

**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Summary**

Sweden continues to ensure the protection of the rights of persons belonging to national minorities and to dedicate funds for this purpose. The rights of the five national minorities (Jews, Roma, Sami, Swedish Finns and Tornedalians) are protected through legislation pertaining to national minorities and national minority languages in education, and to non-discrimination. The Sami are recognised as an indigenous people under the constitution and enjoy a certain degree of cultural autonomy. Legislation and policies to foster intercultural tolerance and to combat hate speech and hate crime are in place.

However, the legislative, institutional and policy framework is not fully effective in ensuring the rights of persons belonging to national minorities. In particular, the level of implementation of national minority legislation at local level and by state authorities is insufficient and varies significantly depending on the municipality. Therefore, the 2009 Act on National Minorities and Minority Languages requires clarification and the institutional framework set up to ensure its implementation, needs to be strengthened. Many persons belonging to national minorities do not have access to education and elderly care in national minority languages. Knowledge about national minorities among the majority population in Swedish society remains limited. The right of the Sami to maintain and develop their culture, which is closely connected to their traditionally inhabited land, suffers owing to their limited participation in decisions affecting them. The Long-term strategy for Roma inclusion 2012-2032 has started to produce positive results in five pilot municipalities, but further efforts across the country are needed to ensure equal access to rights for persons belonging to this minority.

In the context of migration flows, Sweden's traditionally tolerant and multicultural society is experiencing an increase in instances of interethnic intolerance, racism and hate speech and a more polarised political discourse. This climate appears to impact also on persons belonging to national minorities, in particular those belonging to the Jewish, Roma and Sami communities, and needs to be actively addressed.

### **Recommendations for immediate action**

- **Strengthen the implementation of the Act on National Minorities and Minority Languages at local level; amend the legislation where it provides for too wide a margin of appreciation; and introduce an effective remedy in case of non-compliance with the Act;**
- **Increase and formalise opportunities for the Sami to participate in a meaningful and effective way in decision-making processes affecting them at municipal, county and national levels and ensure that the Sami can maintain and develop their culture whenever decisions are taken that affect areas inhabited traditionally by them;**
- **Increase the availability of teaching in and of minority languages, in particular through making the profession of minority language teacher more attractive; develop a comprehensive policy on national minority language education in preschools and the respective training of preschool teachers in close co-operation with minority representatives.**

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## **I. Key findings**

### **Monitoring process**

1. This fourth cycle opinion on the implementation of the Framework Convention by Sweden was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution(97)10 of the Committee of Ministers. The findings are based on information contained in the fourth State Report, submitted by the authorities on 1 June 2016 and other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources, including during its visit to Kiruna, Stockholm and Västerås from 3 to 7 April 2017.

2. The Advisory Committee welcomes the authorities' co-operative approach during the preparation of this opinion and expresses its gratitude for the excellent assistance provided before, during and after the visit. The third cycle opinion was translated into Swedish and made public both on the government's human rights website and the website [www.minoritet.se](http://www.minoritet.se), a government-funded portal for information on national minorities and minority languages. The Advisory Committee particularly appreciates the organisation, in April 2013, of a follow-up seminar in Stockholm and would welcome the organisation of a similar meeting in the fourth monitoring cycle as announced in the state report. The fourth State Report was submitted without delay and contains comprehensive information. The Advisory Committee appreciates that representatives of both national minorities and civil society were consulted during its preparation.

### **General overview of the present situation**

3. Overall, the legal and institutional framework for the protection of the rights of persons belonging to national minorities has remained largely unchanged since the third monitoring cycle. The five national minorities recognised by Sweden are Jews, Roma, Sami, Swedish Finns and Tornedalians. There have been discussions on the recognition of other groups such as the Finland Swedes,<sup>1</sup> the Kven and speakers of Elfdalian, but to no effect so far.

4. The legal framework continues to be shaped by the Act on National Minorities and Minority Languages (2009:724), the Discrimination Act (2008:567), certain provisions in the Language Act (2009:600) and the Education Act (2010:800), as well as the Sami Parliament Act (1992:1433) and the Reindeer Husbandry Act (1971:437). The responsibility for following up on the Act on National Minorities and Minority Languages continues to lie with the Stockholm County Administrative Board and the Sami Parliament. The Advisory Committee welcomes the removal of the basic knowledge requirement for first language instruction in a minority language from the Education Act in 2015. As regards the policy framework, the adoption of the National plan to combat racism, similar forms of hostility and hate crime (hereinafter: National plan)<sup>2</sup> in 2016 is another positive development. Furthermore, the Advisory Committee

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<sup>1</sup> Finland Swedes are Swedish speakers from Finland who identify with Finnish culture.

<sup>2</sup> Government Offices of Sweden (2017), A comprehensive approach to combat racism and hate crime. National plan to combat racism, similar forms of hostility and hate crime, available at

welcomes the fact that, at the end of 2016, an agreement on a Nordic Sami Convention between Finland, Norway and Sweden was reached, which, as a next step, requires approval by the three Sami Parliaments and ratification by these three states.<sup>3</sup>

5. Notwithstanding these developments, both the authorities and minority representatives consider that the present system has significant shortcomings, many of which have already been highlighted in the Advisory Committee's third opinion. These concern, *inter alia* the uneven compliance of municipalities and state authorities with the Act on National Minorities and Minority Languages, the limited influence of national minorities and in particular the Sami on decisions affecting them, the insufficient availability of teaching in and of minority languages, the lack of teaching about national minorities in schools, and a general lack of public awareness of national minorities. Therefore, the authorities are undertaking an inquiry to review the Act on National Minorities and Minority Languages as well as its implementation (September 2016 to June 2017) and an inquiry on measures to improve the learning of national minority languages in schools (February to August 2017).<sup>4</sup> The Advisory Committee trusts that the authorities will undertake the necessary reforms to Sweden's current national minority policy on the basis of the above reviews as well as the present opinion.

6. The arrival of unprecedented numbers of refugees and migrants, in particular during 2015, has demonstrated the strength of Sweden's traditionally open and tolerant society, but also posed a challenge to the social climate in the country. Parts of the political spectrum appear to be using latent fears amongst the population for their political gain. Given Sweden's history of assimilation policies towards national minorities, the Advisory Committee notes that representatives of one of the parties in parliament call for a return to this approach, which contravenes the Framework Convention.<sup>5</sup> These developments are likely to raise fears among minorities and should be adequately addressed.

### **Assessment of measures taken to implement the recommendations for immediate action from the third cycle**

7. An effective implementation of the Act on National Minorities and Minority Languages among public service providers at local level is yet to be achieved, as the authorities recognise in the state report.<sup>6</sup> At the same time, more municipalities have voluntarily joined the

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[www.regeringen.se/492382/contentassets/173251a50a5e4798bcafc15ba871a411/a-comprehensive-approach-to-combat-racism-and-hate-crime](http://www.regeringen.se/492382/contentassets/173251a50a5e4798bcafc15ba871a411/a-comprehensive-approach-to-combat-racism-and-hate-crime).

<sup>3</sup> Text of the draft Nordic Sami Convention (in Swedish), available at [www.sametinget.se/111445](http://www.sametinget.se/111445).

<sup>4</sup> In the preparation of important measures to be considered by the government, the Swedish Government normally calls upon a commission of inquiry to appraise the measures in a report which is presented as background material to government legislation. For more information on the two commissions see <http://www.regeringen.se/pressmeddelanden/2016/09/utredning-ska-foresla-en-starkt-minoritetspolitik/>.and <http://www.regeringen.se/pressmeddelanden/2017/02/jarmo-lainio-ska-utreda-om-modersmal-och-nationella-minoritetsprak/> (in Swedish).

<sup>5</sup> For example <http://expo.se/sverigedemokraterna/en/jews-and-sami-are-not-swedish/> and <http://reindeerherding.org/blog/herders-blog/sweden-democrats-call-for-end-to-reindeer-herding-sami-privileges/>.

<sup>6</sup> State report, pp. 10-12.

administrative areas for Finnish, Meänkieli and Sami, which increases the number of persons belonging to national minorities who are entitled to, for instance, preschool and elderly care in those minority languages. However, in practice, the lack of minority language speakers among staff in preschools, homes for the elderly and generally in local administration still limits the effective access to these rights. The National Agency for Public Procurement, set up in 2015, is tasked to consult with stakeholders and has been commissioned to improve procurement skills in agencies that provide services for elderly people. According to the state report, this could lead to an increased use of minority language skills as a requirement in those procurement processes, but so far no information is available as to whether this is actually the case.<sup>7</sup> Progress has been made in improving the access of Roma to public services through mediators equipped with adequate language and cultural skills.

8. Following the Advisory Committee's recommendation in its third cycle opinion, Sweden removed the requirement for children to have "basic knowledge" of their national minority language in order to receive first language instruction in schools. This laudable change led to an increased demand for first language education in minority languages which unfortunately cannot be met due to a lack of qualified teachers. The authorities have started to address the shortage of teachers through both re-organising training of subject teachers in minority languages as well as increasing funding for universities. Training for such teachers for grades 7 to 9 is now available for Finnish (Stockholm University), Meänkieli (Umeå University), Sami<sup>8</sup> (Umeå University), and Romani<sup>9</sup> (Södertörn University). Provided that there are sufficient applicants for these courses, which is not yet the case for all languages, the results of this investment may become visible in several years' time. No effective measures have been undertaken to increase the supply of teachers with knowledge of national minority languages at preschool and elementary school levels, where the shortage is at least as critical as in secondary education.

9. The possibilities for the Sami, and in particular the Sami Parliament, to participate effectively in decision-making processes, including on spatial planning, have not improved significantly during the reporting period. The government maintains an open approach, has held several ad-hoc consultations at ministerial level and plans to formalise these in the future. Furthermore, budgetary appropriations for the administration of the Sami Parliament, and for Sami culture, have increased as of 2016. The competences of the Sami Parliament, however, remain as limited as before. The Sami Parliament maintains its dual role as a government agency and an elected body, thus simultaneously having to safeguard the interests of the Sami people on the one hand, and the interests of the Swedish Government on the other.<sup>10</sup> Sweden has still not ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

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<sup>7</sup> Ibid., p. 13.

<sup>8</sup> Several Sami languages are spoken in Sweden. For reasons of linguistic simplicity and in line with the Swedish state report and Swedish legislation, this opinion refers to "the Sami language", comprising North, South and Lule Sami as well as further variations such as Pite Sami and Ume Sami, except where mentioned otherwise.

<sup>9</sup> Several variations of Romani are spoken in Sweden and comprised in national legislation under the term "Romani Chib".

<sup>10</sup> Ulf Mörkenstam, Eva Josefsen and Ragnhild Nilsson (2016), *The Nordic Sámediggis and the Limits of Indigenous Self-Determination*, p. 26, available at <http://galdu.custompublish.com/the-nordic-samediggis-representative-bodies-for-self-determination-or-expression-of-state-cooptation-of-sami-politics.5875747-348866.html>.

## Assessment of measures taken to implement the further recommendations from the third cycle

10. No major changes have been made to the legislative and institutional framework on equality and non-discrimination. The recommendation to extend the open-ended enumeration of grounds of discrimination, set out in the Discrimination Act (2008:567), in order to cover expressly discrimination based on language, has not been implemented. In 2014, a government commission of inquiry was appointed and tasked to propose measures to assess how discrimination could be fought more effectively. The commission published its report in December 2016, with no concrete follow-up so far. Annual budgetary appropriations to the Equality Ombudsman, in charge of supervising compliance with the Discrimination Act, were increased, but its mandate has remained unchanged. The authorities intend to set up a national human rights institution in conformity with the Paris Principles.

11. The legal situation of the Sami people in relation to land rights has not changed significantly either. In line with the general rule that a holder of land rights should be heard before exploitation of land, Sami reindeer herding communities (*sameby*) should be heard before land that they traditionally use and inhabit is exploited. According to the Advisory Committee's interlocutors, this is not always the case. Where Sami are consulted before decisions are taken on land exploitation, economic interests often outweigh Sami culture and trades. Moreover, the significance of land use for non-reindeer herding Sami (who are not members of a *sameby* - an estimated 90%) and for whom the use of land they traditionally inhabit is also closely linked to their culture, is not always taken into account.

12. The promotion of equality of persons belonging to the Roma minority is framed by the Long-term strategy for Roma inclusion 2012-2032. The overall goal of this strategy is that a Roma person born in 2012 will, by 2032, enjoy the same opportunities as a non-Roma. The first implementation phase of the strategy is considered to have been largely successful, even though detailed evaluation results are not yet available. The authorities also report progress in addressing school dropout and absenteeism among Roma children, but the lack of recent in-depth studies makes it difficult to obtain a clear picture. In 2015, the government published a White Paper on Abuses and Rights Violations against Roma in the 20th Century.<sup>11</sup> The White Paper was welcomed by the Roma community and followed-up by a Commission against Antiziganism which promoted the findings of the White Paper among the wider public and recommended a set of measures to combat anti-Roma attitudes.<sup>12</sup>

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<sup>11</sup> Ministry of Culture of Sweden (2015), The Dark Unknown History. White Paper on Abuse and Rights Violations against Roma in the 20th Century, available at <http://www.government.se/49b72f/contentassets/eab06c1ac82b476586f928931cfc8238/the-dark-unknown-history---white-paper-on-abuses-and-rights-violations-against-roma-in-the-20th-century-ds-20148>.

<sup>12</sup> Final report of the Commission against Antiziganism at <http://www.regeringen.se/49e105/contentassets/b76e2b51299b42eba2c360c58f0754f7/kraftsamling-mot-antiziganism-sou-201644> (in Swedish, English summary on pp. 19-24).

## II. Article-by-article findings

### Article 3 of the Framework Convention

#### Personal scope of application

13. Sweden continues to apply the Framework Convention to the members of the groups recognised as national minorities present on its territory: the Sami, the Swedish Finns, the Tornedalians, the Roma and the Jews.<sup>13</sup> Since 2011, the Sami have been recognised as an indigenous people under the Swedish Constitution.<sup>14</sup> While Meänkieli is the language spoken by persons belonging to the Tornedalian minority, the Advisory Committee notes that not all speakers of Meänkieli identify as Tornedalians. Some Meänkieli speakers living outside the Thorne River area in the municipalities of Gällivare and Kiruna identify as Kven.<sup>15</sup> The Advisory Committee observes a growing consensus between the National Association of Swedish Tornedalians and the Kvenland Association that the term Tornedalians risks excluding Meänkieli speakers living outside the Tornedalen area.<sup>16</sup> The Advisory Committee further notes that, in May 2017, the Swedish Parliament voted in favour of investigating whether the Finland Swedes should be recognised as a national minority.<sup>17</sup>

14. The Advisory Committee takes note that the authorities do not include the approximately 4 000 Roma from other European Union countries currently staying in Sweden in the protection offered by the Framework Convention. The Advisory Committee recalls that it has consistently encouraged an inclusive approach towards persons belonging to groups – especially vulnerable groups – on an article-by-article basis.<sup>18</sup>

#### *Recommendation*

15. The Advisory Committee encourages the authorities to pursue an inclusive approach based on dialogue and respect for the right to self-identification as guaranteed by Article 3 of the Framework Convention in relation to the Meänkieli speakers, including persons identifying

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<sup>13</sup> The state report, as the previous one, does not provide information on the number of persons belonging to national minorities. The government-run website [www.minoritet.se](http://www.minoritet.se) (in Swedish) indicates the following estimates: 20 000 – 35 000 Sami, of whom about 40-45% speak one of the three Sami languages (North Sami, South Sami and Lule Sami); 450 000-600 000 Swedish Finns, of whom an estimated 50% use the Finnish language to some extent; approximately 50 000 Tornedalians, while estimations point to approximately 60 000 persons who speak or understand Meänkieli fully or partially; 50 000–100 000 Roma with no figures as to the number of speakers of the different varieties of Romani; and approximately 25 000 members of the Jewish community, of whom an estimated 4 000 have some knowledge of Yiddish. See also [www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2012/five-national-minorities-in-sweden.pdf](http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2012/five-national-minorities-in-sweden.pdf).

<sup>14</sup> Article 2 of the Instrument of Government: “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.” available at [www.riksdagen.se/en/SysSiteAssets/07.-dokument--lagar/the-instrument-of-government-2015.pdf](http://www.riksdagen.se/en/SysSiteAssets/07.-dokument--lagar/the-instrument-of-government-2015.pdf).

<sup>15</sup> Written submission to the Advisory Committee by the Swedish Kvenland Association.

<sup>16</sup> Written submission to the Advisory Committee by the Association of Swedish Tornedalians.

<sup>17</sup> Decision of the Swedish Parliament (3 May 2017), available at [www.riksdagen.se/sv/dokument-lagar/arende/betankande/minoritetsfragor\\_H401KU16](http://www.riksdagen.se/sv/dokument-lagar/arende/betankande/minoritetsfragor_H401KU16) (in Swedish).

<sup>18</sup> ACFC Thematic Commentary No. 4 on The Scope of Application of the Framework Convention for the Protection of National Minorities (May 2016), para. 46.



as Kven, and persons belonging to other groups seeking protection under the Framework Convention.

## **Article 4 of the Framework Convention**

### **Legal and institutional framework to protect persons belonging to national minorities**

16. The Act on National Minorities and Minority Languages (2009:724) establishes a general obligation to protect and promote the possibilities for the five recognised national minorities to maintain and develop their culture and identity and to promote the minority languages Finnish, Yiddish, Meänkieli, Romani and Sami. This legal framework is complemented by the Discrimination Act (2008:567), the Sami Parliament Act (1992:1433) and by provisions in the Language Act (2009:600) and the Education Act (2010:800). The Stockholm County Administrative Board<sup>19</sup> and the Sami Parliament<sup>20</sup> are responsible for following up on the implementation of minority policy. The Stockholm County Administrative Board and the Sami Parliament jointly publish annual reports on the implementation of minority policy at central, county and municipal level.

17. The Act on National Minorities and Minority Languages defines administrative areas where municipalities have specific obligations vis-à-vis persons speaking Finnish, Meänkieli and Sami. The Advisory Committee welcomes the fact that in addition to the 45 municipalities mentioned in the act, an additional 30 municipalities joined the administrative areas in recent years. The government allocates grants to those 75 municipalities, the amount of which depends on the size of the municipality and the number of minority languages for which they are responsible. This grant is usually used to employ an officer responsible for co-ordinating the local work with representatives of national minorities.<sup>21</sup> The Advisory Committee, however, regrets to note that only three or four of the co-ordinators in the 19 municipalities in the administrative area for Sami speak the Sami language. In the administrative areas for Meänkieli and Finnish, the co-ordinators usually speak the respective language and there is a network of co-ordinators in the administrative area for Finnish.

18. In September 2015, the government declared a moratorium on the possibility for further municipalities to voluntarily join the administrative areas. As a consequence, several municipalities that had applied to join an administrative area were denied admission by the relevant authority.<sup>22</sup> The Advisory Committee understands that the authorities argue they took

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<sup>19</sup> The county administrative boards are government agencies which co-ordinate state policy in the 21 Swedish counties. In addition to its task in relation to Stockholm County, the Stockholm County Administrative Board, together with the Sami Parliament co-ordinates and follows up on the implementation of the government's minority policy throughout the country.

<sup>20</sup> The Swedish Sami Parliament, established in 1993, is at the same time an assembly of 31 elected parliamentarians, and a government agency tasked with implementing national policies concerning the Sami. For more information, see [www.sametinget.se/9688](http://www.sametinget.se/9688).

<sup>21</sup> For an overview of how the government grants are spent by the municipalities and counties, see the 2016 annual report by the Stockholm County Administrative Board and the Sami Parliament, Annex 2 and 3, available at <http://www.minoriteten.se/4575> (in Swedish).

<sup>22</sup> Sweden Finnish Delegation and National Association of Swedish Tornedalians (2016), *Lost Momentum, Minority Voices on the Implementation of Minority Rights in Sweden 2016*, Alternative Report to the Council of Europe,

this decision due to the acknowledged flaws in the implementation of the Act on National Minorities and Minority Languages and that they would reconsider the moratorium on the voluntary joining based on the findings of the aforementioned commission of inquiry. It notes, however, that this decision was taken without prior consultation of the national minorities concerned and that, as a result, persons belonging to national minorities living in those municipalities, are excluded from enjoying certain rights included in the Act on National Minorities and Minority Languages.

19. The Advisory Committee observes that the implementation of Sweden's comprehensive legal framework for the protection of persons belonging to national minorities leaves much to be desired and is unevenly applied by municipalities and state authorities. The Advisory Committee therefore welcomes the decision of the authorities to appoint the commission of inquiry led by Lennart Rodhin mentioned above, and the second commission of inquiry led by Jarmo Lainio, on measures to improve the learning of national minority languages in schools.

20. The 290 municipalities enjoy a high degree of autonomy as regards the provision of social services and education. The Advisory Committee observes that under these circumstances, the wide margin of appreciation given in some provisions of the Act on National Minorities and Minority Languages poses challenges for their effective implementation at local level. This concerns for example a person's right to receive "the whole or a part" of education in preschools (Section 17) and of elderly care services (Section 18) in his or her minority language. Furthermore, the Advisory Committee is concerned that no effective remedy is available if a municipality does not comply with the obligations of the act. Moreover, minority representatives criticise a lack of supervision and a narrow interpretation of its task by the Stockholm County Administrative Board, which has been tasked to co-ordinate and to follow up on the government's minority policy throughout the country. The Advisory Committee also notes that, in December 2014, national minority co-ordinators from 24 municipalities in the administrative area for Finnish wrote a letter to the Stockholm County Administrative Board asking for "stronger support and clearer information" in order to be able to implement properly the Act on National Minorities and Minority Languages.<sup>23</sup>

21. The Advisory Committee observes that, while deficits in the implementation of minority rights exist within the administrative areas, the situation is even less satisfactory in the municipalities outside these areas where employees of municipalities and county council administrative boards often lack knowledge about national minorities and their rights. The government recognises that there is a considerable need for more awareness of the Act on National Minorities and Minority Languages among government agencies, municipalities and county councils.<sup>24</sup> A good practice that merits attention concerns the municipality of Gällivare in Norrbotten County, which, according to interlocutors of the Advisory Committee, is currently developing a strategy to mainstream national minority issues into all policy areas under its responsibility.

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p. 16, available at [http://sverigefinne.se/wp-content/uploads/2016/06/Lost-Momentum\\_Minority-Voices-on-the-Implementation-of-Minority-Rights-in-Sweden-2016\\_161003-3.pdf](http://sverigefinne.se/wp-content/uploads/2016/06/Lost-Momentum_Minority-Voices-on-the-Implementation-of-Minority-Rights-in-Sweden-2016_161003-3.pdf).

<sup>23</sup> Ibid, Appendix.

<sup>24</sup> See Government Offices of Sweden, note 2, p. 20.

### Recommendations

22. The Advisory Committee calls on the authorities to amend, in consultation with the minorities concerned, the Act on National Minorities and Minority Languages where shortcomings in its implementation may originate in too wide a margin of appreciation for municipalities.

23. The Advisory Committee calls on the authorities to strengthen the implementation of the Act on National Minorities and Minority Languages by state authorities and municipalities and to consider introducing more effective monitoring as well as targeted measures of legal, financial, administrative or other nature, such as effective remedy in case of non-compliance with the act.

### Anti-discrimination legislation and its implementation

24. The Discrimination Act (2008:567) prohibits discrimination on the grounds of, *inter alia* ethnicity and religion. In spite of the Advisory Committee's recommendation from the third cycle, discrimination on the ground of language is still not explicitly included in the (open-ended) list of grounds of discrimination in the act. Furthermore, the act covers public authorities' obligation to promote equality only in their role as employers, but not when carrying out their public functions, for instance, their substantial decisions.<sup>25</sup> The Equality Ombudsman, established in 2009, supervises compliance with the Discrimination Act. The Equality Ombudsman is an independent authority, which can consider individual complaints and bring legal action on behalf of concerned individuals. The mandate of the Equality Ombudsman, however, is not fully in line with the Paris Principles<sup>26</sup> and it does not fully cover all actions of public authorities, such as substantial aspects of the work of law enforcement agencies. For this reason, the Equality Ombudsman could not properly investigate whether the maintenance of a database containing data of persons belonging to the Roma community by the Skåne regional police constituted an act of ethnic profiling.<sup>27</sup> The Advisory Committee notes the decision of the Swedish Government to set up an independent national human rights institution (NHRI) following a recommendation of the United Nations Human Rights Council<sup>28</sup> which should have a full mandate as regards acts of discrimination and may refer to instruments of international law.<sup>29</sup>

25. According to the Equality Ombudsman, the number of complaints about discrimination of persons belonging to national minorities has risen slightly and concerns mainly Roma. According to the Advisory Committee's interlocutors, these cases concern, *inter alia* discrimination by social services (e.g. in respect of placement of children in foster care and forced treatment for alcoholism), in public spaces (e.g. in respect of refusal of access to

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<sup>25</sup> European Commission against Racism and Intolerance (2012), Report on Sweden, fourth monitoring cycle, CRI(2012)46, para. 46.

<sup>26</sup> The Equality Ombudsman has accreditation status "B". See <http://ennhri.org/List-of-members>.

<sup>27</sup> The Local (29 April 2017), Sweden to pay damages over Roma register: appeals court, available at [www.thelocal.se/20170429/sweden-to-pay-damages-over-roma-register-appeals-court](http://www.thelocal.se/20170429/sweden-to-pay-damages-over-roma-register-appeals-court).

<sup>28</sup> State report, p. 19.

<sup>29</sup> See also Raul Wallenberg Institute of Human Rights and Humanitarian Law (2016), A Swedish National Human Rights Institution: Exploring Models and Options. Round Table Report, available at <http://rwi.lu.se/app/uploads/2017/03/Roundtable-on-A-Swedish-National-Human-Rights-Institution.pdf>.

restaurants and nightclubs), and access to housing. A slight increase in cases concerning Sami has also been reported. Among these, cases in 2013 and 2016 concern, for example, the use of the Sami language in schools. Only about one tenth of the individual complaints are followed up through litigation. In most cases, the Equality Ombudsman has recourse to other means, such as consultation, mediation or capacity building. The Advisory Committee observes that some minority representatives criticise this limited recourse to litigation, which they believe is symptomatic of a less active approach of the Equality Ombudsman in recent years, and has undermined trust in the effectiveness of the institution.

### *Recommendation*

26. The Advisory Committee calls on the Equality Ombudsman to ensure that the protection of persons belonging to national minorities from discrimination remains high on its priorities and to closely consult with national minority representatives when identifying its focus areas.

### **Measures to promote the full and effective equality of persons belonging to national minorities**

27. The Discrimination Act covers positive measures to promote equality exclusively in working life and in education. While the Advisory Committee regrets that positive measures in other fields are not foreseen in the Discrimination Act, it welcomes the fact that *de facto* measures promoting full and effective equality of persons belonging to national minorities are undertaken in a variety of areas. For instance, the Advisory Committee notes efforts undertaken to promote equality in the health sector. These include the appointment of a Commission for Equality in Health, and studies on the health situation of Roma girls and women, on the living conditions of Sami people with disabilities, and on mental health among the Sami, as well as the set-up of a knowledge-based network on Sami health.<sup>30</sup> On the latter issue, the Advisory Committee notes with particular concern that, according to research published by the Sami Parliament, the Sami, especially the reindeer-herding Sami, face more challenges regarding mental health than other groups of society.<sup>31</sup>

28. The Long-term strategy for Roma inclusion 2012-2032 frames the promotion of equality of persons belonging to the Roma. The Advisory Committee welcomes this strategy. Until 2016, approximately SEK 75 million (approximately EUR 7.5 million)<sup>32</sup> were spent for its implementation. While the authorities organised consultations in the preparation of the strategy, some Roma representatives said they felt they were not adequately consulted. Roma representatives also criticised the fact that most of the measures under the strategy are project-based, which limits long-term planning and affects sustainability. The Advisory Committee notes that the situation of Roma from other European Union countries is not addressed in the strategy. Some Roma interlocutors were of the opinion that the strategy did not have enough focus on cultural issues. Furthermore, the strategy does not contain specific indicators against which progress and setbacks can be measured and the lack of data in many

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<sup>30</sup> State report, pp. 26-27.

<sup>31</sup> P. Stoor (2016), *Kunskapssammanställning om samers psykosociala ohälsa* (Summary of knowledge on Sami psycho-social health), available at [www.sametinget.se/rapport\\_psykosocial\\_ohalsa](http://www.sametinget.se/rapport_psykosocial_ohalsa) (in Swedish).

<sup>32</sup> The European Central Bank exchange rate for EUR v SEK on 20 June 2017 was 9.7575.

areas covered by the strategy inhibits a thorough assessment of its impact. The Advisory Committee was informed about some demonstrably successful projects implemented in the framework of the strategy such as the Roma Information Centre in Malmö and the training and use of Roma mediators in social services, health care and the public employment service.<sup>33</sup>

### *Recommendations*

29. The Advisory Committee calls on the authorities to follow up on the research undertaken on health needs within the Sami and Roma minorities and to comprehensively address the identified problems, including the mental health situation among the Sami, in consultation with the minorities concerned.

30. The Advisory Committee calls on the authorities to continue investing in the implementation of the Long-term strategy for Roma inclusion 2012-2032 based on clearly-defined target indicators and regularly reviewed implementation plans and to gradually move from short-term projects to long-term institutionalised support for initiatives that have proven to be effective.

### **Data collection**

31. The registration of data on ethnicity remains prohibited by the Personal Data Act (1998:204)<sup>34</sup> and the authorities have no intention of changing this.<sup>35</sup> Furthermore, for historic reasons, persons belonging to certain national minorities are against the registration of ethnic data. Consequently, no data on ethnicity or language was included in the register-based census in 2011. Nonetheless, both the authorities and minority representatives acknowledge that the available data on the situation of persons belonging to national minorities remains insufficient for informed policy making, which is why the government has asked the Equality Ombudsman to produce a report on alternative ways of gathering equality data.<sup>36</sup> In this report, published in 2012, the Equality Ombudsman found that specific solutions are needed to collect data on the situation of persons belonging to national minorities and that this is possible within the existing legal framework, if done on a voluntary basis. To date, the Advisory Committee has not been informed about any follow-up except that the issue has been taken up again in the mandate of the inquiry on the Act on National Minorities and Minority Languages.

32. The lack of data on the use of minority languages is especially problematic, as this information is required to assess the need for minority language education and teachers. Some minority representatives reported to the Advisory Committee that data on language preferences obtained by municipalities and compiled by the Stockholm County Administrative Board tend to underestimate the real need for minority language education. In addition, more

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<sup>33</sup> For an English summary of a recent evaluation, see <http://www.statskontoret.se/In-English/publications/2016---summaries-of-publications/evaluation-of-the-bridge-building-investment-in-the-strategy-for-roma-inclusion-20163/>.

<sup>34</sup> Swedish Ministry of Justice (2006), Information on the Personal Data Act, available at [www.regeringen.se/contentassets/87382a7887764e9995db186244b557e4/personal-data-protection](http://www.regeringen.se/contentassets/87382a7887764e9995db186244b557e4/personal-data-protection).

<sup>35</sup> State report, p. 28.

<sup>36</sup> *Diskrimineringsombudsmannen* (Equality Ombudsman) (2012), *Statistikens roll i arbetet mot diskriminering* (The role of official statistics in the fight against discrimination), available at [www.do.se/om-diskriminering/publikationer/statistikens-roll-arbetet-mot-diskriminering](http://www.do.se/om-diskriminering/publikationer/statistikens-roll-arbetet-mot-diskriminering) (in Swedish).

research on the socio-economic status and health situation of persons belonging to national minorities is required, in particular with respect to persons belonging to the Roma and Sami minorities.

#### *Recommendation*

33. The Advisory Committee encourages the authorities to develop, in co-operation with minority representatives, adequate methods to collect disaggregated, anonymous data on the situation of persons belonging to national minorities, while respecting international data protection obligations and the principle of voluntary and free self-identification.

### **Article 5 of the Framework Convention**

#### **Support for the preservation and development of national minority identities and cultures**

34. The Swedish Arts Council is responsible for the allocation of funds for minority culture, involving county councils and municipalities. The Advisory Committee notes that the budget allocated to minority culture, adjusted for inflation, has steadily increased in the reference period, amounting to SEK 10 million in 2015 (approximately EUR 1 million). Funding also increased for the theatre *Tornedalsteatern* and for the publication of literature in minority languages. The Advisory Committee notes that the authorities also include minority culture under the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage, for example, through a project on traditional Sami knowledge about food and food production.<sup>37</sup>

35. The Advisory Committee is pleased to note that in a number of municipalities, representatives of national minorities have the possibility to participate in decision making on the allocation of grants, e.g. the Finnish minority in Stockholm. This is a good practice worthy of being applied on a larger scale.

#### *Recommendation*

36. The Advisory Committee encourages the authorities to continue investing in the protection and promotion of minority culture and to strengthen possibilities for minorities to participate in decision making about the allocation of funds.

#### **Sami culture, identity and traditional use of land**

37. Sami culture and identity are closely connected to the land they inhabit (*Sápmi*). Large areas of land are required for reindeer herding, an occupation exclusively allowed by law to be exercised by the Sami.<sup>38</sup> Sami culture is also reproduced through other activities connected to land, such as fishing and hunting. From a Sami perspective, as for other indigenous peoples, the land they traditionally inhabit incorporates their cultural history and has a spiritual dimension. State-controlled land in the mountains (*kronomark ovan odlingsgränsen och på renbetesfjällen*) is at the heart of the land traditionally used and inhabited by the Sami. Leases on this land for tourism, hunting and fishing are administered by the county boards who should

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<sup>37</sup> State report, p. 32.

<sup>38</sup> See also <http://reindeerherding.org/herders/sami-sweden/>.

take into account that this land is primarily for the use of reindeer-herding Sami, before granting others concessions in these areas.<sup>39</sup> Nevertheless, the Advisory Committee observes that the Sami perceive the external pressure on the land they traditionally use and inhabit (in the mountains and elsewhere) through the exploitation of mineral resources,<sup>40</sup> wind farms,<sup>41</sup> tourism,<sup>42</sup> forestry and infrastructure projects as endangering their culture and identity.<sup>43</sup> Furthermore, the artificial division between reindeer-herding and non-reindeer-herding Sami, created by the Swedish authorities in the 19th century, continues to divide the Sami community<sup>44</sup> and impacts on their effective participation when decisions that affect their traditional use of land are taken.

38. The Reindeer Husbandry Act (1971:437) provides for a certain protection with regard to traditional use of land by the Sami. However, the implementation of the law distinguishes between the reindeer-herding Sami and non-reindeer-herding Sami and mainly grants rights to the first category which constitutes a minor part of the entire Sami community. The main consequence of such a distinction is that non-reindeer-herders are less involved when decisions that affect their traditional use of land are taken. For example, under the Minerals Act (1991:45) and the Forestry Act (1979:429) only reindeer herders are consulted. Under the Environmental Code (1998:808) there is no general, explicit requirement to consult with the Sami when exploitation planned on land that is traditionally used by them is involved. However, this act provides for the sustainable use of land, which means that ecological, social, cultural and economic factors are to be taken into account. The Advisory Committee is concerned that, according to its interlocutors, when there is a conflict of interest, even though legislation in force provides for the sustainable use of land, in practice, the authorities' evaluation is often based on purely macro-economic reasons or on the national interest and, Sami culture and trades are thus outweighed. As a consequence, many reindeer herding communities are involved in lawsuits, creating significant financial risks due to the absence of legal aid for class action lawsuits.<sup>45</sup> In addition, climate change is affecting the Sami's

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<sup>39</sup> In the preparatory work of the Reindeer Herding Act it is pointed out that this state-controlled land in the mountains (*kronomark som står under statens omedelbara disposition ovanför odlingsgränsen och på renbetesfjällen*) primarily is for the use of reindeer-herding Sami, prop. 1971:51, p. 132.

<sup>40</sup> Approximately 95% of Sweden's total iron ore production stems from mines in Norrbotten and Västerbotten, the counties populated by the Sami. See Sami Parliament (2014), Minerals and Mines in Sápmi, The Viewpoint of the Sami Parliament, at <https://www.sametinget.se/87915>.

<sup>41</sup> The Local (12 July 2016), Sami win damages in Swedish wind farm battle, available at [www.thelocal.se/20160712/swedish-sami-village-granted-compensation-over-wind-farms](http://www.thelocal.se/20160712/swedish-sami-village-granted-compensation-over-wind-farms).

<sup>42</sup> During its visit to Kiruna, the Advisory Committee was informed about a conflict between the Kiruna municipality and a Sami village over a permission given for snowmobiling during the 2017 reindeer calving season.

<sup>43</sup> This assessment is shared by the UN Special Rapporteur on the Rights of Indigenous Peoples in her 2016 report on the human rights situation of the Sami people in the Sápmi region of Norway, Finland and Sweden, A/HRC/33/42/Add.3, pp. 10-13.

<sup>44</sup> U. Mörkenstam/E. Josefsen/R. Nilsson (2016), The Nordic Sámediggis and the Limits of Indigenous Self-Determination.

<sup>45</sup> See also *Handölsdalen Sami Village and Others v. Sweden*, European Court of Human Rights (2010, Application no. 39013/04). In the 2011 Nordmaling case (case no. T 4028-07) concerning the right of winter grazing in the area of Nordmaling, the Sami villages won in the Swedish Supreme court of Sweden in 2011. At present, the Sami Village, Girjas, as a result of disturbances in reindeer herding by hunters, has sued the state for exclusive fishing and hunting rights on state controlled land in the mountains. The Sami village Girjas won the case in the District court of Gällivare but the Swedish state has appealed. The court proceedings will start at the end of 2017. Whatever the ruling on the case will be, the authorities may wish to consider anticipating its potential impact. See

traditional lifestyle, for example requiring reindeer herders to be more flexible in the choice of their migration routes.<sup>46</sup> While it is obvious that the reindeer herding communities are most affected by the above-mentioned developments, the Advisory Committee considers it important to give due weight to the significance of land use for the non-reindeer-herding Sami. The Advisory Committee regrets that when such a duty of consultation is explicitly provided for by the law, for example by paragraph 5 of the National Act on Minorities and Minority Languages, such provision is not always followed by the authorities in a meaningful and effective way.

39. The Advisory Committee observes an increasing demand by the Sami, including young Sami and those living outside the traditional areas, to investigate the harm inflicted upon them by Sweden's forced assimilation policy in the past.<sup>47</sup> In its National plan, the government recognises the abuse of Roma and Sami, which included "forced registration of ethnicity, collective forced migration and eviction by the powers of the state", forced sterilisation and the imposition of care or custody on children.<sup>48</sup> The award-winning film "Sami Blood" and the TV series "Midnight Sun" have helped spark a debate about forced assimilation and state-supported discrimination towards the Sami people in Sweden.<sup>49</sup> In 2016, the Church of Sweden made an important first step by publishing a White Book which details its historic wrongdoings with regard to the Sami people. The White Book describes in particular the segregated 'Nomad Schools' for children from reindeer-herding Sami families which operated between 1913 and 1962.<sup>50</sup> The Advisory Committee is pleased to note that the Equality Ombudsman currently facilitates a process for the Sami community to come to a common understanding of the possibilities and limitations of a truth and reconciliation process.<sup>51</sup>

40. The Advisory Committee further notes that the Sami have been calling for a long time for the ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and that the government has communicated to the UN Human Rights Council that it will work towards ratification of this convention. In this context, the Advisory Committee recalls its established opinion that both protection schemes, the Framework

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The Local (3 February 2016), Sami minority wins symbolic court victory over Sweden, available at [www.thelocal.se/20160203/swedens-sami-minority-wins-symbolic-court-victory](http://www.thelocal.se/20160203/swedens-sami-minority-wins-symbolic-court-victory).

<sup>46</sup> See Umeå University (2016), Climate change affects Swedish reindeer herding and increases tularemia infection, ScienceDaily, available at [www.sciencedaily.com/releases/2016/11/161129084235.htm](http://www.sciencedaily.com/releases/2016/11/161129084235.htm).

<sup>47</sup> See I. Reed Bowers (2015), Preparatory Report from the Sami Parliament in Sweden for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Ms Victoria Tauli-Corpuz, prior to her 2015 visit to Sápmi and Sweden, available at [www.sametinget.se/92639](http://www.sametinget.se/92639).

<sup>48</sup> Note 2, p. 20.

<sup>49</sup> The movie "Sami Blood" is set in 1930s Sweden and tells the story of 14-year-old Elle-Marja and her experiences of racism and harassment at a boarding school for Sami children. The TV series "Midnight Sun" features several lead cast members of Sami descent.

<sup>50</sup> The Local (5 February 2016), Swedish church admits to run "racist" schools, available at [www.thelocal.se/20160205/swedish-church-admits-to-racist-sami-schools](http://www.thelocal.se/20160205/swedish-church-admits-to-racist-sami-schools).

<sup>51</sup> *Politico* (1 October 2016), Sami desire for truth and reconciliation process, available at [www.politico.eu/article/sami-reconciliation-process-sweden-minority-multiculturalism-human-rights-discrimination](http://www.politico.eu/article/sami-reconciliation-process-sweden-minority-multiculturalism-human-rights-discrimination).



Convention and ILO Convention No. 169, are not mutually exclusive and may provide parallel and complementary benefits to individuals affiliated with the group.<sup>52</sup>

### *Recommendations*

41. The Advisory Committee calls on the authorities to ensure, in close consultation with the Sami that decisions on the use of traditional Sami land do not negatively affect the possibility for the Sami to maintain and develop their culture in that area.

42. The Advisory Committee calls on the authorities to set up, in close co-operation with the Sami, a truth and reconciliation process which thoroughly addresses past human rights violations against the Sami and raises awareness of them in Swedish society.

43. In view of the importance that access to land and water rights represent for the Sami people to preserve their identity and culture, the Advisory Committee calls on the authorities to continue showing commitment to a dialogue in solving these issues both in national legislation and through the ratification the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

### **Roma culture**

44. The Advisory Committee welcomes the White Paper on Abuses and Rights Violations against Roma in the 20th Century, published by the government in 2015.<sup>53</sup> As a follow-up to this, a Commission against Antiziganism was created, composed of a majority of Roma and led by Thomas Hammarberg, a former Council of Europe Commissioner for Human Rights. The commission produced a textbook and a teacher guide based on the findings of the White Book and a range of other publications identifying effective measures to combat negative stereotypes against Roma.<sup>54</sup> In its concluding report, the commission called for the establishment of a national centre for Roma issues which would promote and monitor actions taken against anti-Roma attitudes, raise awareness of Roma culture and language, and provide support to the Roma in asserting their rights.

### *Recommendation*

45. The Advisory Committee calls on the authorities to implement effectively the measures recommended by the Commission against Antiziganism and consider setting up a national centre for Roma issues based on the conclusions of the Commission against Antiziganism and in close co-operation with persons belonging to the Roma minority.

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<sup>52</sup> Note 18, para. 48: “[...] the Advisory Committee has emphasised that the protection offered by the Framework Convention also extends to persons belonging to indigenous peoples without this having an effect on their status as members of indigenous peoples. Specific rights may be applicable to them, whether or not they are formally recognised as a national minority, and without implying recognition as a national minority.”

<sup>53</sup> Note 11.

<sup>54</sup> Note 12.

## Article 6 of the Framework Convention

### Tolerance and intercultural dialogue

46. The Advisory Committee notes with satisfaction that a climate of tolerance and respect prevails in Sweden, on which minority representatives themselves comment favourably. At the same time, during the reporting period, Sweden has experienced the arrival of a large number of migrants, predominately from Syria, which led to a significant increase in asylum applications (from 43 887 applications in 2012 to 162 877 in 2015). Following amendments to the asylum legislation, as well as other measures, including the reintroduction of identity controls at the border and restrictions on family reunification, the number of applications fell to 28 939 in 2016.

47. The arrival of migrants in large numbers is associated with important legal, social and political changes in Sweden, such as a rise in support for an anti-migrant party,<sup>55</sup> amendments to the asylum legislation and an increase in the number of police reports on hate crimes with a xenophobic motive (see paragraph 56 below). Eurobarometer surveys suggest that in 2015 and 2016, a majority of Swedes considered migration as the “most important issue facing the country”. Positive attitudes towards the immigration of people from outside the EU are still widespread in Swedish society, but dropped from 70% in 2015 to 64% at the end of 2016. As regards migration from people from other European Union states, the attitude remained positive amongst a large part (78%) of the Swedish population.<sup>56</sup>

48. It is encouraging that a 2015 opinion poll suggests that 81% of the Swedish population remains positive towards the idea of preserving the languages and cultures of national minorities.<sup>57</sup> At the same time, Swedish Government sources report that Sami, Jews and Roma are occasionally forced to hide their identities to avoid harassment, threats and violence.<sup>58</sup>

49. In this political and social climate, it is important that the Swedish authorities continue to launch initiatives to promote tolerance and to encourage an intercultural dialogue, such as those listed in the state report and the 2017 National plan. For instance, in 2015, the Living History Forum was commissioned to educate students of compulsory and upper secondary schools about various forms of racism and intolerance in Sweden’s past and present. Furthermore, the Advisory Committee welcomes the initiatives announced in the National plan, such as the planned review of research into racism in the labour market and a continuation of the training of school staff on racism.<sup>59</sup> In this context, the Advisory Committee welcomes the active role in the combat against racism and prejudice played by several media, such as the three-day campaign in March 2017 by the Sami language broadcasters *Sameradion*

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<sup>55</sup> *Yougov* (May 2017), *Väljaropinion i samarbete med Metro* (Opinion Poll in cooperation with Metro), available at [http://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/r0qssdmexb/Opinion\\_YouGov\\_Metro\\_Maj2017.pdf](http://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/r0qssdmexb/Opinion_YouGov_Metro_Maj2017.pdf).

<sup>56</sup> European Commission, Standard Eurobarometer 85 (spring 2016), Public opinion in the European Union; and Standard Eurobarometer 86 (autumn 2016).

<sup>57</sup> State report, p. 8.

<sup>58</sup> Note 2.

<sup>59</sup> *Ibid.*, p. 54.

and *SVT Sápmi*<sup>60</sup> and the national campaign in the framework of the Council of Europe No Hate Speech Movement against xenophobia, sexism and similar forms of intolerance on the internet, organised by the Media Council since 2013.<sup>61</sup>

50. The long-standing Swedish practice of non-interference by the government in media content ensures that the active role certain media play in the promotion of tolerance and intercultural dialogue is strictly voluntary. Moreover, printed media in Sweden are largely self-regulatory. The Code of Ethics for the Press, Radio and Television, issued by the Swedish Press Cooperation Committee (*Pressens Samarbetsnämnd*) in 2001,<sup>62</sup> stands central in the self-regulatory system, lists good journalistic practices that associated media have committed to adhere to, such as accuracy of information, respect for privacy and the application of the principle of an adversarial process when reporting. Complaints about alleged violations of the Code of Ethics by printed press may be filed with the Press Ombudsman and the Press Council. Despite many of the Advisory Committee's interlocutors referring to an increase in hate speech on the internet and on social media, neither the Press Ombudsman nor the Press Council have received any complaints related to hate speech.

51. For radio and television, the Swedish Broadcasting Commission (SBC) is responsible for monitoring the proper execution of the licensing system which, for the three public service broadcasters,<sup>63</sup> includes the obligation to report on Sweden's ethnic and cultural diversity. Notwithstanding its limited mandate on hate speech, in 2015 and 2016, the SBC received 44 complaints concerning the representation of minorities (ethnic, sexual and religious), expressions of racism, as well as the display of Nazi symbols on radio and television. In three cases, the SBC found that there was a breach of this obligation and requested a public rectification.

52. Within the current legal framework, including the legislation on freedom of the press, the Swedish authorities have few other options than to combat xenophobic discourse on the internet and in social media through either penal law or through preventive measures.<sup>64</sup> According to the interlocutors of the Advisory Committees, it is for instance not possible to force a website to close by taking administrative measures.

### *Recommendations*

53. The Advisory Committee encourages the authorities to continue promoting a climate of tolerance and intercultural dialogue, including by implementing the measures listed in the 2017 National plan to combat racism, similar forms of hostility and hate crime.

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<sup>60</sup> The Local (March 2017), Campaign launched to highlight 'everyday racism' against Sami people, available at [www.thelocal.se/20170328/campaign-launched-to-highlight-everyday-racism-against-sami-people](http://www.thelocal.se/20170328/campaign-launched-to-highlight-everyday-racism-against-sami-people).

<sup>61</sup> State report, p. 35.

<sup>62</sup> The *Pressens Samarbetsnämnd* is a Joint Committee founded by the leading media organisations in Sweden: the Newspapers Publishers Association, the Magazine Publishers Association, the Union of Journalists and the National Press Club.

<sup>63</sup> *Sverigeradio* (SR), Swedish Television (SVT) and the Swedish Educational Broadcasting Company (UR).

<sup>64</sup> In the 2017 National plan to combat racism, similar forms of hostility and hate crime, the authorities announce a number of preventative measures, such as an action plan to prevent threats to democratic discourse.

54. The Advisory Committee calls on the authorities to continue stepping up efforts to combat all forms of intolerance, racism, xenophobia and hate speech, in particular in social media and online, through appropriate measures that target the entire population, such as awareness-raising and information campaigns.

### Protection from hate crime

55. The Swedish Penal Code (1962:700) contains provisions against racism, racial discrimination and racially aggravated offences in Article 5 paragraph 3 (criminalising defamation and insults based on “race”, colour, national or ethnic origin and religion); Article 8 (criminalising the dissemination of materials that contain threats or express contempt (agitation) based on these grounds); Article 9 (prohibiting discrimination on these grounds in the context of business activities or public meetings); and Article 2 paragraph 7 establishing aggravating circumstances using the same list of grounds.

56. Statistics of the Swedish National Council for Crime Prevention (*Brå*) indicate that since 2012, the number of police reports on hate crimes with a xenophobic motive increased from 3 979 in 2012 to 4 765 in 2015. The most significant increases, in 2013-14 and 2014-15, appear to coincide with the arrival of a large number of migrants. Interlocutors of the Advisory Committee believe that the two are related. The statistics for 2016 are not yet available. However, from exchanges with well-informed interlocutors, the Advisory Committee has learned that a further increase in the number of hate crimes with a xenophobic motive is expected for 2016.

57. As concerns the 4 765 police reports on hate crime with a xenophobic motive in 2015, over 1 070 concerned Afrophobia, 558 reports had an Islamophobic motive, 388 reports had a christianophobic motive and 277 reports had an anti-Semitic motive and almost 240 were anti-Roma.<sup>65</sup> The higher number of police reports with identified hate crime motives, as compared to 2014, is a result of an increase of criminal damage/graffiti with xenophobic motives.<sup>66</sup> Interlocutors brought to the Advisory Committee’s attention that on a particular train line in the south of Sweden, xenophobic graffiti were frequently found. The *Brå* statistics demonstrate that the increase in occurrences of hate crime also affects certain national minorities (Roma and Jews). In the Advisory Committee’s experience, a general rise in hate crime with a xenophobic motive could very well have a spillover effect to national minorities.

58. Persons belonging to the Jewish community in Sweden report experiencing hatred from Islamic, left-wing and right-wing extremists.<sup>67</sup> The Jewish community in Malmö appears to be

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<sup>65</sup> Swedish National Council for Crime Prevention (*Brå*), English summary of the *Brå* report 2016:15, available at [www.bra.se/download/18.3c6dfe1e15691e1603ec4714/1475237613705/2016\\_Hate\\_Crime\\_2015.pdf](http://www.bra.se/download/18.3c6dfe1e15691e1603ec4714/1475237613705/2016_Hate_Crime_2015.pdf).

<sup>66</sup> Ibid. The category “hate crimes with a xenophobic motive” is broken down to the following offences: violent crimes; unlawful threat and non-sexual molestation; defamation; criminal damage/graffiti; agitation against a population group; unlawful discrimination; other crimes.

<sup>67</sup> Institute for Jewish Policy Research (2017), Different Antisemitisms. Perceptions and experiences of antisemitism among Jews in Sweden and across Europe, p. 27, available at [www.jpr.org.uk/documents/JPR\\_2017\\_Different\\_Antisemitisms\\_in\\_Sweden\\_and\\_across\\_Europe.pdf](http://www.jpr.org.uk/documents/JPR_2017_Different_Antisemitisms_in_Sweden_and_across_Europe.pdf).

particularly affected by anti-Semitic acts committed by radicalised young Muslims.<sup>68</sup> In March 2017, in Umeå, repeated vandalism and threats by neo-Nazis led the local Jewish association to close its community centre.<sup>69</sup> The Advisory Committee was informed that many members of the Jewish community avoid disclosing their Jewish identity in public and that Jewish communities feel obliged to increase their investment in security infrastructure and guards.<sup>70</sup> The Council of Jewish Communities therefore requested additional financial support from the government to cover these costs.<sup>71</sup>

59. The Advisory Committee welcomes the range of initiatives taken by the authorities to address different forms of anti-Semitism, including through the National plan. In addition to the projects conducted by the Living History Forum, municipalities also address anti-Semitism. A project targeted at school children in Malmö, for example, focuses on the experience of migration and seeking refuge, which today's young refugees share with the ancestors of many Swedish Jews.<sup>72</sup>

60. As a result of the low number of incidents, *Brå* does not publish statistics as to the number of hate crimes against persons belonging to national minorities other than the Roma and Jews. The Advisory Committee has not received any information as regards hate crimes targeting Tornedalians and Finnish Swedes. However, interlocutors informed the Advisory Committee that, both in 2014 and 2015, eight police reports concerning hate crime against the Sami were registered. These numbers do not include a relatively new phenomenon, namely the killing of reindeer by unknown assailants out of spite, which the Advisory Committee's interlocutors believe is driven by hatred against the Sami given the importance of the reindeer in Sami culture as well as the absence of any other plausible reason. Certain Sami representatives claim to have seen internet films of such attacks with the attackers professing their hatred against the Sami. So far, the police have not been able to establish a relationship between the attack and a xenophobic or racist motive.

61. Despite the establishment of specialised police hate crime units in Gothenburg, Malmö and Stockholm in 2015, on 30 April 2016, only 4% of the identified hate crimes reported in 2014 were followed by legal action against a person.<sup>73</sup> Such statistics question the effectiveness of the fight against hate crime. In particular, the authorities acknowledge having difficulties fighting effectively online hate crime and hate crime through social media. For this reason, on 1 October 2015 the Swedish Police Service set up a national cybercrime centre (SC3) in order to enhance its capability to preserve evidence regarding IT-related crime. The centre

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<sup>68</sup> E.g. CBC News (22 May 2015), Anti-Semitism in Malmö reveals flaws in Swedish immigration system, available at [www.cbc.ca/news/world/anti-semitism-in-malm%C3%B6-reveals-flaws-in-swedish-immigration-system-1.3080484](http://www.cbc.ca/news/world/anti-semitism-in-malm%C3%B6-reveals-flaws-in-swedish-immigration-system-1.3080484).

<sup>69</sup> The Local (3 April 2017), Jewish centre in Northern Sweden closes following Nazi threats, available at [www.thelocal.se/20170403/jewish-centre-in-northern-sweden-closes-following-nazi-threats](http://www.thelocal.se/20170403/jewish-centre-in-northern-sweden-closes-following-nazi-threats).

<sup>70</sup> See also EU Agency for Fundamental Rights (2013), Discrimination and hate crime against Jews in EU member states: experiences and perceptions of anti-Semitism, pp. 36-37.

<sup>71</sup> See also a letter of 4 April 2017 by the Anti-Defamation League addressed to the Prime Minister, available at [www.jpost.com/Diaspora/Sweden-urged-to-better-protect-its-Jewish-citizens-486046](http://www.jpost.com/Diaspora/Sweden-urged-to-better-protect-its-Jewish-citizens-486046).

<sup>72</sup> The Local (9 August 2016), How Malmö hopes to tackle anti-Semitism, available at [www.thelocal.se/20160908/how-malm-hopes-to-tackle-anti-semitism](http://www.thelocal.se/20160908/how-malm-hopes-to-tackle-anti-semitism).

<sup>73</sup> Note 65.

should become fully operational in 2018. Further measures are announced in the 2017 Plan to combat racism, similar forms of hostility and hate crime,<sup>74</sup> which includes a report on the measures the Swedish Police Authority wishes to take in order to combat hate crime.<sup>75</sup>

### *Recommendation*

62. The Advisory Committee calls on the authorities to ensure that the measures foreseen concerning hate crime, including on internet and in social media, are effectively implemented so as to guarantee that hate crime against persons belonging to national minorities is more efficiently recorded and investigated by the police, and the alleged culprits duly prosecuted.

## **Article 9 of the Framework Convention**

### **Access to and presence in the media**

63. Broadcasting in minority languages is ensured by the public broadcasters *Sverigeradio* (SR), Swedish Television (SVT) and the Swedish Educational Broadcasting Company (UR). The Advisory Committee appreciates the tightening of the requirements regarding programming in minority languages in the current licensing period (2014-19) compared with the previous period. The current guidelines require a ‘substantial’ yearly increase in programming in the Finnish, Meänkieli, Romani and Sami languages compared with 2013. The Advisory Committee welcomes the fact that the total hours of broadcasting in national minority languages moderately increased from 10 541 hours in 2013 to 10 760 hours in 2015.<sup>76</sup> The license guidelines allow public broadcasters to divide the responsibilities for broadcasting in minority languages among themselves. This leads to the fact, for example, that there is little broadcasting on SVT in Romani languages, which is mainly covered by SR and UR. In addition, the term ‘substantial increase’ leaves considerable room for interpretation and some minority representatives would like the next license to be more explicit about the required minimum hours of broadcasting in each national minority language.

64. The Advisory Committee notes the broad range of radio and TV programmes in national minority languages produced by UR. UR produces and broadcasts educational programmes in the languages of the five national minorities, including in the different varieties of Sami and Romani. Altogether, UR produces in 40 different languages, in sign language, and in the basic Swedish language targeted at newly-arrived migrants.

65. The Advisory Committee notes the innovative approaches taken by broadcasters to reach out to persons belonging to national minorities through social media. For instance, it was informed that the SVT handed out smartphones to six young people belonging to national minorities asking them to independently collect material which will be broadcasted later in 2017. All broadcasters offer a wide variety of programmes on their online platforms such as SVT Play, SR Play, UR Play and SVT’s Open Archive. While acknowledging that 95% of the

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<sup>74</sup> Note 2.

<sup>75</sup> Swedish Police (February 2017), Feedback report to the Government concerning hate crimes, available at [https://polisen.se/Global/www%20och%20Intrapolis/Regleringsbrev/Aterredovisning%20hatbrott%202017%20-%20slutlig\\_Engelsk.pdf](https://polisen.se/Global/www%20och%20Intrapolis/Regleringsbrev/Aterredovisning%20hatbrott%202017%20-%20slutlig_Engelsk.pdf).

<sup>76</sup> State report, pp. 40-44.

population in Sweden uses the internet regularly,<sup>77</sup> the Advisory Committee nevertheless considers that radio and regular TV broadcasting must not be neglected in order to ensure the widest possible access to media in national minority languages and to avoid “filter bubbles”<sup>78</sup> on the internet. The Advisory Committee recalls the importance of a common and pluralist media space that is shared among all groups to promote a sense of inclusion in which minority voices are heard.<sup>79</sup>

66. The Advisory Committee notes that structural reforms within *Sverigeradio* in 2015 stirred criticism from both the Finnish and the Roma minorities. The editorial departments for Finnish and Romani were merged; some Finnish language programmes were moved from the P4 channel to the less popular P2 channel and some from prime time to less popular time slots. *Sverigeradio* defends these reforms by referring to a new orientation towards higher quality, broader use of Digital Audio Broadcasting (DAB) and online presence, and outreach to (younger) people identifying with national minorities but not speaking the language.

67. While the Advisory Committee understands the need to reach out better to this target group, it notes that the reform triggered harsh criticism from minority representatives. This might have been avoided through a more proactive involvement in the reform of national minority representatives. The discussion around a bilingual radio show on channel P4 demonstrates how difficult it can be to reconcile different objectives regarding minority language broadcasting. Since September 2015, the originally Swedish-only phone-in show *Karlavagnen* has been broadcasted once a week in a bilingual format, meaning that listeners can also call in Finnish. While the producers argue that this format brings Finnish as a national minority language to the attention of mainstream society,<sup>80</sup> representatives of the Finnish minority criticise the show as not following a true bilingual format because the moderator would speak mostly Swedish.<sup>81</sup> Furthermore, upon introduction of the format, many Swedish-speaking callers complained that Finnish was spoken in the show, which in turn was perceived as offensive by representatives of the Finnish minority.

68. As concerns media in Sami, the Advisory Committee observes that the situation is particularly difficult for the South and Lule Sami languages. The news programme *Ođđasat*, co-produced by SVT with the Norwegian NRK and the Finnish YLE Sámi Radio, broadcasts only in the North Sami language. Speakers of Meänkieli criticised in their exchange with the Advisory Committee that broadcasting in Meänkieli is very limited and only available in Norrbotten and Stockholm, although speakers live all over Sweden. Furthermore, few programmes for children and young people in Meänkieli are available.

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<sup>77</sup> World Economic Forum (2016), Global Information Technology Report, available at [www.weforum.org/reports/the-global-information-technology-report-2016](http://www.weforum.org/reports/the-global-information-technology-report-2016).

<sup>78</sup> A filter bubble refers the intellectual isolation that can occur through websites, including online media and online social networks, using algorithms to selectively assume the information a user would want to see, and then give information to the user according to this assumption. A filter bubble, therefore, can cause users to get significantly less contact with contradicting viewpoints. See also Eli Pariser (2011), *The Filter Bubble*.

<sup>79</sup> ACFC Thematic Commentary No. 3 on the language rights of persons belonging to national minorities under the Framework Convention (May 2012) paras. 40-41.

<sup>80</sup> Submission to the Advisory Committee by *Sverigeradio*.

<sup>81</sup> See alternative report, note 22.

69. The Advisory Committee notes with satisfaction that, with effect from January 2014, the requirements for subsidies to newspapers written, partially or entirely in national minority languages, have been lowered. For instance, the requirement that at least 90% of the circulation must be distributed in Sweden was removed, which should facilitate cross-border co-operation. The Advisory Committee has not been informed about any other follow-up given to the Sami Parliament's study on cross-border newspaper co-operation, which was presented in September 2011.<sup>82</sup>

### *Recommendations*

70. The Advisory Committee calls on the authorities to continue their commendable investment in the promotion of national minority languages through digital media. At the same time, the continuing need for supporting traditional media should be taken into account.

71. The Advisory Committee encourages the authorities to ensure the consultation of minority representatives in major reforms and in particular in the development of the guidelines for the next broadcasting licensing period.

## **Article 10 of the Framework Convention**

### **Use of languages at local level**

72. According to the Act on National Minorities and Minority Languages, a person has the right to use Finnish, Meänkieli or Sami in their dealings with administrative authorities within the administrative areas for the respective languages. Outside these administrative areas, the same right applies, but on the condition that the matter can be handled by staff with proficiency in the respective language. Most municipalities keep and regularly update lists of staff speaking national minority languages and some, for example the Gällivare municipality, offer language training to staff in national minority languages. The Advisory Committee notes that information about the rights of elderly persons belonging to national minorities to health and social care is available in national minority languages and disseminated in all affected municipalities. Notwithstanding this, the Advisory Committee regrets that the legal guarantees for the use of national minority languages at local level remain only partially implemented. The lack of staff speaking national minority languages is most frequently mentioned as its main cause. With the younger generation often having even less knowledge of national minority languages, the situation is likely to deteriorate over time.

73. The Advisory Committee observes with particular concern that elderly persons belonging to national minorities have considerable difficulties accessing care in their national minority language due to a serious shortage of staff speaking national minority languages. Sweden's ageing society is confronted with a general shortage of care personnel and many workers caring for the elderly have a migrant background and no knowledge of national minority languages. The situation is particularly problematic in the less densely populated areas in the north of Sweden.

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<sup>82</sup> State report, p. 43.



74. The Advisory Committee is concerned to note once again instances of restrictions to the right to use one's national minority language freely and without interference in public. The Advisory Committee was informed of cases where teachers were prohibited to use Finnish or Sami languages among themselves in school outside the classroom. Some of these cases have been brought before the Equality Ombudsman.<sup>83</sup> While recognising that these cases do not represent the official position of the authorities, the Advisory Committee observes that the authorities remain responsible for ensuring that legislation with respect to national minorities and national minority languages is known, understood and effectively implemented.

75. A reference group for language revitalisation was set up in 2010 and submitted a report in September 2012. According to the Alternative Report of the Sweden Finnish Delegation and the National Association of Tornedalians, no follow-up has so far been given to the recommendations in this report. Both organisations have proposed the setting up of a language centre for the revitalisation of Meänkieli and Finnish in Sweden, based on the model of the Sami language centre, and published a pilot study in 2015. The government has not reacted so far to this pilot study, but has included the investigation of the issue in the mandate of the inquiry on the Act on National Minorities and Minority Languages. The proposal is based on the example of the Sami Language Centre which, in a recent evaluation, is considered successful in securing and promoting the Sami language in Sweden. It co-operates with local actors and pays specific attention to the promotion of the Sami language among children and young people.<sup>84</sup> In 2015 for example, the Sami Language Centre launched a dictionary application for the Sami language for smartphones and tablets.<sup>85</sup> Overall, the Advisory Committee observes that there is no sufficiently systematic approach to revitalisation which would reflect the specificities of each national minority language and of the different categories of speakers.<sup>86</sup>

### *Recommendations*

76. The Advisory Committee calls on the authorities to ensure that local authorities take resolute measures in order to allow elderly persons belonging to national minorities to receive care in their national minority language. In particular, the Advisory Committee encourages the authorities to identify language skills among local staff, to offer training to those with limited knowledge of the languages, and to reward the knowledge of national minority language skills in recruitment proceedings.

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<sup>83</sup> Case files LED 2013/39 and LED 2016/441.

<sup>84</sup> L. Huss (2017), *Utvärdering av Samiskt språkcentrums arbete i ett revitaliseringsperspektiv* Appendix 2 to the Report of the Commission of Inquiry on the Act on National Minorities and Minority Languages, available at [www.regeringen.se/rattsdokument/statens-offentliga-utredningar/2017/06/sou-201760/](http://www.regeringen.se/rattsdokument/statens-offentliga-utredningar/2017/06/sou-201760/) (in Swedish).

<sup>85</sup> See sixth periodical report by Sweden on the implementation of the European Charter for Regional or Minority Languages, 1 June 2016, MIN-LANG(2016)PR3, p. 42.

<sup>86</sup> Categories of speakers include, inter alia, persons belonging to a minority who do not know the language at all, persons who know the language but do not dare to use it because of psychological blocks caused by former negative experiences, and those who wish to develop literacy in their minority language. See alternative report, note 22, p. 8.

77. The Advisory Committee encourages the authorities to consider developing targeted long-term strategies for a consistent revitalisation of national minority languages, earmark sufficient resources for this purpose, and monitor outcomes.

## **Article 11 of the Framework Convention**

### **Topographical indications in national minority languages**

78. The display of place names in minority languages is governed by the Historic Environment Act (1988:950, amended 2013:548). Since an amendment in 2013, Meänkieli is explicitly mentioned in the act, even though place names in Meänkieli were, in practice, present before the amendment. Decisions on place names are usually taken by municipalities. The Swedish mapping, cadastral and land registration authority (*Lantmäteriet*) is responsible for the official registration and standardisation of these names. *Lantmäteriet* works closely with the Swedish Institute for Language and Folklore (ISOF) and minority representatives to research place names and their correct spelling in national minority languages. *Lantmäteriet* and ISOF give regular trainings to municipalities and county councils to strengthen their awareness of place names in minority languages. By February 2016, 30 575 place names were registered in one of the national minority languages of Finnish, Meänkieli, North Sami, Lule Sami, South Sami or Ume Sami.<sup>87</sup> Overall, the Advisory Committee commends the authorities for the positive developments in displaying place names in minority languages.

79. The Advisory Committee noted during its visit that several municipalities reported the increasing display of national minority languages on public buildings, though minority representatives considered that more could be done. The Advisory Committee observes that, despite notable exceptions,<sup>88</sup> the display of street names in national minority languages is almost non-existent. It is worth mentioning that, according to the Advisory Committee's 3rd Thematic Commentary, minority rights are only effective if they can be enjoyed in the public sphere and that bilingualism in signposts conveys the message that a given territory is shared by various population groups.<sup>89</sup>

### *Recommendation*

80. The Advisory Committee encourages the authorities to continue efforts to display topographical indications in national minority languages and to strengthen efforts as regards street signs and signs on public buildings, in areas traditionally inhabited by substantial numbers of persons belonging to a national minority.

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<sup>87</sup> Sixth periodical report, note 85.

<sup>88</sup> The Local (November 2016), This Swedish town could be the first with Sami street signs, available at [www.thelocal.se/20161101/this-swedish-town-could-be-the-first-with-sami-street-signs](http://www.thelocal.se/20161101/this-swedish-town-could-be-the-first-with-sami-street-signs).

<sup>89</sup> Thematic commentary, note 79, para. 67.

## Article 12 of the Framework Convention

### Equal access to education

81. The Advisory Committee notes that the authorities reported no major problems regarding the enrolment, absence and dropout rates of Roma children in schools. It regrets, however, that no reliable quantitative and qualitative data on the situation of Roma children in education is available to back up that assertion. This makes it difficult to assess to what extent the unsatisfactory situation observed in the Advisory Committee's previous opinions has actually been remedied.

82. The Advisory Committee is concerned about the situation of the Roma Culture Class in Stockholm. It was set up in the early 1990s as a joint initiative of Romani teachers, the Roma community and a local school, and currently consists of a multilingual group of approximately 30 pupils speaking different varieties of Romani. This class, praised as a good practice some years ago,<sup>90</sup> received a negative evaluation in August 2016 by the Swedish School Inspectorate, which could reportedly result in a fine of SEK 1.8 million (approximately EUR 180 000) for the Stockholm municipality or closure of the school if the situation does not improve. The Advisory Committee was informed by officials that this negative evaluation was, among other things, due to high absence rates, the wide age range within the class, lack of formal teaching qualifications, and the segregating character of the education provided. The Advisory Committee observes that interlocutors from the Roma community, as well as experts on Roma education are very concerned about this situation.

### *Recommendations*

83. The Advisory Committee calls on the authorities to ensure that sufficient quantitative and qualitative data are available on the situation of Roma children as regards education in order to serve as a basis for policy making in this area.

84. The Advisory Committee calls on the authorities to develop, in close co-operation with the affected families and teachers, an adequate and culturally sensitive solution regarding the Roma Culture Class in Stockholm.

### **Textbooks and other teaching and learning materials**

85. Sweden's national curriculum, in force since 2011, requires knowledge about national minorities, minority languages, and the Sami as an indigenous people. On the latter, knowledge is required about Sami history, their rights as an indigenous people, and on stories from ancient Sami religion.<sup>91</sup> However, the Advisory Committee was concerned to hear from minority representatives that, in reality, information on national minorities in many textbooks is rare. The Advisory Committee acknowledges that the choice of textbooks is up to individual schools. It therefore regrets that the Swedish School Inspectorate has never undertaken a review of the coverage of national minority issues in textbooks, while such studies were

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<sup>90</sup> C. Rodell Olgaç (2012), Education of Roma in Sweden – an interplay between policy and practice, in: S. Hornberg/C. Brüggemann (Eds.), *Die Bildungssituation von Roma in Europa* (The education situation of Roma in Europe), Münster, Germany, pp. 207-209.

<sup>91</sup> The national curriculum is available in English at [www.skolverket.se/regelverk/laroplaner-1.147973](http://www.skolverket.se/regelverk/laroplaner-1.147973).

undertaken on gender and general discrimination issues. Furthermore, representatives of several national minorities informed the Advisory Committee that the curricula of future teachers, which are the responsibility of each university, do not include enough information on national minorities.

86. The Advisory Committee notes with satisfaction the development of teaching materials on Roma culture and language by the National Agency for Education and about past abuses and rights violations of Roma by the Commission against Antiziganism.

#### *Recommendation*

87. The Advisory Committee calls on the authorities to take resolute measures to ensure that learning outcomes are in line with the requirements contained in the national curriculum as regards knowledge about national minorities. It calls on the authorities to ensure that textbooks and other teaching and learning materials have relevant and up-to-date information about the past and present situation of national minorities in Sweden, as contained in the national curriculum, and to ensure that school as well as university teachers in the relevant fields have knowledge about national minorities.

### **Article 13 of the Framework Convention**

#### **Independent Schools**

88. Since 1992, Sweden has a system of publicly funded private schools free of tuition fees (*friskola*). These so-called independent schools attract approximately 14% of all compulsory school students and 26% of upper secondary students. Bilingual education, in particular in Finnish, is almost exclusively ensured by independent schools. The number of such schools has decreased from more than 10 in the 1990s to five at present, four of which are located in the Greater Stockholm area.<sup>92</sup> In January 2017, the bilingual independent Sweden Finnish school in Gothenburg was closed following a negative evaluation by the Swedish School Inspectorate. While it is not for the Advisory Committee to assess the justification of this individual decision, it notes the vulnerability of the situation of bilingual education if such education relies almost exclusively on independent schools run mainly by parent associations.

#### *Recommendation*

89. The Advisory Committee calls on the authorities to provide all necessary support to bilingual independent schools to make sure that they can deliver high quality education. At the same time, the availability of bilingual education shall not rely on this one particular type of school only.

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<sup>92</sup> See J. Lainio and L. Vuorsola (2017): International minority language promotion in relation to local indifference – the matter of non-implementation of bilingual education in Sweden. Abstract of presentation at a Workshop on education, language policy issues and minority languages across borders at Stockholm University.

## Article 14 of the Framework Convention

### Teaching in and of national minority languages

90. In Sweden, education is decentralised with municipalities autonomously carrying the main responsibility for educational activities from preschool to compulsory schooling (years 1-9) up to upper secondary school (years 10-12). At government level, the Swedish School Inspectorate examines the quality of schools across the country and the National Agency for Education provides information about education and administers public funding and grants. In addition, the Sami School Board manages public Sami schools on the basis of the Sami School Ordinance, which Sami children are entitled to attend instead of the conventional compulsory schools.

91. The right to receive first language education was introduced in Sweden as early as 1977 and is regulated by the Education Act (2010:800). For national minority languages, the presence of just one pupil is sufficient to require the organisation of education in the first language, provided that a teacher is available. For other languages, a minimum of five pupils is required. The Advisory Committee welcomes the fact that, following its recommendations in the previous cycle, children are no longer required to have basic knowledge of a national minority language in order to be entitled to first language instruction.<sup>93</sup> Further, the requirement of a minimum of five students requesting minority language education has, during the reporting period, been lifted for Finnish and Yiddish. The Advisory Committee also welcomes the fact that the government commissioned an inquiry in August 2016 into measures to be taken and legal amendments to be made to improve the learning of national minority languages in schools. The Advisory Committee regrets, however, that the authorities have not yet abrogated Section 13, paragraph 1 of the Compulsory School Ordinance (1994:1194), according to which a municipality is only liable to provide first language instruction if a suitable teacher is available. This provision is frequently invoked as a justification for rejecting requests for first language instruction in a minority language. Minority representatives, however, informed the Advisory Committee that this is difficult to verify and they felt some municipalities did not exhaust all possibilities of recruiting suitable teachers.

92. The most significant concern for teaching in and of minority languages is the severe shortage of national minority language teachers. While the Advisory Committee understands that the lack of minority language teachers has to be seen in the context of a general shortage of qualified teachers in Sweden,<sup>94</sup> it considers that more could be done to make the profession of a minority language teacher more attractive. During the visit, minority representatives mentioned a range of possible measures which are yet to be exhausted, including scholarships

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<sup>93</sup> The Advisory Committee was told, *inter alia* during its visit to Västerås that paradoxically the removal of the basic knowledge requirement has, on some occasions, led to an increased use of the Swedish language. As more children with no basic knowledge of the Finnish language follow the courses, teachers have to switch to Swedish as language of instruction in order to allow for communication with pupils. See also thematic commentary, note 79, paras. 79-81.

<sup>94</sup> Swedish National Agency for Education (2015), An assessment of the Situation in the Swedish School System 2015, available at [www.skolverket.se/om-skolverket/andra-sprak/in-english/publication/2.5845?xurl=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwpubext%2Ftrycksak%2FBlob%2Fpdf3551.pdf%3Fk%3D3551](http://www.skolverket.se/om-skolverket/andra-sprak/in-english/publication/2.5845?xurl=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwpubext%2Ftrycksak%2FBlob%2Fpdf3551.pdf%3Fk%3D3551).

for students who want to become minority language teachers, retraining of native speakers in pedagogy, and the temporary recruitment of teachers from neighbouring Finland and Norway.

93. The Advisory Committee commends the authorities for having established since 2014 subject teacher training in minority languages in grades 7 to 9 for Finnish (Stockholm University), Meänkieli (Umeå University), Sami (Umeå University), and Romani (Södertörn University). Only a few students, mostly from Finland, chose the course at Stockholm University.<sup>95</sup> No applications have been received since the establishment of subject teacher training in Sami at Umeå University, while the 140 students currently following the online course in Meänkieli at Umeå University are hampered by a lack of teaching materials.

94. The teaching time for those students who have access to first language instruction varies between 20 minutes and three hours a week. Most students receive only about one hour of instruction in the national minority language per week.<sup>96</sup> The Advisory Committee considers this insufficient not only for the development of mature literacy, but also for the survival of small minority languages. Furthermore, these lessons often take place before or after regular school hours or even in parallel with other classes, which makes them less attractive for both students and teachers. Given the small number of students and teaching hours, many minority language teachers commute between several schools which, in the less densely populated areas of the north, can mean covering long distances.

#### *Recommendation*

95. The Advisory Committee calls on the authorities to ensure that the availability of teaching in and of national minority languages increases significantly, in particular through making the profession of minority language teacher more sustainable and attractive as a career. In this context, the Advisory Committee encourages the authorities to seriously consider the suggestions made by national minority representatives and the advantages to be gained from that approach.

### **Preschool education**

96. The Advisory Committee welcomes the fact that, through the expansion of administrative areas until 2015 and the abrogation of the basic knowledge requirement, many more children are entitled to preschool activities carried out fully or partially in Finnish, Sami or Meänkieli. The Advisory Committee notes with satisfaction that these changes allow many young parents belonging to national minorities who had not had the opportunity to learn the national minority language themselves, to revive the language in their families through their children. This has, however, led to an even higher demand for preschooling in minority languages, which is not met in many municipalities.<sup>97</sup> The most common reason given by municipalities is a lack of suitable preschool teachers. In addition to the fact that an insufficient number of preschool teachers speak minority languages, there is no specific training for preschool teachers in and of minority languages. Furthermore, minority representatives

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<sup>95</sup> See also videos promoting minority language teaching: [www.youtube.com/watch?v=mTo6jUXrgDk](http://www.youtube.com/watch?v=mTo6jUXrgDk).

<sup>96</sup> *Sverigeradio* (2 March 2016), Sweden rapped over poor minority-language instruction, available at <http://sverigeradio.se/sida/artikel.aspx?programid=2054&artikel=6381000>.

<sup>97</sup> Sixth periodical report, note 85.

reported that the provision that preschool activities should be offered “fully or in part” in minority languages is interpreted very differently according to the municipality. The Advisory Committee is particularly concerned about this situation because language immersion at preschool age, for instance through language nests, is arguably the most promising way to revitalise small languages and prevent families belonging to national minorities from losing this essential element of their culture.

### *Recommendation*

97. The Advisory Committee urges the authorities to develop a comprehensive policy on national minority language education in preschools and the respective training of preschool teachers in close co-operation with minority representatives.

### **Education in and of Sami languages**

98. The five Sami schools in existence are part of the Swedish public school system and are open to all children whose parents self-identify as Sami. They follow the general curriculum which is complemented by approximately four hours of Sami language teaching per week and the teaching of Sami culture, trades and way of life.<sup>98</sup> Due to the long distances, many students reside in dormitories provided by the school. Every Sami school has a preschool attached to it with a total of 137 children enrolled in 2015. Depending on the location, different varieties of Sami are taught. The Sami School Board based in Jokkmokk oversees the Sami schools and develops teaching materials. The Advisory Committee notes with concern information from June 2017 on a possible closure of the Sami school in Tärnaby, the only Sami school in South Sápmi.<sup>99</sup>

99. Since 2015, the Sami School Board has also run distance education in Sami, facilitated by 11 teachers. Distance education (*fjärrundervisning*) refers to online education with real-time interaction between a teacher and a student or group of students. According to the Advisory Committee’s interlocutors, the programme started with 35 students in 2015 and has increased to 145 students in April 2017. In 2016, a total of 39 municipalities and 9 independent schools had purchased remote education from the Sami School Board. Given the small number of Sami pupils and the long distances in the north of Sweden, most interlocutors of the Advisory Committee consider distance teaching a useful tool to complement, though not to replace, the existing system. The Advisory Committee is awaiting with interest the first results of the pilot study on this type of education carried out by the National Agency for Education.<sup>100</sup>

### *Recommendation*

100. Given the vast geographical area in which the Sami live, the Advisory Committee encourages the authorities to pursue the digital path of ensuring that Sami students receive education regardless of how scarce the Sami population may be in their places of residence.

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<sup>98</sup> M. Hammine (2016), Sami languages in education in Sweden and Finland, ECMI Working Paper No. 92, pp. 9-10.

<sup>99</sup> *Sverigeradio* (27 April 2017), *Oro för sameskolans framtid* (Concerns about the future of Sami School), available at <http://sverigeradio.se/sida/artikel.aspx?programid=2327&artikel=6685221> (in Swedish).

<sup>100</sup> State report, p. 3.

Digital aspects of education shall contribute to ensuring availability of education in particular in the less spoken varieties of the Sami language.

## **Article 15 of the Framework Convention**

### **Participation of persons belonging to national minorities in public affairs**

101. The Advisory Committee notes that in the state report<sup>101</sup> and during the visit, reference was made to a multitude of consultative councils, reference groups, hearings and other events aimed at involving persons belonging to national minorities in decision making. All municipalities whose representatives the Advisory Committee met during the visit have one or several consultation groups with minority representatives which meet up to four times a year. It also welcomes the government's intention to establish a more institutionalised dialogue with the Sami. However, it observes that national minority representatives are; to a large extent; dissatisfied with the extent of influence they have on matters that concern them. While representatives of some national minorities, in particular the Roma, are mostly concerned about the inclusiveness of consultative structures, others feel left out of important decisions.<sup>102</sup> A general perception shared by representatives of different national minorities is that issues they brought up in the framework of consultation procedures were formally taken note of, but not followed up with any action. One example of this is the legal right of the Sami to be consulted before forest owners start logging sizeable areas where reindeer graze. Interlocutors told the Advisory Committee that, although the Sami are usually informed about planned logging, they very rarely see that consideration is given to protecting pastures when logging. It appears that the Forestry Board, though it has been given the legal means to ensure the protection of reindeer pasture, very rarely uses these means.

102. Referring to their status as an indigenous people, as recognised by the Swedish Constitution, the Sami claim wider participation rights on the basis of international law which requires states to obtain free, prior and informed consent from indigenous peoples before adopting and implementing legislative or administrative measures that may affect them.<sup>103</sup> While the Sami have a certain degree of cultural autonomy through the Sami Parliament, their influence on matters regarding the use of land, water and other resources remains far behind the concept of self-determination, as claimed by the Sami.<sup>104</sup> In the context of the Framework Convention, the Advisory Committee recalls its 2nd Thematic Commentary on participation, which states that land traditionally used by indigenous peoples should be given particular and effective protection and that representatives of these groups should be closely involved in any decision making on land rights and land usage in their traditional areas of residency.<sup>105</sup>

103. The Reindeer Husbandry Act (1971:437), the Minerals Act (1991:45), and the Forestry Act (1979:429), require a certain form of consultation on planned exploitation of areas traditionally inhabited by the Sami. Furthermore, the Act on National Minorities and Minority

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<sup>101</sup> Ibid, pp. 5-6, 33-34, and 59-61.

<sup>102</sup> This was the case of the Finland Swedes in the reform of *Sverigeradio*, see Article 9.

<sup>103</sup> United Nations Declaration on the Rights of Indigenous Peoples (A/61/L.67 and Add.1), Article 19.

<sup>104</sup> See note 43.

<sup>105</sup> See also ACFC Thematic Commentary No. 2 on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (February 2008), p. 5.



Languages requires consultation with national minorities on matters affecting them. In practice, however, the Sami are not always consulted before decisions are taken that will affect them and their traditional use of land. An example is the use of state-controlled land in the mountains where Sami (reindeer herding and non-reindeer herding) are not always consulted before permits to use such land, e.g. for small game hunting, are given.

104. The Advisory Committee notes that a number of obstacles restrict the effective participation of Sami in consultation processes. One such obstacle is a lack of cultural sensitivity among certain public authorities, for example, when meetings are called in the midst of the calf marking season. Furthermore, apparently many reindeer herding communities lack the capacity to thoroughly prepare and provide their opinion on complex issues or require much more time to do so than is given. At the regular meetings between County Council Administrative Boards and reindeer herding communities, the latter are reportedly in a minority. Another obstacle seems to be the lack of explicit and formalised requirements as to what constitutes an effective consultation and at what stage of the decision-making-process consultation is to take place. Overall, the Advisory Committee notes that representatives of Sami feel that they are in a weak position during consultations, without the possibility to influence public authorities, caused by lack of information, time to prepare and economic possibilities to set time aside to prepare for meaningful consultations.

#### *Recommendation*

105. The Advisory Committee reiterates its call to the authorities to clarify and provide more explicit opportunities and mechanisms for persons belonging to the Sami minority, to participate in a meaningful and effective way in decision-making processes at municipal, county and national levels concerning land use and other matters of importance to them.

### **Articles 17 and 18 of the Framework Convention**

#### **Bilateral and multilateral co-operation**

106. The Advisory Committee very much welcomes the wealth of co-operation activities in the field of national minorities between Sweden and its neighbouring countries at the level of national minority associations, local authorities,<sup>106</sup> and the government. The Advisory Committee notes in particular the active role of the Sami Parliament in the Sami Parliamentary Council,<sup>107</sup> the UN Permanent Forum on Indigenous Peoples,<sup>108</sup> and other fora involving Sami peoples from Finland, Norway and the Russian Federation, and the co-operation between the Swedish, Finnish and Norwegian governments on teaching materials for the Sami.<sup>109</sup> The Advisory Committee observes that such initiatives could be developed further, in particular in

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<sup>106</sup> The Advisory Committee was informed of co-operation between the municipal libraries in Pajala and Kollari in neighbouring Finland.

<sup>107</sup> Declaration adopted at the 2014 Sami Parliamentary Conference in Umeå, available at <https://www.sametinget.se/73159>.

<sup>108</sup> Speech by Josefina Lundgren, Vice-President of the Swedish Sami Parliament, at the 2015 session of the Permanent Forum on Indigenous Peoples, available at [www.sametinget.se/88495](http://www.sametinget.se/88495).

<sup>109</sup> State report, p. 58.

the field of teacher training, given the shortage of minority language teachers in Sweden and the challenges this poses for the use and survival in particular of smaller minority languages.

107. The Advisory Committee welcomes, in particular, the agreement reached by Finland, Norway and Sweden on a draft Nordic Sami Convention,<sup>110</sup> which is now subject to approval from all three Sami Parliaments. The Advisory Committee notes that the Swedish Government is currently analysing the possible consequences of ratification for domestic law with a view to possible ratification, subject to approval by the Sami Parliament, in March 2018.

*Recommendation*

108. The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region, in particular by enhancing the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements and by supporting cross-border initiatives by national minorities.

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<sup>110</sup> Text of the draft Nordic Sami Convention, available at [www.sametinget.se/105173](http://www.sametinget.se/105173) (in Swedish).

### III. Conclusions

109. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Sweden.

110. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.<sup>111</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### Recommendations for immediate action<sup>112</sup>

- **Strengthen the implementation of the Act on National Minorities and Minority Languages at local level; amend the legislation where it provides for too wide a margin of appreciation; and introduce an effective remedy in case of non-compliance with the Act;**
- **Increase and formalise opportunities for the Sami to participate in a meaningful and effective way in decision-making processes affecting them at municipal, county and national levels and ensure that the Sami can maintain and develop their culture whenever decisions are taken that affect areas inhabited traditionally by them;**
- **Increase the availability of teaching in and of minority languages, in particular through making the profession of minority language teacher more attractive; develop a comprehensive policy on national minority language education in preschools and the respective training of preschool teachers in close co-operation with minority representatives.**

#### Further recommendations<sup>113</sup>

- Ensure that the legislative and institutional framework adequately protects persons belonging to minorities from discrimination and that discrimination of persons belonging to minorities remains high on the agenda of the Equality Ombudsman;
- Continue to invest in the implementation of the Long-term strategy for Roma inclusion 2012-2032 based on clearly defined target indicators and regularly reviewed implementation plans and gradually move from short-term projects to long-term institutionalised support for initiatives that have proven to be effective; look for possibilities to set up a national centre for Roma issues based on the findings of the Commission against Antiziganism;

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<sup>111</sup> A link to the opinion is to be inserted in the draft resolution before submission to the GR-H.

<sup>112</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>113</sup> Ibid.

- Develop and apply, in co-operation with minority representatives, adequate methods to collect disaggregated, anonymous data on the situation of persons belonging to national minorities, while respecting international data protection obligations and the principle of voluntary and free self-identification;
- Develop, in close co-operation with the Sami, a truth and reconciliation process which thoroughly addresses past human rights violations against the Sami and creates awareness of this issue in society as a whole;
- Implement thoroughly and provide adequate resources for the National Plan to combat racism, similar forms of hostility and hate crime and continue to step up the combat against all forms of intolerance, racism, xenophobia, anti-Semitism and hate speech, in particular in social media and on the internet;
- Continue investment in the promotion of national minority languages through digital media, while taking into account the continuing need for traditional media; involve minority representatives in the development of guidelines for the next broadcasting licensing period;
- Take resolute measures to allow elderly persons belonging to national minorities to receive care in their minority language;
- Ensure that textbooks and other teaching and learning materials, as well as the university curricula for future teachers, contain relevant and up-to-date information about national minorities in order to meet the requirements of the national curriculum in this respect;
- Support digital means of teaching in and of minority languages, in particular in the lesser-used minority languages and varieties thereof.