is the principal language in Sweden.

#### **Section 5**

As principal language, Swedish is the common language in society that everyone resident in Sweden is to have access to and that is to be usable in all areas of society.

#### **Section 6**

The public sector has a particular responsibility for the use and development of Swedish.

### **The national minority languages**

#### **Section 7**

The national minority languages are Finnish, Yiddish, Meänkieli, Romani Chib and Sami.

#### **Section 8**

The public sector has a particular responsibility to protect and promote the national minority languages.

## Swedish sign language

### Section 9

The public sector has a particular responsibility to protect and promote Swedish sign language.

## The use of language in the public sector

### Section 10

The language of the courts, administrative authorities and other bodies that perform tasks in the public sector is Swedish.

Other legislation contains provisions on the right to use national minority languages and other Nordic languages.

There are separate provisions concerning the obligation of courts and administrative authorities to use interpreters and to translate documents.

### Section 11

The language of the public sector is to be cultivated, simple and comprehensible.

### Section 12

Government agencies have a special responsibility for ensuring that Swedish terminology in their various areas of expertise is accessible, and that it is used and developed.

## Swedish in international contexts

### Section 13

Swedish is the official language of Sweden in international contexts.  
The status of Swedish as an official EU language is to be safeguarded.

## Individuals' access to language

### Section 14

All residents of Sweden are to be given the opportunity to learn, develop and use Swedish. In addition

1. persons belonging to a national minority are to be given the opportunity to learn, develop and use the minority language, and
  2. persons who are deaf or hard of hearing, and persons who, for other reasons, require sign language, are to be given the opportunity to learn, develop and use Swedish sign language.
- Persons whose mother tongue is not one of the languages specified in the first paragraph are to be given the opportunity to develop and use their mother tongue.

### Section 15

The public sector is responsible for ensuring that the individual is given access to language in accordance with Section 14

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Enters into force on 1 July 2009.

## **Discrimination Act (2008:567)**

### **Chapter 1. Introductory provisions**

#### **The purpose of the Act**

##### Section 1

The purpose of this Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

#### **The contents of the Act**

##### Section 2

The first chapter of the Act contains definitions and other introductory provisions. The second chapter contains provisions on prohibitions against discrimination and reprisals. The third chapter contains provisions on active measures. The fourth chapter contains provisions on supervision. The fifth chapter contains provisions on compensation and invalidity. The sixth chapter contains provisions on legal proceedings.

#### **The Act is binding**

##### Section 3

A contract or agreement that restricts someone's rights or obligations under this Act is of no legal effect in that regard.

#### **Discrimination**

##### Section 4

In this Act discrimination has the meaning set out in this Section.

1. Direct discrimination: that someone is disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.
2. Indirect discrimination: that someone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people of a certain sex, a certain transgender identity or expression, a certain ethnicity, a certain religion or other belief, a certain disability, a certain sexual orientation or a certain age at a particular disadvantage, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.
3. Harassment: conduct that violates a person's dignity and that is associated with one of the grounds of discrimination sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.
4. Sexual harassment: conduct of a sexual nature that violates someone's dignity.
5. Instructions to discriminate: orders or instructions to discriminate against someone in a manner referred to in points 1–4 that are given to someone who is in a subordinate or

dependent position relative to the person who gives the orders or instructions or to someone who has committed herself or himself to performing an assignment for that person.

Sex, transgender identity or expression, ethnicity, disability, sexual orientation and age

#### Section 5

In this Act the following terms have the meaning set out in this Section.

1. Sex: that someone is a woman or a man.
2. Transgender identity or expression: that someone does not identify herself or himself as a woman or a man or expresses by their manner of dressing or in some other way that they belong to another sex.
3. Ethnicity: national or ethnic origin, skin colour or other similar circumstance.
4. Disability: permanent physical, mental or intellectual limitation of a person's functional capacity that as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.
5. Sexual orientation: homosexual, bisexual or heterosexual orientation.
6. Age: length of life to date.

A person who intends to change or has changed the sex they belong to is also covered by sex as a grounds of discrimination.

## Chapter 2. Prohibition of discrimination and reprisals

### Working life

#### Prohibition of discrimination

##### Section 1

An employer may not discriminate against a person who, with respect to the employer,

1. is an employee,
2. is enquiring about or applying for work,
3. is applying for or carrying out a traineeship, or
4. is available to perform work or is performing work as temporary or borrowed labour.

The prohibition of discrimination also applies in cases where the employer, by taking reasonable support and adaptation measures, can see to it that an employee, a job applicant or a trainee with a disability is put in a comparable situation to people without such a disability.

A person who has the right to make decisions on the employer's behalf in matters concerning someone referred to in the first paragraph shall be equated with the employer.

##### Section 2

The prohibition in Section 1 does not prevent

1. differential treatment based on a characteristic associated with one of the grounds of discrimination if, when a decision is made on employment, promotion or education or training for promotion, by reason of the nature of the work or the context in which the work is carried out, the characteristic constitutes a genuine and determining occupational



- requirement that has a legitimate purpose and the requirement is appropriate and necessary to achieve that purpose,
2. measures that contribute to efforts to promote equality between women and men and that concern matters other than pay or other terms of employment,
  3. the application of age limits with regard to the right to pension, survivor's or invalidity benefits in individual contracts or collective agreements, or
  4. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

### **Obligation to investigate and take measures against harassment**

#### **Section 3**

If an employer becomes aware that an employee considers that he or she has been subjected in connection with work to harassment or sexual harassment by someone performing work or carrying out a traineeship at the employer's establishment, the employer is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future.

This obligation also applies with respect to a person carrying out a traineeship or performing work as temporary or borrowed labour.

### **Information about qualifications**

#### **Section 4**

If a job applicant has not been employed or selected for an employment interview, or if an employee has not been promoted or selected for education or training for promotion, the applicant shall, upon request, receive written information from the employer about the education, professional experience and other qualifications that the person had who was selected for the employment interview or who obtained the job or the place in education or training.

### **Education**

#### **Prohibition of discrimination**

##### **Section 5/ Ceases to apply 1 July 2011/**

A natural or legal person conducting activities referred to in the Education Act (1985:1100) or other educational activities (an education provider) may not discriminate against any child, pupil or student participating in or applying for the activities. Employees and contractors engaged in the activities shall be equated with the education provider when they are acting within the context of their employment or contract.

The prohibition of discrimination also applies in cases where an education provider, by taking reasonable measures regarding the accessibility and usability of the premises, can see to it that a person with a disability who is applying or has been accepted for education under the Higher Education Act (1992:1434) or for education that can lead to a qualification under the Act concerning authority to award certain qualifications (1993:792), is put in a comparable situation to people without such a disability.

Section 5 /Enters into force: 1 July 2011/

A natural or legal person conducting activities referred to in the Education Act (2010:800) or other educational activities (an education provider) may not discriminate against any child, pupil or student participating in or applying for the activities. Employees and contractors engaged in the activities shall be equated with the education provider when they are acting within the context of their employment or contract.

The prohibition of discrimination also applies in cases where an education provider, by taking reasonable measures regarding the accessibility and usability of the premises, can see to it that a person with a disability who is applying or has been accepted for education under the Higher Education Act (1992:1434) or for education that can lead to a qualification under the Act concerning authority to award certain qualifications (1993:792), is put in a comparable situation to people without such a disability. (Act 2010:861).

Section 6 / Ceases to apply: 1 July 2011/

The prohibition in Section 5 does not prevent

1. measures that contribute to efforts to promote equality between women and men in admissions to education other than that referred to in the Education Act (1985:1100),
2. the application of provisions that take account of age with regard to pre-school activities, school-age childcare, education in a pre-school class, the compulsory school system or an independent school equivalent to compulsory school, special needs school for pupils with learning disabilities or special school for children with disabilities, or
3. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Nor does the prohibition prevent a folk high school or a study association from taking measures that contribute to efforts to promote equal rights and opportunities regardless of ethnicity, religion or other belief.

Section 6 /Enters into force: 1 July 2011/

The prohibition in Section 5 does not prevent:

1. measures that contribute to efforts to promote equality between women and men in admissions to education other than that referred to in the Education Act (2010:800),
2. the application of provisions that take account of age with regard to pre-school activities, education in a pre-school class, nine-year compulsory school, compulsory education for pupils with learning disabilities, Sami schools, special schools primarily for pupils with impaired hearing or leisure-time centre (for school children), or such pedagogical operations which are referred to in Chapter 25 of the Education Act or,
3. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Nor does the prohibition prevent a folk high school or a study association from taking measures that contribute to efforts to promote equal rights and opportunities regardless of ethnicity, religion or other belief. (Act 2010:861).

## **Obligation to investigate and take measures against harassment**

### Section 7

If an education provider becomes aware that a child, pupil or student participating in or applying for the provider's activities considers that he or she has been subjected in connection with these activities to harassment or sexual harassment, the education provider is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future.

## **Information about qualifications**

### Section 8

If an applicant has been refused admission to an educational programme, or has not been selected for a test or interview if such a procedure is used in the admissions process, the applicant shall, upon request, receive written information from the education provider about the education or other qualifications that the person had who was admitted to the educational programme or who was selected for the test or interview.

## **Labour market policy activities and employment services not under public contract**

### Section 9

Discrimination against applicants or employees is prohibited with regard to labour market policy activities and employment services not under public contract.

However, this prohibition does not prevent

1. measures that contribute to efforts to promote equality between women and men or equal rights and opportunities regardless of ethnicity, or
2. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

## **Starting or running a business and professional recognition**

### Section 10

Discrimination is prohibited with regard to

1. financial support, permits, registration or similar arrangements that are needed or can be important for someone to be able to start or run a business, and
2. recognition, certification, authorisation, registration, approval or similar arrangements that are needed or can be important for someone to be able to exercise a certain profession.

These prohibitions do not prevent differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

Nor does the prohibition in the first paragraph, point 1 prevent measures concerning support that contributes to efforts to promote equality between women and men or equal rights and opportunities regardless of ethnicity.

## **Membership of certain organisations**

### Section 11

Discrimination is prohibited with regard to

1. membership of or participation in an employees' organisation, employers' organisation or professional organisation, and
2. benefits that any such organisation provides to its members.

This prohibition does not prevent an organisation from providing benefits to members of one sex so as to contribute to efforts to promote equality between women and men.

## **Goods, services and housing etc.**

### Section 12

Discrimination is prohibited on the part of a natural or legal person who

1. supplies goods, services or housing to the general public, outside the private and family sphere, or
2. organises a meeting or event that is open to the public.

A person who represents a person referred to in the first paragraph in relation to the public, shall be equated with that person.

However, this prohibition does not apply to discrimination associated with age. The prohibition of discrimination associated with sex does not apply to the supplying of insurance services, nor does it prevent women and men being treated differently with regard to other services or housing if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

## **Health and medical care and social services etc.**

### Section 13

Discrimination is prohibited with regard to

1. health and medical care and other medical services, and
2. social services activities and support in the form of special transport services and national special transport services and housing adaptation allowances.

However, these prohibitions do not apply to discrimination associated with age.

The prohibitions applying to health and medical care and other medical services or social services activities do not prevent women and men being treated differently if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

## **Social insurance system, unemployment insurance and financial aid for studies**

### Section 14

Discrimination is prohibited with regard to

1. social insurance and related benefit systems,

2. unemployment insurance, and
3. state financial aid for studies.

However, these prohibitions do not apply to discrimination associated with age.

With regard to social insurance and related benefit systems, the prohibition of discrimination associated with sex does not prevent the application of provisions concerning widow's pension, wife's supplement or payment of child allowance.

**National military service and civilian service** /The heading ceases to apply: 1 July 2010/

**National military service and civilian service and other equivalent military training within the Swedish Armed Forces** /The heading enters into force: 1 July 2010/

### **Prohibition of discrimination**

Section 15 /Ceases to apply: 1 July 2011/

Discrimination is prohibited in connection with enrolment inspection, admission tests or other examination of personal circumstances under the National Total Defence Service Act (1994:1809) and in connection with enlistment for and during the performance of national military service or civilian service.

However, this prohibition does not apply to discrimination associated with age.

Nor does the prohibition prevent the application of provisions concerning

1. the obligation for men only to report for enrolment inspection and service, or that a person liable for national total defence service shall not be called for enrolment inspection or called up for national military service or civilian service if he or she refers to her or his membership of a certain religious association, or
2. the opportunity for women to perform national military service or civilian service provided in the Act concerning Opportunities for Women to perform National Military Service or Civilian Service involving extended Basic Training (1994:1810).

Section 15 /Enters into force: 1 July 2010/

Discrimination is prohibited

1. in connection with enrolment inspection or other examination of personal circumstances under the National Total Defence Service Act (1994:1809) and in connection with enlistment for and during the performance of national military service or civilian service, and
2. in connection with admission test for and during the performance of other equivalent military training within the Swedish Armed Forces.

However, this prohibition does not apply to discrimination associated with age.

Nor does the prohibition prevent the application of provisions concerning the obligation that a person liable for national total defence service shall not be called for enrolment inspection or called up for national military service or civilian service if he or she refers to his or her membership of a certain religious association (Act 2010:464).

### **Obligation to investigate and take measures against harassment**

Section 16/ Ceases to apply: 1 July 2011/

If a government agency or an organisation covered by the prohibition in Section 15 becomes aware that a person liable for national total defence service considers herself or himself to have been subjected in connection with activities described in that Section to harassment or sexual harassment, the government agency or organisation is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future.

However, the first paragraph does not apply to harassment associated with age.

### **Obligation to investigate and take measures against harassment**

Section 16 /Enters into force: 1 July 2010/

If a government agency or an organisation covered by the prohibition in Section 15 becomes aware that a person applying for or participating in training or other activities which are stated in the provision considers herself or himself to have been subjected to harassment or sexual harassment, the government agency or organisation is obliged to investigate the circumstances surrounding the alleged harassment and where appropriate take the measures that can reasonably be demanded to prevent harassment in the future.

However, the first paragraph does not apply to harassment associated with age. Act (2010:464).

### **Public employment**

Section 17

Discrimination is also prohibited in cases other than those referred to in Section 5 or Sections 9–15 when a person who is wholly or partly subject to the Public Employment Act (1994:260)

1. assists the public by providing information, guidance, advice or other such help, or
2. has other types of contacts with the public in the course of her or his employment.

However, this prohibition does not apply to discrimination associated with age.

### **Prohibition of reprisals**

Section 18

An employer may not subject an employee to reprisals because the employee has

1. reported or called attention to the fact that the employer has acted contrary to this Act,
2. participated in an investigation under this Act, or
3. rejected or given in to harassment or sexual harassment on the part of the employer.

The prohibition also applies in relation to a person who, with respect to the employer,

1. is enquiring about or applying for work,
2. is applying for or carrying out a traineeship, or

3. is available to perform work or is performing work as temporary or borrowed labour.

A person who has the right to make decisions on the employer's behalf in matters concerning someone referred to in the first or second paragraph shall be equated with the employer.

#### Section 19

A person who is alleged to have acted contrary to the provisions of Chapter 2, Section 5, 7, 9, 10, 11, 12, 13, 14, 15, 16 or 17 or Chapter 3, Section 15 or 16 may not subject an individual to reprisals because that individual has

1. reported or called attention to such actions,
2. participated in an investigation under this Act, or
3. rejected or given in to harassment or sexual harassment on the part of the person who is alleged to have engaged in discrimination.

### Chapter 3. Active measures

#### Working life

##### Cooperation between employers and employees

#### Section 1

Employers and employees are to cooperate on active measures to bring about equal rights and opportunities in working life regardless of sex, ethnicity, religion or other belief, and in particular to combat discrimination in working life on such grounds.

#### Section 2

Employers and employees are in particular to endeavour to equalise and prevent differences in pay and other terms of employment between women and men who perform work which is to be regarded as equal or of equal value. They are also to promote equal pay growth opportunities for women and men.

Work is to be regarded as of equal value to other work if, on an overall assessment of the requirements and nature of the work, it can be deemed to be equal in value to the other work. The assessment of the requirements of the work is to take into account criteria such as knowledge and skills, responsibility and effort. In assessing the nature of the work, particular account is to be taken of working conditions.

##### Goal-oriented work

#### Section 3

Within the framework of their activities, employers are to conduct goal-oriented work to actively promote equal rights and opportunities in working life regardless of sex, ethnicity, religion or other belief.

More detailed regulations on the obligations of employers are provided in Sections 4–13.

#### Working conditions

#### Section 4

Employers are to implement such measures as can be required in view of their resources and other circumstances to ensure that the working conditions are suitable for all employees regardless of sex, ethnicity, religion or other belief.

#### Section 5

Employers are to help enable both female and male employees to combine employment and parenthood.

#### Section 6

Employers are to take measures to prevent and hinder any employee being subjected to harassment or reprisals associated with sex, ethnicity, religion or other belief, or to sexual harassment.

### **Recruitment**

#### Section 7

Employers are to work to ensure that people have the opportunity to apply for vacant positions regardless of sex, ethnicity, religion or other belief.

#### Section 8

Employers are to promote an equal distribution of women and men in different types of work and in different employee categories, by means of education and training, skills development and other appropriate measures.

#### Section 9

When the distribution of women and men is not more or less equal in a certain type of work or in a certain employee category at a place of work, the employer is to make a special effort when recruiting new employees to attract applicants of the under-represented sex. The employer is to attempt to see to it that the proportion of employees from the under-represented sex gradually increases.

However, the first paragraph shall not be applicable if there are special grounds not to take such measures or if the measures cannot reasonably be required in view of the employer's resources and other circumstances.

### **Matters of pay**

#### Section 10

In order to discover, remedy and prevent unfair gender differences in pay and other terms of employment, every three years the employer is to survey and analyse

- provisions and practices regarding pay and other terms of employment that are used at the employer's establishment, and
- pay differences between women and men performing work that is to be regarded as equal or of equal value.



The employer is to assess whether existing pay differences are directly or indirectly associated with sex. The assessment is to refer in particular to differences between

- women and men performing work that is to be regarded as equal, and
- groups of employees performing work that is or is generally considered to be dominated by women and groups of employees performing work that is to be regarded as of equal value to such work but is not or is not generally considered to be dominated by women.

#### Section 11

Every three years employers are to draw up an action plan for equal pay in which they report the results of the survey and analysis described in Section 10. The plan is to indicate the pay adjustments and other measures that need to be taken to bring about equal pay for work that is to be regarded as equal or of equal value. The plan is to contain a cost estimate and a time plan based on the goal of implementing the necessary pay adjustments as soon as possible and within three years at the latest.

A report on and evaluation of how the planned measures were implemented is to be included in the next action plan.

The obligation to draw up an action plan for equal pay does not apply to employers who employed fewer than 25 employees at the start of the latest calendar year.

#### Section 12

Employers are to provide employees' organisations with respect to which they are bound by a collective agreement with the information needed for the organisations to be able to cooperate in the survey, analysis and drawing up of an action plan for equal pay.

If the information concerns data on pay or other circumstances that relate to an individual employee, the rules on confidentiality and damages contained in Sections 21, 22 and 56 of the Employment (Co-determination in the Workplace) Act (1976:580) apply. In public sector activities, Chapter 14, Sections 7, 9 and 10 of the Secrecy Act (1980:100) apply instead.

### Gender equality plan

#### Section 13

Every three years employers are to draw up a plan for their gender equality work. The plan is to contain an overview of the measures under Sections 4–9 that are needed at the place of work and an account of which of these measures the employer intends to begin or implement during the coming years.

The plan is also to contain a summary account of the action plan for equal pay that the employer is required to draw up under Section 11.

An account of how the planned measures under the first paragraph have been implemented is to be included in the next plan.

The obligation to draw up a gender equality plan does not apply to employers who employed fewer than 25 employees at the start of the latest calendar year.

## Education

### Goal-oriented work

Section 14 /Ceases to apply 1 July 2010/

An education provider conducting education or other activities under the Education Act (1985:1100), education under the Higher Education Act (1992:1434) or education that can lead to a qualification under the Act concerning authority to award certain qualifications (1993:792) is to conduct goal-oriented work within the framework of these activities to actively promote equal rights and opportunities for the children, pupils or students participating in or applying for the activities, regardless of sex, ethnicity, religion or other belief, disability or sexual orientation.

More detailed regulations on the obligations of education providers are provided in Sections 15 and 16.

Section 14 /Enters into force: 1 July 2011/

An education provider conducting education or other activities under the Education Act (2010:800), education under the Higher Education Act (1992:1434) or education that can lead to a qualification under the Act concerning authority to award certain qualifications (1993:792) is to conduct goal-oriented work within the framework of these activities to actively promote equal rights and opportunities for the children, pupils or students participating in or applying for the activities, regardless of sex, ethnicity, religion or other belief, disability or sexual orientation.

More detailed regulations on the obligations of education providers are provided in Sections 15 and 16. (Act 2010:861)

### Preventing and hindering harassment

Section 15

An education provider referred to in Section 14 is to take measures to prevent and hinder any child, pupil or student who is participating in or applying for their activities from being subjected to harassment associated with sex, ethnicity, religion or other belief, disability or sexual orientation, or to sexual harassment.

### Equal treatment plan

Section 16

An education provider referred to in Section 14 is to draw up a plan each year containing an overview of the measures needed to (1) promote equal rights and opportunities for the children, pupils or students participating in or applying for the activities, regardless of sex, ethnicity, religion or other belief, disability or sexual orientation, and (2) prevent and hinder harassment referred to in Section 15. The plan is to contain an account of which of these measures the education provider intends to begin or implement during the coming year.

An account of how the measures planned under the first paragraph have been implemented is to be included in the next year's plan.

## **Chapter 4. Supervision**

### **The Equality Ombudsman**

#### **Duties of the Equality Ombudsman**

##### **Section 1**

The Equality Ombudsman is to supervise compliance with this Act. The Ombudsman is to try in the first instance to induce those to whom the Act applies to comply with it voluntarily.

Provisions on the duties of the Ombudsman are also contained in the Act concerning the Equality Ombudsman (2008:568).

##### **Section 2**

Chapter 6, Section 2 states that the Equality Ombudsman may bring a court action on behalf of an individual who consents to this.

#### **Obligation to provide information**

##### **Section 3**

A natural or legal person who is subject to the prohibitions of discrimination and reprisals, the obligation to investigate and take measures against harassment or the provisions on active measures in this Act is obliged, at the request of the Equality Ombudsman,

1. to provide information about circumstances in their activities that are of importance for the supervision exercised by the Ombudsman,
2. to provide information about qualifications when the Ombudsman is assisting in a request from an individual under Chapter 2, Section 4 or 8,
3. to give the Ombudsman access to workplaces and other premises where the activities are conducted for the purpose of investigations that may be of importance to the supervision exercised by the Ombudsman, and
4. to attend discussions with the Ombudsman.

The obligations specified in points 1–3 do not apply if there are special grounds against their doing so in an individual case.

#### **Financial penalty**

##### **Section 4**

A natural or legal person who does not comply with a request under Section 3 may be ordered by the Equality Ombudsman to fulfil his or her obligation subject to a financial penalty. A decision to order a financial penalty may be appealed to the Board against Discrimination.

##### **Section 5**

A natural or legal person who does not fulfil his or her obligations concerning active measures under Chapter 3, Section 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 or 16 may be ordered to fulfil them subject to a financial penalty. Such orders are issued by the Board against Discrimination on application from the Equality Ombudsman. They can also be directed towards the State as an employer or as the entity responsible for educational activities.

If the Ombudsman has declared that he or she does not want to apply to the Board for a financial penalty to be ordered, a central employees' organisation with respect to which the employer is bound by a collective agreement may make an application concerning active measures in working life under Chapter 3, Sections 4–13.

The application is to state the measures that should be required of the party that the application concerns, the grounds referred to in support of the application and what investigation has been made of the matter.

### **Prohibition against appeals**

#### Section 6

No appeal may be made against decisions of the Equality Ombudsman under this Act other than decisions under Section 4 concerning the ordering of financial penalties.

### **Board against Discrimination**

#### **Duties of the Board**

#### Section 7

The Board against Discrimination examines applications for financial penalties under Section 5 and appeals against decisions concerning orders for financial penalties under Section 4. In processing these cases, Sections 8–15 are to be applied.

### **Processing of an application for a financial penalty**

#### Section 8

A natural or legal person who is the subject of an application for a financial penalty shall be ordered to comment within a certain time on the application and to supply the information concerning circumstances in their activities that the Board against Discrimination needs for its examination.

When an employees' organisation has made the application, the Equality Ombudsman shall be given an opportunity to comment.

#### Section 9

The Board against Discrimination shall ensure that cases are adequately investigated. When necessary, the Board shall arrange for additional investigation. Superfluous investigation may be refused.

#### Section 10

Cases before the Board against Discrimination are decided after an oral hearing, unless the Board considers such a hearing unnecessary.

#### Section 11

The Board against Discrimination shall call the party that has made the application to the Board and the party that is the subject of the application to a hearing. If necessary for the investigation, the Board may also call others to the hearing.

The Board may order the party that the application concerns or that party's representative to attend in person, subject to a financial penalty.

#### Section 12

A case concerning the ordering of a financial penalty may be decided even if the party that the application concerns does not comment on the case, does not cooperate in the investigation or fails to attend an oral hearing.

If the Equality Ombudsman or the employees' organisation that has made the application for a financial penalty fails to attend a hearing, the application for a financial penalty becomes void.

#### Section 13

In deciding a case concerning the ordering of a financial penalty, the Board against Discrimination may instruct the party that the application concerns to take measures other than those sought in the application, if these other measures are not obviously more burdensome for the party.

In its decision the Board shall state how and by when the measures are to be started or implemented.

The Board's decision shall be in writing and shall be delivered to the party that the application concerns.

Processing of an appeal against a decision to order a financial penalty

#### Section 14

In processing an appeal against a decision to order a financial penalty, Sections 9 and 10 shall be applied.

#### Section 15

The Board against Discrimination shall call the party that has appealed against the decision to order a financial penalty and the Equality Ombudsman to a hearing. If necessary for the investigation, the Board may also call others to the hearing.

The Board may order the party that has appealed against the decision or that party's representative to attend in person, subject to a financial penalty.

### **Prohibition against appeals**

#### Section 16

No appeal may be made against a decision of the Board against Discrimination under this Act.

### **Imposition of a financial penalty**

#### Section 17

Proceedings for the imposition of a financial penalty that has been ordered under this Act are brought before a district court by the Equality Ombudsman.

In cases concerning the imposition of a financial penalty, the district court may also assess the appropriateness of the penalty.

### **Board of Appeals for Higher Education**

#### Section 18

A decision of a university or other higher education institution for which the State, a municipality or a county council is the responsible entity may, if it concerns education under the Higher Education Act (1992:1434), be appealed to the Board of Appeals for Higher Education on the grounds that the decision is contrary to

1. the prohibition of discrimination in Chapter 2, Section 5, first paragraph, if the decision concerns
  - a) admission to education,
  - b) credit for education,
  - c) deferment of studies or resumption of studies after time off from studies,
  - d) a change of supervisor,
  - e) withdrawal of a supervisor and other resources in postgraduate education,
  - f) grants for research students, or
  - g) a disciplinary measure against a student,
2. the prohibition of discrimination in Chapter 2, Section 5, second paragraph, or
3. the prohibition of reprisals in Chapter 2, Section 19.

If the Board of Appeals finds that the appealed decision is contrary to one of the prohibitions and that this can be assumed to have influenced the outcome, the decision shall be set aside and the case, if necessary, referred back to the university or other higher education institution for re-examination.

If a decision can be appealed under another statute, the appeal shall be made as prescribed there instead of as directed in the first paragraph.

#### Section 19

No appeal may be made against a decision of the Board of Appeals for Higher Education under this Act.

## Chapter 5. Compensation and invalidity

### Compensation

#### Section 1

A natural or legal person who violates the prohibitions of discrimination or reprisals or who fails to fulfil their obligations to investigate and take measures against harassment or sexual harassment under this Act shall pay compensation for discrimination for the offence resulting from the infringement. When compensation is decided, particular attention shall be given to the purpose of discouraging such infringements of the Act. The compensation shall be paid to the person who has been offended by the infringement.

An employer who violates Chapter 2, Section 1, first paragraph or Section 18 shall also pay compensation for the loss that arises. However, this does not apply to a loss that arises in connection with a decision concerning employment or promotion.

If there are special grounds, the compensation can be reduced or set at zero.

#### Section 2

If an employer in activities referred to in Chapter 2, Section 9, 10, 11, 13, 14, 15 or 17 discriminates against someone or subjects someone to reprisals, the compensation for discrimination shall be paid by the employer. A person performing work on behalf of another person in circumstances resembling those in an employment relationship shall be equated with an employee.

If an education provider violates Chapter 2, Section 5, 7 or 19 the compensation shall be paid by the entity responsible for the activities.

### Invalidity

#### Section 3

If someone is discriminated against by a provision in an individual contract or in a collective agreement in a manner that is prohibited under this Act, the provision shall be modified or declared invalid if the person discriminated against requests this. If the provision is of such significance for the contract or agreement that it cannot reasonably be demanded that the contract or agreement shall apply in other respects without material changes, the contract may also be modified in other respects or be declared invalid in its entirety.

If someone is discriminated against by termination of a contract or agreement or by some other such legal act, the legal act shall be declared invalid if the person discriminated against requests this.

If someone is discriminated against by a rule or similar internal provision at the place of work, the provision shall be modified or declared without effect if the person discriminated against requests this.

## Chapter 6. Legal proceedings

### Applicable rules

#### Section 1

Cases concerning the application of Chapter 2, Section 1, 2, 3 or 18 shall be dealt with under the Labour Disputes (Judicial Procedure) Act (1974:371). In such cases a person enquiring about or applying for work, a person applying for or carrying out a traineeship or a person who is available to perform work or who is performing work as temporary or borrowed labour shall be regarded as an employee. The person at whose establishment the traineeship or work is being or would have been carried out shall be regarded as employer. This also applies when the regulations on negotiations concerning disputes in the Employment (Co-determination in the Workplace) Act (1976:580) are applied.

Cases concerning the application of Chapter 2, Section 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 or 19 shall be examined by a general court and dealt with in accordance with the provisions of the Swedish Code of Judicial Procedure concerning procedures in civil cases in which out-of-court settlement of the matter is permitted.

### Right to bring an action

#### Section 2

The Equality Ombudsman, or a non-profit organisation whose statutes state that it is to look after the interests of its members and that is not an employees' organisation referred to in the third paragraph, may bring an action, as a party, on behalf of an individual who consents to this. When the Ombudsman or the association brings such an action, the Ombudsman or association may also bring another action on behalf of the individual as part of the same proceedings, if he or she consents to this. In cases under Section 1, first paragraph the Ombudsman's action is brought before the Labour Court. For unmarried children under 18 years of age the consent of the custodian or custodians is required.

To be allowed to bring an action, the association must be suited to represent the individual in the case, taking account of its activities and its interest in the matter, its financial ability to bring an action and other circumstances.

When an employees' organisation has the right to bring an action on behalf of the individual under Chapter 4, Section 5 of the Labour Disputes (Judicial Procedure) Act (1974:371), the Ombudsman or association may only bring an action if the employees' organisation does not do so.

### Burden of proof

#### Section 3

If a person who considers that he or she has been discriminated against or subjected to reprisals demonstrates circumstances that give reason to presume that he or she has been discriminated against or subjected to reprisals, the defendant is required to show that discrimination or reprisals have not occurred.



## Statute of limitations

### Working life

#### Section 4

If someone brings an action on the basis of notice of termination or summary dismissal, the following provisions of the Employment Protection Act (1982:80) shall be applied:

- Section 40 concerning the time limit for actions for a declaration of invalidity,
- Section 41 concerning the time limit for damages or other claims, and
- Section 42 concerning the expiry of the right to bring an action on the grounds that it is time-barred.

If someone brings an action against an employer other than an action referred to in the first paragraph, the following provisions of the Employment (Co-determination in the Workplace) Act (1976:580) shall be applied:

- Section 64 on the time limit for calling for negotiations,
- Section 65 on the time limit for bringing an action,
- Section 66 on the extended time limit for a person who is not represented by an employees' organisation, with the difference that the time limit referred to in Section 66, first paragraph, first sentence shall be two months, and
- Section 68 concerning the expiry of the right to bring an action on the grounds that it is time-barred.

If the action concerns compensation on grounds of an employment decision announced by an employer in the public sector, the time limits specified in the second paragraph are calculated from the day on which the employment decision gained legal force.

#### Section 5

In cases under Section 1, first paragraph the Equality Ombudsman can toll the statute of limitations, except in cases concerning a declaration that a notice of termination or summary dismissal is invalid, by informing the employer in writing that the Ombudsman is making use of her or his right to toll the statute of limitations. If the running of the statute of limitations has been tolled by such a communication, a new statute of limitations under Section 4 runs from the day of tolling.

A statute of limitations cannot be tolled more than once.

### Other areas of society

#### Section 6

A legal action other than actions referred to in Section 4 must be brought within two years from the date on which the act to which attention is called was performed or from the last date on which an obligation should have been fulfilled. Otherwise the right to bring legal action expires.

If the action concerns a person who was under 18 years of age when the act was performed or the obligation should have been fulfilled at the latest, the time limit specified in the first paragraph is calculated from the day on which the person reached the age of 18.

## Litigation costs

### Section 7

In cases under Section 1, second paragraph, each party may be ordered to bear its litigation costs, if the party that has lost the case had reasonable grounds for bringing the dispute to court. However, this does not apply when the Equality Ombudsman brings an action on behalf of an individual under Section 2.

In cases under Section 1, first paragraph, Chapter 5, Section 2 of the Labour Disputes (Judicial Procedure) Act (1974:371) applies instead.

## Other provisions

### Section 8

If someone brings an action on the basis of notice of termination or summary dismissal, the following provisions of the Employment Protection Act (1982:80) are to be applied:

- Section 34 concerning the validity of a notice of termination etc.,
- Section 35 concerning the validity of a notice of summary dismissal etc.,
- Section 37 concerning suspension from work when a notice of termination or summary dismissal has been declared invalid,
- Section 39, first paragraph, first sentence concerning the dissolution of an employment relationship, and
- Section 43, first paragraph, second sentence and second paragraph concerning expeditious conduct of proceedings etc.

### Section 9

An action for compensation based on a decision on employment that has been announced by an employer in the public sector may not be examined before the employment decision has gained legal force.

### Section 10

The provisions of the Swedish Code of Judicial Procedure concerning parties shall also apply to a person on whose behalf the Equality Ombudsman or an association brings an action under this Act in so far as they regard disqualifying circumstances, ongoing legal proceedings and personal attendance, as well as hearing of witnesses on oath and other issues concerning evidence.

When an individual brings an action under this Act, the Equality Ombudsman or an association may not bring an action on the individual's behalf in the same matter.

### Section 11

The decision of the court in a case where the Equality Ombudsman or an association brings an action on behalf of an individual may be appealed by the individual, if it may be appealed by the Ombudsman or the association.

When the decision of the court in a case referred to in the first paragraph has become final and non-appealable, the matter may not be reviewed on the action either of the individual or of the Equality Ombudsman or the association.

- 
1. This Act enters into force on 1 January 2009.
  2. This Act supersedes
    - the Equal Opportunities Act (1991:433),
    - the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130),
    - the Prohibition of Discrimination in Working Life on Grounds of Disability Act (1999:132),
    - the Prohibition of Discrimination in Working Life because of Sexual Orientation Act (1999:133),
    - the Equal Treatment of Students at Universities Act (2001:1286),
    - the Prohibition of Discrimination Act (2003:307), and
    - the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils (2006:67).
  3. The superseded acts continue to apply with regard to discrimination and reprisals that have taken place before this Act entered into force. After this Act enters into force, the duties incumbent on an ombudsman under the superseded acts shall be fulfilled by the Equality Ombudsman. After this Act has entered into force, the duties incumbent under the superseded acts on the Equal Opportunities Commission or the Board against Discrimination shall be fulfilled by the Board against Discrimination.
  4. The obligation of the employer under Chapter 3, Section 10 shall be performed for the first time in 2009 or the year in which the provision first becomes applicable.
  5. The obligations of the employer under Chapter 3, Sections 11 and 13 shall be performed for the first time in the year immediately following the start of the calendar year when the employer employed at least 25 employees or the year after that, if the obligation under Chapter 3, Section 10 is to be performed that year.

2010:861

1. This Act enters into force on 1 July 2011.
2. Older provisions still apply to adult secondary education, adult education for the learning disabled and Swedish for Immigrants until the end of June 2012.

## **Social Services Act (2001:453)**

### **Chapter 5 Special provisions for certain groups**

#### **Older persons**

Section 4 /Enters into force: 1 Jan 2011/

The care provided by the social services should be tailored towards providing older persons the opportunity of leading a dignified life and experiencing well-being (fundamental value).

The social welfare committee shall endeavour to ensure that older persons are enabled to live independently and securely and to lead active, meaningful lives in the company of others. Act (2010:427).

#### **Section 6**

The social welfare committee shall make itself closely acquainted with the living conditions of older persons within its boundaries and, in its activation measures, shall disseminate information concerning social services activities in this field.

The municipality shall plan its measures for older persons. In this planning the municipality shall cooperate with the county council and with other public bodies and organisations.

Municipalities shall strive towards ensuring that personnel with knowledge of Finnish, Meänkieli or Sami are available for the care of older persons when this is deemed to be necessary. Act (2009:726).

## **Law on System of Choice in the Public Sector (2008:962)**

### **Chapter 1 Area of application of the Act**

#### **Scope of the Act**

##### **Section 1**

This Act applies when a contracting authority decides to apply a system of choice regarding services within health and social services, which are included as B Services in Category 25 of Appendix 3 of the Public Procurement Act (2007:1091). However, the Act does not apply to services covered by CPV code 85311300-5 (welfare services for children and young people) according to Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV).

‘System of choice’ according to this Act means a procedure where the individual is entitled to choose the supplier to perform the service and with which a contracting authority has approved and concluded a contract. The contracting authority does not need to apply the same system of choice

within all areas affected.

## Principles for system of choice

### Section 2

The contracting authority shall treat suppliers in an equal and non-discriminatory manner. The contracting authority must observe the principles of transparency, mutual recognition and proportionality when applying a system of choice.

## Application of the Administrative Procedure Act

### Section 3

The Administrative Procedure Act (1986:223) shall not be applied to the processing of matters under this Act.

## Chapter 2 Definitions

### Section 1

‘Contract documents/specification’ means such documentation for the application to participate in a system of choice that a contracting authority provides.

### Section 2

‘Contract’ means a written agreement with financial conditions that

1. has been concluded between one or more contracting authorities and one or more suppliers,
2. relates to the provision of services, and
3. has been signed by the parties or signed by them with an electronic signature.

The contract may also contain conditions other than financial conditions.

### Section 3

‘Supplier’ means a person who provides service in the market as referred to in Chapter 1, Section 1, first paragraph. ‘Supplier’ also means a group of suppliers.

### Section 4

‘Continuous publication’ means a notice that applies indefinitely and where no final date has been stipulated to submit an application.

### Section 5

‘Body governed by public law’ means such companies and foundations that fulfil needs in the public interest, provided the need is not of a commercial nature, and:

1. which is for the greatest part funded by a municipality, a county council

- or a contracting authority,
- 2. whose operations are subject to the control of a municipality, a county council or a contracting authority, or
- 3. on whose board or corresponding management body more than half of the number of members are appointed by a municipality, a county council or a contracting authority.

#### Section 6

‘Service’ means such service as referred to in Chapter 1, Section 1, first paragraph.

#### Section 7

‘Contracting authority’ means a local government authority.

When applying this Act, the contracting authority shall be equated with

- 1. the decision-making assemblies of municipalities and county councils,
- 2. a body governed by public law as referred to in Section 5,
- 3. associations formed by one or more authorities according to the first paragraph or assemblies according to 1, and
- 4. associations of one or more bodies according to 2.

### **Chapter 3 Publication**

#### **Obligation to publish on a national website**

##### Section 1

A contracting authority that has decided to establish or change a system of choice shall publish this on the national website set up for the purpose. Contract documents shall, together with the notice, be held available on the website.

#### **Continuous publication**

##### Section 2

The contracting authority shall continuously request applications by notices on the national website.

### **Chapter 4 Content of the contract documents**

#### **Financial remuneration**

##### Section 1

The principles for the financial remuneration for a supplier shall be stated in the contract documents.

#### **Special conditions of contract**

##### Section 2

The contracting authority may lay down special social, environmental

and other conditions relating to the performance of a contract. All conditions shall be stated in the notice about the system of choice or in the contract documents.

### **Submission and processing period of an application**

#### Section 3

The manner in which the application is to be submitted shall be stated in the notice or the contract documents.

#### Section 4

The time within which the contracting authority will make a decision on approval shall be stated in the contract documents.

#### Section 5

The provisions of Section 10 of the Administrative Procedure Act (1986:223) shall apply when assessing whether a document is deemed to have been received by the contracting authority.

### **Chapter 5 Application for participation in a system of choice**

#### **The right to participate in a system of choice**

##### Section 1

Natural or legal persons can individually or together with other suppliers submit an application. The contracting authority may not impose conditions requiring that a group shall assume a specific legal form in order to be allowed to submit an application. However, the contracting authority may request that a group shall assume a specific legal form when it has been awarded the contract, to the extent that this is necessary for the acceptable performance of the contract.

#### **Access to the capacity of other undertakings**

##### Section 2

An applicant may, where appropriate, rely on the economic, technical and professional ability of other undertakings in its application. The applicant shall, by producing a commitment by the undertakings in question or in another way prove that he or she will have at their disposal the resources necessary for the execution of the contract.

### **Chapter 6 Communication**

#### **Communication by electronic means**

##### Section 1

When communicating by electronic means, the means must be

non-discriminatory, generally available and possible to use together with such equipment and software as is generally used.

### **Correction of errors, clarification and supplementation**

#### **Section 2**

The contracting authority may allow an applicant to correct a written error or some other manifest error in the application. The contracting authority may request that an application is clarified or supplemented.

### **Chapter 7 Exclusion of applicants**

#### **Circumstances that may result in exclusion of an applicant**

##### **Section 1**

The contracting authority may exclude an applicant that

1. is bankrupt or is being wound up, is under compulsory administration or is the subject of a composition or has indefinitely stopped their payments or is subject to a prohibition on conducting business,
2. is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or composition or any other similar proceedings,
3. has been convicted by a judgment which has the force of res judicata for an offence relating to professional practice,
4. has been guilty of grave professional misconduct and the contracting authority can prove this,
5. has not fulfilled their obligations relating to social insurance charges or tax in their country of origin or other State within the EEA area, or
6. in some essential respect has failed to provide information requested or provided incorrect information required pursuant to this provision.

If the applicant is a legal person, the applicant may be excluded if a representative for the legal person has been sentenced for an offence referred to in the first paragraph, Section 3 or committed such an error as referred to in the first paragraph, Section 4.

The contracting authority may request that an applicant proves that there are no grounds for excluding them pursuant to the first paragraph, Section 1, 2, 3 or 5.

#### **Certificates and evidence regarding applicants**

##### **Section 2**

The contracting authority shall, as evidence for there not being grounds for excluding an applicant, accept an extract from an official register of other equivalent document as regards a circumstance as referred to in Section 1, first paragraph, item 1, 2 or 3 and a certificate from a competent authority as regards a circumstance as referred to in Section 1,



first paragraph, item 5.

If such documents or certificates as referred to in the first paragraph are not issued in the applicant's country of origin or the country whence they come or do not cover all of the cases as referred to in Section 1, first paragraph, items 1 to 3, they may be replaced by a statement provided under honour and faith of by a similar assurance.

If an applicant is registered in an official list of approved suppliers in a country within the EEA, the contracting authority shall assume that the applicant cannot be excluded as a supplier according to Section 1, first paragraph, items 1 to 5.

## **Chapter 8 Approval and conclusion of contract**

### **Decision on approval**

#### **Section 1**

The contracting authority shall approve all applicants satisfying the requirements referred to in the contract notice and contract documents and which have not been excluded pursuant to Chapter 7, Section 1.

#### **Notification of decision**

##### **Section 2**

When a decision has been made concerning whether an applicant may participate in the system of choice, the contracting authority shall as soon as possible give notice to the applicant of the decision and the reasons for it.

Such a notification shall be provided to the applicants even when the contracting authority decides to discontinue the establishment of the system of choice.

If the contracting authority decides not to approve the applicant as a supplier in the system of choice, the contracting authority shall provide information on how rectification can be sought.

### **Concluding the contract**

#### **Section 3**

When the contracting authority has granted its approval, the authority shall conclude a contract with the supplier without delay.

## **Chapter 9 Information and no-choice alternative**

### **The contracting authority's information responsibility**

### Section 1

The contracting authority shall provide to private parties information about all suppliers with which the authority has concluded contracts within the framework of the system of choice. This information shall be objective, relevant, comparable, easy to understand and readily available.

### No-choice alternative

#### Section 2

For the private party who does not choose a supplier, the contracting authority shall provide a no-choice alternative.

## Chapter 10 Remedies, etc.

### Rectification

#### Section 1

A supplier, who claims that a contracting authority has breached a provision of this Act, may apply for rectification to a general administrative court.

Only the applicant that has not been approved can apply for rectification of the contract authority's decision according to Chapter 8, Section 1.

An application for rectification shall be submitted in writing.

#### Section 2

If the contracting authority has breached any provision of this Act and this has meant that a supplier suffered or may suffer damage, the court shall decide that the contracting authority shall implement rectification.

### Competent court

#### Section 3

An application for rectification according to Section 1 shall be made to the general administrative court in whose judicial district the contracting authority is based.

An application according to Section 1, second paragraph shall have been received by the general administrative court within three weeks from when the notification was provided according to Chapter 8, Section 2. Leave to appeal is required to make an appeal to the Administrative Court of Appeal. Act (2009:856).

### Prohibition of appeal

#### Section 4

A decision to which this Act applies may not be appealed against under Chapter 10 of the Local Government Act (1991:900).

## **Damages**

### **Section 5**

A contracting authority that has not complied with the provisions of this Act must compensate the applicant for damage caused thereby. An action for damages which is based on a decision under Chapter 8, Section 1 shall be instituted within one year from the date on which the contracting authority decided not to approve the applicant.

Actions for damages shall be instituted at a general court.

If an action is not brought in time, the right to damages is lost.

## **Exemptions from rectification and damages**

### **Section 6**

The provisions of this Chapter concerning rectification or damages do not apply to the decision of a contracting authority on information and no-choice alternative.

## **Supervision**

### **Section 7**

The Government shall appoint an authority to exercise supervision of the system of choice according to this Act.

### **Section 8**

The supervisory authority may obtain such information from the contracting authority as may be necessary for the supervision. This information shall in the first instance be collected through written procedure.

If it is more suitable, owing to the scope of the material, urgency or some other circumstance, the information may be collected by visiting the contracting authority or verbally.

### **Section 9**

A contracting authority is liable to provide the information that the supervisory authority requests for its supervision.

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Enters into force 1 Jan 2009

## **Heritage Conservation Act (1988:950) etc.**

### **Good place names practice**

Section 4 In state and local government operations, good place names practice shall be observed. This means that:

- place names established by long usage shall not be changed without good cause,
- place names shall generally be spelled in accordance with generally accepted rules for linguistic correctness, unless spelling forms established by long usage otherwise require,
- the impact on names established by long usage shall be taken into account when forming new place names, and
- Swedish, Sami and Finnish names shall, as far as possible, be used in parallel on maps and also for signs and other markings in multilingual areas.

Names that have been approved for public map production shall also be used in their approved form in other contexts. Act (2000:265).

## **Sami Parliament Act (1992:1433)**

### **Chapter 2 The Sami Parliament**

#### **Assignments of the Sami Parliament**

Section 1 /Ceases to apply: 1 Jan 2011/

The Sami Parliament shall work for a living Sami culture, taking initiatives for activities and proposing measures for promoting this culture. The assignments of the Sami Parliament include, in particular:

1. deciding on the allocation of state subsidies and funds from the Sami Foundation to Sami culture and Sami organisations, as well as funds that are intended for the common disposal of the Sami people,
2. appointing the Board of Directors for the Sami school indicated in Chapter 8 Section 6 of the Education Act (1985:1100),
3. establishing objectives for and guiding the work on the Sami language,
4. participating in community development and ensuring that Sami needs are considered, including the interests of reindeer breeding in the use of land and water,
5. providing information on Sami conditions, and
6. performing the additional tasks that pertain to the Sami Parliament pursuant to legislation or other statutes. Act (2009:725).

Section 1 /Enters into force: 1 Jan 2011/

The Sami Parliament shall work for a living Sami culture, taking initiatives for activities and proposing measures for promoting this culture. The assignments of the Sami Parliament include, in particular:

1. deciding on the allocation of state subsidies and funds from the Sami Foundation to Sami culture and Sami organisations, as well as funds that are intended for the common disposal of the Sami people,
2. appointing the Board of Directors for the Sami Education Board,
3. establishing objectives for and guiding the work on the Sami language, 4. participating in community development and ensuring that Sami needs are considered, including the interests of reindeer breeding in the use of land and water,
5. providing information on Sami conditions, and
6. performing the additional tasks that pertain to the Sami Parliament pursuant to legislation or other statutes. Act (2010:868).

### **Compulsory School Ordinance (1994:1194)**

#### **Bilingual tuition**

##### Section 7

For pupils who have a language other than Swedish as the daily means of interaction (dagligt umgängesspråk) with one or both custodians, municipalities may provide parts of the tuition in grades 1-6 in the language of the daily means of interaction (bilingual tuition). For pupils whose language of the daily means of interaction is Finnish, such tuition may also be organised in grades 7-9.

The total time during which the bilingual tuition is provided, at most 50% may be provided in the language of the daily means of interaction. The tuition shall be planned such that the tuition in Swedish gradually increases over the course of the tuition period.

Chapter 8 of the Sami Education Ordinance (1995:205) contains provisions on integrated Sami tuition in nine-year compulsory school. Ordinance (1997:599).

#### **Mother tongue tuition**

Section 9 If one or both of the pupil's custodians have a language other than Swedish as their mother tongue and the language represents the pupil's daily means of interaction (dagligt umgängesspråk), the pupil shall receive tuition in this language as a subject (mother tongue tuition), if

1. the pupil has basic knowledge of the language, and
2. the pupil wishes to receive such tuition.

Mother tongue tuition in Sami, Finnish, Meänkieli, Romani Chib or Yiddish shall be offered even if the language does not represent the daily means of interaction in the pupil's home. The same applies to a pupil who is an adoptee and has a mother tongue other than Swedish.

Chapter 5, Sections 2 and 3 contain provisions on the study guidance of the pupil's mother tongue. Ordinance (2008:97).

##### Section 10

Mother tongue tuition can be offered

1. as a language option
2. as the pupil's option
3. within the framework of the school's option, or
4. outside the hours of the timetable.

Mother tongue tuition may not consist of more than one language for a pupil. However, a Romani pupil who is from abroad may receive mother tongue tuition in two languages if there are specific reasons for this.

For mother tongue tuition in Sami the curricula which should be used shall be the same as that which the Swedish National Agency for Education, based on Chapter 3 Section 6 of the Sami Education Ordinance (1995:205) has established. Ordinance (2002:1010).

#### Section 11

If mother tongue tuition for a pupil is provided outside the hours of the timetable, the pupil is entitled to such tuition for a maximum of seven academic years in total during his/her schooling within the state school system. However, the pupil is only entitled to such tuition for a long period of time if he/she has a specific need for such.

The restriction does not apply to mother tongue tuition in Sami, Finnish, Meänkieli, Romani Chib, Yiddish or a Nordic language. Ordinance (2008:97).

#### Section 12

If a ruling is issued establishing that mother tongue tuition for a pupil should be provided within the framework of the school's option or outside the hours of the timetable, consultation shall take place with the pupil and the pupil's custodian prior to the ruling. Ordinance (1997:599).

#### Section 13

A municipality is only liable to provide mother tongue tuition in a language if a suitable teacher is available.

A municipality is liable to provide such tuition if at least five pupils request such tuition in the language. With regard to Sami, Finnish, Meänkieli, Romani Chib or Yiddish the municipality is liable to provide mother tongue tuition even if the number of pupils is below five. Ordinance (2008:97).

**Education Act (2010:800)****Chapter 8 The pre-school****Mother tongue**

## Section 10

The pre-school should contribute towards ensuring that children who have a mother tongue other than Swedish have the opportunity to develop both the Swedish language and their mother tongue.

**Chapter 9 The pre-school class****Mother tongue**

## Section 10

The pre-school class should contribute towards ensuring that pupils who have a mother tongue other than Swedish have the opportunity to develop both the Swedish language and their mother tongue.

**Chapter 10 Nine-year compulsory school****Mother tongue tuition**

## Section 7

A pupil who has a custodian with a mother tongue other than Swedish should be offered mother tongue tuition in this language if

1. the language is the pupil's daily means of interaction (dagligt umgängesspråk) in the home and
2. the pupil has basic knowledge of the language.

Mother tongue tuition in a national minority language should be offered even if the language is not the pupil's daily means of interaction in the home. The government or an authority appointed by the government may issue regulations with regard to the mother tongue tuition. Such regulations may involve that mother tongue tuition in a certain language will only be offered if a certain number of pupils wish to receive such tuition in the language.

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Enters into force 1 July 2011

**The Health and Medical Service Act (1982:763)**

## Section 2

Health and medical services are aimed at assuring the entire population of good health and of care on equal terms.

Care shall be provided with respect for the equal dignity of all human beings and for the dignity of the individual. Priority for health and medical care shall be given to the person whose need of care is greatest. Act (1997:142).

Section 2 b /Ceases to apply: 1 Jan 2011

The patient should be given individualised information concerning

1. his/her state of health,
2. the methods for examination, care and treatment which are available,
3. his/her opportunities of choosing a care provider and executor within publically financed health and medical care, and
4. the health care guarantee.

If this information cannot be supplied to the patient, it shall be supplied to a close relative instead. Information may not be supplied to the patient or any relative of the patient, however, insofar as this is contrary to Chapter 25, Section 6 or 7 of the Secrecy Act (2009:400) or Chapter 2, Section 8 second paragraph or Section 9 first paragraph of the Health and Medical Services (Professional Activity) Act (1998:531). Act (2010:243).

Section 2 b /Enters into force: 1 Jan 2011/

The patient should be given individualised information concerning

1. his/her state of health,
2. the methods for examination, care and treatment which are available,
3. his/her opportunities of choosing a care provider and executor within publically financed health and medical care, and
4. the health care guarantee.

If this information cannot be supplied to the patient, it shall be supplied to a close relative instead. Information may not be supplied to that patient or any relative of the patient, however, insofar as this is contrary to Chapter 25, Section 6 or 7 of the Secrecy Act (2009:400) or Chapter 6, Section 12 second paragraph or Section 13 first paragraph of patientsäkerhetslagen [the Act on Patient Safety] (2010:659). Act (2010:662)

Section 2 e

Where health and medical services are conducted, there shall be present the staff, facilities and equipment necessary in order for the provision of good care to be possible. Act (1998:1660).

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