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

Second Opinion on Sweden, adopted on 8 November 2007

EXECUTIVE SUMMARY

Minority protection is well developed in Sweden. Over the last years, Sweden has taken a number of valuable measures to advance the protection of national minorities. It has developed its institutional capacity to combat discrimination of Roma and other minorities and important public support is given to Finnish and Sami language radio programmes and to other cultural initiatives. Furthermore, a commitment to improve minority protection was made in the National Action Plan for Human Rights (2006-2009) which includes a reference to the Framework Convention's monitoring findings. A large majority of the Swedish population considers that persons belonging to ethnic minorities enrich their society and encourage firmer measures to combat discrimination. In addition, Swedish society is increasingly self-critical with regard to xenophobic attitudes.

Despite these and other commendable initiatives, the development of minority policies and legislation has been complicated by such factors as frequent shifts in institutional responsibilities, limited commitment by certain local authorities as well as lack of adequate data on national minorities.

While legislation on the use of minority languages covers the five northern municipalities, valuable proposals to expand the scope of these guarantees have met with delays and need to be followed up as a matter of priority.

In education, the authorities have undertaken commendable reviews of textbooks and launched web-based initiatives devoted to minority languages. However, the availability of minority language teaching remains too limited in the public education system, and there is a need for the authorities to strengthen the pertinent regulations and bolster support for bilingual education.

In northern Sweden, legal uncertainty over land rights continues to negatively impact on the Sami population. While the Sami Parliament has an important place in enhancing participation, its role could be further increased.

TABLE OF CONTENTS

I. MAIN FINDINGS.....	4
Monitoring process.....	4
Institutional and legislative framework.....	4
Discrimination.....	5
Support for minority cultures.....	5
Media.....	5
Use of minority languages.....	6
National minorities and education.....	6
Participation.....	7
Transfrontier co-operation.....	7
II. ARTICLE-BY-ARTICLE FINDINGS.....	8
Article 3 of the Framework Convention.....	8
Article 4 of the Framework Convention.....	9
Article 5 of the Framework Convention.....	13
Article 6 of the Framework Convention.....	15
Article 8 of the Framework Convention.....	17
Article 9 of the Framework Convention.....	17
Article 10 of the Framework Convention.....	19
Article 11 of the Framework Convention.....	22
Article 12 of the Framework Convention.....	23
Article 13 of the Framework Convention.....	26
Article 14 of the Framework Convention.....	27
Article 15 of the Framework Convention.....	30
Article 18 of the Framework Convention.....	32
III. CONCLUDING REMARKS.....	33
Positive developments.....	33
Issues of concern.....	33
Recommendations.....	34

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

SECOND OPINION ON SWEDEN

1. The Advisory Committee adopted the present Opinion on Sweden 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 State Report (hereinafter the State Report), received on 13 July 2006, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Stockholm and Kiruna from 7 to 10 May 2007.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Sweden. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Sweden, adopted on 20 February 2003, and in the Committee of Ministers' corresponding Resolution, adopted on 10 December 2003.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Sweden.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Sweden as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

I. MAIN FINDINGS

Monitoring process

6. Sweden has pursued a constructive approach to the monitoring process of the Framework Convention. It agreed to an early publication of the first Opinion and it organised in April 2005 an inclusive follow-up seminar devoted to the findings of the first monitoring cycle. The preparation of the 2nd state report was carried out with the involvement of representatives of national minorities and the report was submitted shortly after the dead-line.

7. The Framework Convention's monitoring findings were also referred to in the National Action Plan for Human Rights, 2006-2009,¹ which was presented to Parliament in March 2006. The said plan contains significant self-critical comments and commitments aimed to improve minority protection in Sweden. This opens up promising perspectives for the protection of persons belonging to national minorities.

8. However, there have also been shortcomings in the authorities' efforts to raise awareness about the Framework Convention, including the absence of a translation of the Advisory Committee's first Opinion into Swedish or minority languages. Furthermore, repeated changes in the allocation of responsibilities for minority issues within governmental structures have at times complicated efforts of national minorities to engage in the monitoring process and the dialogue it entails.

Institutional and legislative framework

9. The institutional responsibility for minority issues has been in a constant state of flux. Although the offices responsible for minority issues have shown clear commitment, their effectiveness and capacity have been negatively affected by these shifts and changes in the institutional responsibilities. The efforts to streamline the responsibilities for minority policy should be continued and further improved. It is also to be hoped that the new Ministry of Integration and Gender Equality will achieve more consistency and clarity in this respect.

10. While the entry into force of the Framework Convention led to a number of important legislative changes advancing the protection of national minorities in Sweden, legislative activity in this sphere has slowed down since the first monitoring cycle. A number of important initiatives to develop further the legislative framework, including the expansion of the scope of guarantees for the use of minority languages, have been studied and discussed, but they have yielded only modest concrete results.

11. In addition to minority-specific initiatives, other important, more general processes are underway. The Advisory Committee refers in particular to the planned reform of the Constitution. It is important that human rights and the rights of persons belonging to national minorities are given adequate importance in the constitutional debate and that due consideration is given to the views of persons belonging to national minorities in this process.

¹ Government Communication 2005/06:95.

12. The central authorities have made a number of attempts to involve local authorities more consistently in the efforts to advance minority protection but regrettably these efforts have, with some commendable exceptions, provoked only limited interest amongst many of the local authorities concerned. This raises some concern due to the fundamental role that local authorities play in minority-related fields under the Swedish constitutional and administrative framework.

13. Another problem complicating the formulation, implementation, evaluation and improvement of minority policies and practices is the continuous lack of data. This could be overcome through consideration by the authorities of various options available for data collection concerning minorities while respecting international standards on the protection of personal data.

Discrimination

14. Sweden has continued to develop its legislative framework to combat discrimination and it has pursued valuable work concerning structural discrimination. However, further improvements are still needed. It appears that attention of the Ombudsman against Ethnic Discrimination and other key actors has helped to tackle discriminatory practices in some areas. This includes the area of employment and access to entertainment establishments. However, persons belonging to national minorities, particularly Roma, still face discrimination, including in housing and employment. Limited confidence amongst many Roma in law-enforcement bodies complicates the situation further. It is important to build such confidence and also to ensure that the Ombudsman and other non-judicial remedies are well-known and accessible throughout the country, including in regions with substantial number of persons belonging to national minorities.

Support for minority cultures

15. Sweden provides substantial support for national minorities' cultural initiatives, although the sums increased less than the inflation rate and the demand for support is growing. It is important to ensure that the representatives of national minorities can effectively participate in the decision-making process concerning the allocation of such public support.

16. The regrettable legal uncertainty concerning land rights continues to complicate traditional activities of the Sami, including reindeer herding. Although this is pursued only by a minority of the Sami, it remains one of the key elements of the traditional Sami culture and identity. This uncertainty has given rise to legal disputes and court cases concerning, among others, winter grazing rights, which have had heavy financial consequences for certain Sami villages. Proposals to solve the issue, in a manner that fully protects the rights of the Sami and guarantees their constant involvement in decision-making, require to be followed-up urgently.

Media

17. Sweden's public service broadcasting encompasses certain commendable practices towards minority language media. These include extensive radio broadcasting in Sami and Finnish languages. However, further action is needed, including with regard to minority programmes on television and the use of languages of other national minorities in the media. Authorities are encouraged to ensure that the opportunities opened up by digitalisation

broadcasting will result in expanding the access of all persons belonging to national minorities to the media rather than restricting it to some national minorities, given the resources needed for such technologies.

18. The concerns of persons belonging to national minorities should be taken carefully into account in the planned reform of the press subsidy system to ensure the sustainability and the strengthening of minority language print media, which remains a weak sector.

Use of minority languages

19. The important legislative guarantees available to national minorities to use their language in contacts with administrative authorities and in courts (as well as in pre-school and elderly care) remain limited to the five northern municipalities concerned, despite the clear need to expand such guarantees to other areas where national minorities reside traditionally or in substantial numbers. The authorities continue to examine possible extension of such guarantees, but there are legitimate concerns about delays in the process, and there is a need for swifter action.

20. Some important steps have been taken to introduce place names and signs in minority languages, including the introduction of trilingual signs in northern Sweden. However, such steps have at times provoked regrettable local opposition, and there are even reports of traditional minority language street names having been officially replaced by new majority language names.

National minorities and education

21. The National Agency for Education has conducted an in-depth review of the content of textbooks, identifying significant shortcomings in terms of the content related to national minorities, which now needs to be addressed. Other promising initiatives in the field of education include the Mother Tongue Theme Website, designed as a key resource also for national minorities.

22. Despite such commendable initiatives, the general problems identified in the first cycle of monitoring of the Framework Convention in terms of minority language education are unsolved. The amount of minority language education in public schools remains extremely limited and, in some cases, inconveniently organised. More substantial bilingual or minority language education can be found in private schools (*fristående skolor* or free school).²

23. Furthermore, the shortage of teachers and other capacity problems are yet to be successfully tackled. Not least, additional efforts are needed to address in a more appropriate way the specific educational needs of the Sami, including with regard to teacher training and to the provision of appropriate textbooks.

² Private schools (*fristående skolor* or free schools) in Sweden refer to schools which are financed and controlled by the State but are privately run.

Participation

24. Sweden has introduced certain welcome measures to enhance participation of persons belonging to national minorities in decision-making, such as the increased role given to the Sami Parliament in the reindeer industry administration and new procedures for regular consultation between national minorities and the government. However, the potential of the Sami Parliament is at present not fully developed in areas other than the reindeer industry. Moreover the impact and representativeness of some new bodies, such as the Delegation for Roma Issues, are yet to be fully proven in practice.

25. There appear also to be significant differences between local authorities on their commitment to involve national minorities in decision-making processes. At the same time, certain local initiatives, such as the relocation of much of the municipality of Kiruna due to the consequences of mining activities, have considerable impact on minorities and their activities such as reindeer herding. The effective involvement of the concerned minorities in these processes needs to be carefully ensured.

Transfrontier co-operation

26. There have been some excellent examples of transfrontier co-operation on minority issues including trans-border projects on Finnish language education between Haparanda and Torneå and the drafting of a Nordic Sami Convention. However, this Convention has not yet been adopted and new disputes have also arisen, including on the scope of reindeer herding rights of Swedish Sami on the Norwegian side of the border.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of application

Findings of the first cycle

27. In its first Opinion, the Advisory Committee encouraged Sweden to consider the inclusion of persons belonging to additional groups, where appropriate on an article-by-article-basis, in the application of the Framework Convention.

Present situation

a) Positive developments

28. The Advisory Committee notes the inclusive approach taken by Sweden to implement the provisions of the Framework Convention to persons belonging to the five minorities included in the declaration attached to the ratification of the Framework Convention,³ regardless of their citizenship.

29. The Advisory Committee notes that Sweden had dialogue with various groups that have indicated interest in being covered by the Framework Convention in addition to the five aforementioned minorities. Some governmental research⁴ has also been carried out in this area, including in relation to the potential use of the Framework Convention for the protection of sign languages.

b) Outstanding issues

30. The authorities have not included any additional groups in the protection of the Framework Convention and they provide only scant information on their position on the matter.

31. While welcoming the discussion on the introduction of specific references to national minorities in the Swedish Constitution, the Advisory Committee is of the opinion that such a reference should be formulated in a manner that does not exclude further development of the personal scope of application of the protection of national minorities.

Recommendation

32. The Advisory Committee encourages Sweden to pursue further its commendable inclusive approach with regard to the implementation of the Framework Convention. In this regard, the Advisory Committee notes that State Parties should promote mutual respect, understanding and cooperation among all who live in their territory. In Sweden, the application of the Framework Convention to the non-citizens belonging to the aforementioned minorities is enhancing a spirit of tolerance, intercultural dialogue and cooperation in the society.

³ These are Sami, Swedish Finns, Tornedalers, Roma and Jews. See the first Opinion of the Advisory Committee adopted in February 2003, paragraph 16.

⁴ On the Status of Sign Language ("*Teckenspråk och teckenspråkiga: översyn av teckenspråkets ställning*"), Official Government Report 2006:54.

Data collection

Present situation

33. The Swedish authorities do not collect detailed statistical data on national minorities. While supporting the aim of protecting personal data, the Advisory Committee notes that this lack of information causes shortcomings in properly targeting minority policies. The Advisory Committee notes that while reservations about data collection exist within some of the national minorities need to be duly taken into account, there have been also strong calls for such data collection from persons belonging to national minorities, including by representatives of Swedish Finns. The Advisory Committee is convinced that the legitimate concerns about ensuring data protection can be reconciled with enhanced collection of data on national minorities. Possible pilot projects covering those national minorities largely supportive of such measures could be suitable first steps towards enhancing data collection. Data collection could focus on language use rather than ethnic affiliation *per se* of the persons concerned

Recommendation

34. The Swedish authorities are encouraged to adopt appropriate measures in order to collect reliable data on national minorities, while respecting international standards on the protection of personal data and taking into account of Article 3 of the Framework Convention.

Article 4 of the Framework Convention

Non-discrimination legislation

Findings of the first cycle

35. In its first Opinion, the Advisory Committee noted that the scope of normative guarantees against discrimination was limited, and it called on the authorities to address the issue.

Present situation

a) Positive developments

36. Sweden has taken a number of steps to strengthen its legislation against discrimination on ethnic origin and other grounds. It has, for example, introduced new guarantees through the Prohibition of Discrimination Act (2003:307), which aims to contribute to the transposition of the European Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

b) Outstanding issues

37. Despite improvements, there remains scope to extend, clarify, coordinate and strengthen anti-discrimination legislation further. Important proposals on how to achieve this aim were put forth in the final report of the Parliamentary Anti-Discrimination Committee in 2006.⁵ The Committee envisages wider legislative guarantees against discrimination, *inter alia*, in the

⁵ Comprehensive Anti-Discrimination Legislation Parts I and II (*En sammanhållen diskrimineringslagstiftning del I och II*), Official Government Report 2006:22).

provision of services, including services provided by private actors (see also related comments regarding positive measures below).

Recommendation

38. Sweden should continue to take measures to widen the scope of legislative guarantees against discrimination on ethnic and other pertinent grounds, including by following-up on the recommendations issued by the Parliamentary Anti-Discrimination Committee.

Monitoring of ethnic discrimination

Findings of the first cycle

39. In its first Opinion, the Advisory Committee concluded that the authorities should increase their efforts to monitor and address cases of discrimination against persons belonging to national minorities, including Roma women.

Present situation

a) Positive developments

40. Sweden has continued to express its commitment to combat discrimination and increase its support for such key institutions as the Office of the Ombudsman against Ethnic Discrimination. The establishment of the Ministry of Integration and Gender Equality is a valuable attempt to streamline policies and responsibilities in combating discrimination. Moreover, there are signs that the on-going efforts to tackle discrimination are producing some positive results in certain fields, including in access to restaurants and other premises, where incidents of ethnic discrimination have been frequent.

41. The Advisory Committee is pleased to note that discrimination against Roma has been given increased attention. The report of a two-year project by the Office of the Ombudsman against Ethnic Discrimination, contains a range of valuable proposals on how to counter discrimination against Roma. These proposals merit careful follow-up by the authorities. Another noteworthy initiative is the working group, comprising Roma women and Government officials, set up to address concerns of Roma women and girls.

42. The Advisory Committee strongly welcomes the in-depth work, commissioned by the Government, related to structural discrimination in Sweden.⁶ The resulting reports provide a critical evaluation of the present discrimination situation and important observations and recommendations, a number of which are also of relevance for national minorities. Some of the recommendations have been endorsed by the authorities, albeit only partially. For example, the proposal to require national authorities to draw up action plans against discrimination is to an extent reflected in the national action plan for human rights for 2006-2009, according to which certain government agencies are to produce anti-discrimination strategies.

⁶ See, *inter alia*, the Blue and Yellow Glasshouse - Structural Discrimination in Sweden (*Det blågula glashuset - strukturell diskriminering i Sverige*) Official Government Report 2005:56.

b) Outstanding issues

43. Persons belonging to national minorities continue to face discrimination in a number of fields. It is widely acknowledged that discrimination often goes unreported due to the limited confidence of some victims, notably Roma, in the remedies available or because of their insufficient awareness of these remedies. There are also concerns that the current mechanisms to address discrimination cases e.g. in the field of employment are not sufficiently effective.

44. Sweden is currently considering consolidating its Ombudsman structure by instituting one Anti-Discrimination Ombudsman instead of the current four, dealing respectively with Equal opportunities, Sexual orientation, Disability and Ethnic discrimination. This is one of the proposals contained in the report of the Parliamentary Anti-Discrimination Committee. It is important to ensure that this proposal, which can improve impact and visibility of the work of various ombudsman institutions, is pursued in a manner that ensures continuation of the significant work that the Office of the Ombudsman against Ethnic Discrimination has carried out. The importance of the protection of national minorities is also to be borne in mind in the reform process, and in this respect an increased presence of the Ombudsman in the areas inhabited by national minorities, particularly in northern Sweden, should be considered. While not addressed in the report of the Parliamentary Anti-Discrimination Committee,⁷ the Advisory Committee further notes the potential role of the resulting Ombudsman institution as a contributor to the domestic implementation and monitoring of the Framework Convention. This needs to be considered in the on-going discussions.

45. Sweden decided in 2007 to close down its Integration Board, citing efficiency reasons. There is a need to ensure that important initiatives launched or administered by the Board, such as anti-discrimination bureaux, are not undermined by this decision. While the Board did not deal with national minorities *per se*, its closing has, at least temporarily, added to the continuing institutional instability that has characterised public policies on minorities in Sweden. Another recent decision adversely affecting anti-discrimination work was the Government's decision to stop funding the Centre against Racism, which was set up in 2004 with the support of the Government.

Recommendation

46. Sweden should ensure that the planned reform of the Ombudsman structures dealing with discrimination results in a system that pays close attention to the needs of persons belonging to national minorities, and is accessible to them. The authorities should ensure that the decision to close down the Integration Board and other institutional changes do not undermine the continuation of the work carried out by anti-discrimination bureaux or other important initiatives in this sphere. It is crucial that they do not diminish the public support for anti-discrimination work in general.

⁷ Report on Comprehensive Discrimination Legislation (*En sammanhållen diskrimineringslagstiftning*), SOU 2006:22

Positive measures, including measures in employment⁸

Findings of the first cycle

47. In its first Opinion, the Advisory Committee called for additional positive measures to promote effective equality and for the expansion of the implementation of the relevant norms in the field of employment.

Present situation

a) Positive developments

48. The question of positive measures on the grounds of ethnic origin in working life receives attention in the report of the Parliamentary Anti-Discrimination Committee and the need for such measures is also highlighted in the report on discrimination of Roma by the Office of the Ombudsman against Discrimination. There are also some positive examples of attempts to promote ethnic diversity in working life in accordance with Article 4 of the Act on Measures to Counteract Discrimination in Working Life.

b) Outstanding issues

49. Measures envisaged to promote ethnic diversity under the above-mentioned Act need to be expanded further, bearing in mind that many employers do not have or do not implement diversity plans while persons belonging to national minorities continue to report problems in their access to employment.⁹ While recent comprehensive studies showing that discrimination in employment has mostly affected more recent minority groups, it appears that amongst national minorities at least Roma are also facing practices of discrimination.

50. While in the field of employment, positive measures are to an extent envisaged in the pertinent legislation, in other fields the present legislation does not explicitly accommodate, let alone oblige, the introduction of positive measures. The above-mentioned report on Roma of the Office of the Ombudsman against Discrimination even concludes that “temporary special measures for an ethnic group, such as Romanies, cannot be considered to be permitted in Sweden at present”. This position raises issues as it does not seem to adequately reflect Article 4, paragraph 2 of the Framework Convention.

51. The Advisory Committee considers that a categorical exclusion of positive measures would be problematic from the perspective of the Framework Convention. The Advisory Committee is aware that positive measures may give rise to a number of concerns and that such measures are sometimes understood exclusively in terms of quotas. The use of quotas is in fact practiced in certain States. The Advisory Committee would like to highlight that while quotas

⁸ The Advisory Committee notes that there is a difference in the terminology in this regard, both at international level and in the practice of the State parties. Article 4, paragraph 2 of the Framework Convention refers to “adequate measures”, and paragraph 39 of the explanatory report mentions “special measures”. The Opinions of the Advisory Committee have been trying to follow the different terminology used in the various State parties. In order to unify the language of its opinions and to embrace all different terms used to refer to these measures, the Advisory Committee will use the term “positive measures”, unless explicit reference is made to Article 4, paragraph 2 of the Framework Convention, in which case reference is made to “adequate measures” in accordance with the terminology used in that provision.

⁹ See, for example, European Commission against Racism and Intolerance (ECRI), Third report on Sweden, CRI (2005)26.

are one form of positive measures, they do not cover the whole spectrum of measures that could be taken to redress a situation of inequality. In this respect, the Advisory Committee recalls that adequate measures are explicitly foreseen in Article 4, paragraph 2, of the Framework Convention. This Article provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require the Parties to adopt adequate measures that take into account the specific conditions of the persons concerned. The Advisory Committee would like to emphasize that such measures need to be proportional and adequate i.e. that they should not extend, in time or in scope, beyond what is necessary in order to achieve the aim of full and effective equality.

Recommendation

52. While pursuing further special measures in the field of employment, Sweden should ensure that its legislation in other relevant fields also accommodates, and, where necessary, provides for positive measures aimed to achieve full and effective equality. This should be borne in mind also in the drafting of new anti-discrimination legislation and, as far as necessary, in the constitutional reform.

Article 5 of the Framework Convention

Support for minority culture

Findings of the first cycle

53. In its first Opinion, the Advisory Committee encouraged the authorities to develop further their support for cultural initiatives of national minorities and to make the involvement of persons belonging to national minorities in the related decision-making process more systematic.

Present situation

a) Positive developments

54. The Advisory Committee welcomes the fact that various important initiatives supporting Sami culture have received significant funding in the framework of the European Structural Fund programmes.

55. There has been commendable research on minority culture and other related initiatives, notably at the University of Uppsala and Technical University of Luleå. Such work merits continuing support. At the same time, efforts have been made to improve access of minorities to higher education.

56. There have been some welcome increases in the overall sums allocated to support activities of organisations of national minorities. Such support is now regulated by a government ordinance. Important support is also allocated through the culture budget. Positive impact of public support is demonstrated, for example, in the activities of Finnish and Meänkieli¹⁰ theatres and of Roma culture centres.

¹⁰ Meänkieli is the language spoken by the Tornedalers.

b) Outstanding issues

57. Despite the guarantees given by the said ordinance, the scheme does not cover all national minority organisations, as eligibility conditions stipulate, *inter alia*, that the organisation need to have local branches in at least five regions. This could create difficulties to certain minority cultures. It is important to ensure that the support scheme and geographic and other conditions contained in the above-mentioned ordinance are such that they do not unduly exclude organisations of national minorities. In doing so, the authorities should bear in mind that some national minorities appear currently to fall outside all public funding schemes. This includes the Tornerdalers as a largely compact minority and the diversity of the organisations of Swedish Finns, such as the National Organisation of Finnish speakers with defective vision.

58. As far as the level of support is concerned, it remains limited when compared to the needs and demands expressed by organisations of national minorities and the modest increase in funds did not match the inflation rate. The implementation of many important initiatives, ranging from minority archives to more *ad hoc* projects in education and other fields, is facing financial difficulties.

59. Apart from the positive practices of the Sami Parliament, there are still concerns on the allocation of such support and that the input of national minorities and expertise on minority issues are not adequately present in the decision-making structures at central or local level. This is despite some efforts by the National Council for Cultural Affairs to consult national minorities.

60. As regards the support for Sami organisations, the Advisory Committee recalls the importance of ensuring that they take duly into account the linguistic and other diversity within the Sami population. This is all the more important in light of the vulnerable position of the Sami languages, of which South Sami and Lule Sami are at risk of disappearing. The Advisory Committee also encourages further discussion related to the protection of the intellectual property and heritage of the Sami so as to ensure that the traditional Sami symbols, lifestyle and cultural practices are properly covered by the domestic legislation

61. In this connection, the Advisory Committee considers that the fact that Sami issues, at the central state level, are mainly within the competence of the Ministry of Agriculture can at times make it difficult to address cultural or linguistic concerns that do not fall within the competence of the said ministry.

Recommendation

62. Sweden should continue to develop support for organisations and cultural activities of national minorities. In doing so, it should ensure that the eligibility criteria for access to support take into account diversity of national minority organisations and that minorities have a voice in the related decision-making processes.

Sami land rights

Findings of the first cycle

63. In its first Opinion, the Advisory Committee concluded that the legal uncertainty in the area of land rights and the use of territory in the traditional areas of the Sami has had a negative impact on the implementation of the Framework Convention. It called on the authorities to pursue with urgency their efforts to clarify and improve the legal situation.

Present situation

a) Positive developments

64. The role of the Sami Parliament in reindeer industry administration was to a certain extent enhanced through the transfer of some of the tasks in this domain from county and central authorities to the Sami Parliament as from January 2007.

65. An important step towards addressing problems regarding the boundaries of reindeer grazing was the publication in 2006 of an official report entitled “The Sami People’s Common Law Grounds”. The report, which is currently being considered by the authorities, contains a number of interesting proposals that could help alleviate the problems detected. In addition to proposals regarding boundaries *per se*, the report contains suggestions for an affordable mechanism for settling related disputes, which could reduce the need to rely on expensive and lengthy court proceedings. Another important report issued in 2006 examined the hunting and fishing rights in Sami territories and reindeer grazing lands. It contained detailed analysis and proposals, some of which have, however, been challenged by Sami representatives.¹¹

b) Outstanding issues

66. While the above-mentioned in-depth studies are being considered, the legal situation in relation to land rights questions remains largely intact and the uncertainty noted in the first cycle persists, prompting repeated disputes notably over the boundaries of the winter grazing lands.

67. These disputes have continued to lead to a number of court cases in which land owners have challenged winter grazing rights of Sami in the areas at issue. These court cases, the costs of which are not covered by the State, have in turn required significant resources and continued to cause heavy financial burdens for the Sami villages concerned and even harm inter-ethnic relations in the areas at issue.

Recommendation

68. The authorities need to take urgent action to bring legal clarity to the question relating to Sami land rights, in particular on boundaries of winter grazing lands. This needs to be done in a manner that fully protects the rights of the Sami as an indigenous people while ensuring the rights of the others in the areas concerned. Furthermore, Sami villages’ financial burden caused by related court cases needs to be addressed as a matter of priority. This includes introducing more affordable mechanisms for settling disputes concerning grazing boundaries.

Article 6 of the Framework Convention**Attitudes towards minorities and hate crime***Findings of the first cycle*

69. In its first Opinion, the Advisory Committee urged the authorities to pursue further confidence-building and other measures to combat negative attitudes and incidents of hostility towards minorities in Sweden.

¹¹ The Sami People’s Common Law Grounds (*Samernas Sedmanevarker*) Official Government Report 2006:14 and Hunting and Fishing in Partnership (*Jakt och fiske i samverkan*) Official Government Report 2005:116.

Present situation

a) Positive developments

70. The Advisory Committee notes with satisfaction that a large majority of the Swedish population considers that persons belonging to ethnic minorities enrich their society and encourage firmer measures to combat discrimination.¹² It also welcomes the fact that Swedish society is increasingly self-critical with regard to xenophobic attitudes.

71. The Advisory Committee welcomes the on-going work carried out to improve awareness about the Sami and their culture, which included the setting up of the Sami information centre in 2005.

72. The Advisory Committee also notes with satisfaction the continuing support for the “Forum for Living History”, which aims, *inter alia*, to combat anti-Semitism.

73. A range of proposals have been made to improve the way in which so-called hate crimes are being addressed by the judiciary and law-enforcement agencies, including in a report by the Council for Crime Prevention issued in 2002.¹³ The Advisory Committee notes with satisfaction that the prosecution and police have carried out in-service training on the topic.

74. The system of collecting statistics on hate crime has also been developed further, with a separate category for islamophobic crime added as from 2006.

b) Outstanding issues

75. Despite some awareness-raising efforts, the public at large still has only limited information about national minorities, and this situation is perpetuated by the lack of such information in school textbooks (see related comments below under Article 12).

76. While not widespread, anti-Semitism continues to be present in the Swedish society.¹⁴

77. Furthermore, Roma still face prejudices in employment, housing and other areas.

78. The Advisory Committee notes that in the continuing debate relating to Sami land rights, a number of statements that have been made on the Internet and other fora reflect hostile attitudes towards the Sami.

79. The Advisory Committee is concerned about recent statistics suggesting that violent xenophobic crime is on the increase, affecting a wide range of minority groups in Sweden.¹⁵

¹² See for example, Discrimination in the European Union, Special Eurobarometer, European Commission, January 2007.

¹³ Hate crime – Monitoring the measures implemented within judicial system (Hatbrott – En uppföljning av rättsväsendets insatser), National Council for Crime Prevention 2002.

¹⁴ Anti-Semitic images and attitudes (*Antisemitiska attityder och föreställningar i Sverige*) National Council for Crime Prevention 2006.

¹⁵ Hate crime 2006, Overview of police reports for crime with xenophobic, islamophobic, anti-Semitic and homophobic motives (*Hatbrott 2006, En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv*), National Council for Crime Prevention 2007.

80. While information on hate crime reported to the police is collected annually, there is no systematic collection of information on the processing of such cases from reporting to possible adjudication. The usefulness of such data collection is demonstrated by *ad hoc* studies that have been carried out on this topic.

Recommendation

81. Sweden is encouraged to widen further its important measures aimed at raising awareness about minorities and increasing inter-ethnic tolerance. The monitoring of hate crime could be usefully complemented with more comprehensive tracking of cases that have been reported to the police.

Article 8 of the Framework Convention

Circumcision of boys

Findings of the first cycle

82. In its first Opinion, the Advisory Committee encouraged the authorities to search for pragmatic solutions in the implementation of new conditions for the circumcision of boys in a manner that does not unduly inconvenience the practicing of religious traditions.

Present situation

Positive developments

83. The Advisory Committee has been informed by representatives of the Jewish community that the implementation of the new legislation in this sphere has been carried out in a satisfactory manner.

Article 9 of the Framework Convention

Minority language broadcasting

Findings of the first cycle

84. In its first Opinion, the Advisory Committee referred to certain marked cuts in the public service minority language broadcasting and called on the authorities to monitor that the public service broadcasting companies implement their obligation to increase their efforts in this field.

Present situation

a) Positive developments

85. The licensing conditions for the five-year concession period starting in 2002 instructed the public service radio (SR) and television (SVT) to increase their efforts to cater to the needs of national minorities. Romani Chib was also added to the list of national minority languages to be considered in this context. The importance of national minority languages is recognised also in the plans for 2007-2012¹⁶ and the latest license condition issued by the authorities for 2007-2009 contains a call for increasing minority access to TV broadcasting.

¹⁶ More important than ever! Public service radio and television, 2007– 2012 (Viktigare än någonsin! Radio och TV i allmänhetens tjänst 2007– 2012) Government Bill 2005/06:112.

86. In practice, public service broadcasting companies continued to provide a range of important minority language programming. Representatives of national minorities have expressed particular appreciation, *inter alia*, of the comprehensive Finnish language broadcasting by *Sisuradio*, which has paid particular attention in its programmes to the implementation of Sweden's obligations in the field of national minorities.

b) Outstanding issues

87. As regards TV broadcasting, the implementation by SVT of its obligation to increase efforts in minority language broadcasting between 2002 and 2006, notably concerning Finnish language TV broadcasting, has been criticised by certain national minority organisations. It appears that, whereas the overall number of hours broadcasted in Finnish increased from 117 hours of programming in 2001 to 139 hours in 2005, the overall resources devoted to such programming remained stagnant and the share of domestically produced programming decreased. While recognising the budgetary constraints involved, the Advisory Committee recalls that the availability of foreign broadcasting in a language of a national minority does not replace the need for, and importance of, domestically produced broadcasting in that language.

88. The impact of the switchover to digital TV broadcasting in the terrestrial network, to be completed by February 2008, is an issue that needs to be carefully considered from the point of view of national minorities. While this switchover may open up new possibilities that need to be seized, it is important to ensure that it does not at the same time create new technical or other obstacles in the access of persons belonging to national minorities to broadcasting.

Recommendation

89. The Swedish authorities should ensure that broadcasting in languages of national minorities is given constant attention by the public broadcasting media during the new concession period. Furthermore, minority language programming should include an adequate amount of domestically produced programmes. The impact of the switchover to digital TV on minority languages merits being carefully monitored with a view to ensuring that it results in positive developments in the media access of persons belonging to national minorities.

Print and Internet media

Findings of the first cycle

90. In its first Opinion, the Advisory Committee identified scope for improvements in the situation of print media in minority languages and urged the authorities to ensure that the relevant subsidy schemes take into account the situation of minority language print media.

Present situation

a) Positive developments

91. The Advisory Committee welcomes the fact that the press subsidy system has been examined in detail, with a view to ensuring adequate support for the newspapers of national minorities. The committee tasked to consider the issue has made certain proposals on how to facilitate the establishment of minority language newspapers by revising some of the eligibility criteria contained in the present press subsidy regulations.¹⁷ These include a proposed lowering

¹⁷ Diversity and range (*Mångfald och räckvid*) Official Government Report 2006:8.

of the circulation threshold. They also include the amendment of the requirement that minority language newspapers have at least 90 per cent of the subscribed circulation in Sweden, which can at present constitute an obstacle for minorities' media initiatives, including those for Sami and Tornedalers.

b) Outstanding issues

92. While the proposals to revise the press subsidy system are pending, the availability of printed press in national minority languages remains limited, with existing titles consisting largely of local newspapers and periodicals. An attempt to launch a Finnish language daily newspaper failed in 2005 because of financial difficulties, and initiatives to create a Sami language newspaper have not yielded concrete results.

93. Persons belonging to national minorities have introduced certain encouraging Internet-based news and information initiatives but their sustainability is largely uncertain due to limited funding prospects.

Recommendation

94. Sweden should complete its review of the press subsidy system and introduce any revisions necessary to ensure the viability of minority language press. There is also a need to examine how to support the availability of minority language information through the Internet.

Article 10 of the Framework Convention

Promotion of Swedish

Findings of the first cycle

95. In its first Opinion, the Advisory Committee stressed that support for the promotion of the Swedish language should be carried out in a manner that fully protects the rights of persons belonging to national minorities contained in the Framework Convention.

Present situation

a) Positive developments

96. The Advisory Committee welcomes the fact that the protection of national minorities and their languages has often been stressed in the debates and initiatives surrounding the promotion of the Swedish language. This is reflected, for example, in the fact that the new measures aimed at strengthening and coordinating language conservation and development cover, in addition to Swedish, the languages of national minorities. The Advisory Committee also welcomes the reference to minority languages in the terms of reference of the special investigator tasked to draw up a draft language law (see the below paragraph).

b) Outstanding issues

97. The advisability of introducing specific legislation to promote the Swedish language continues to be debated. The Government decided in 2005 not to pursue legislation guaranteeing the role of the Swedish language as the "principal language", referring, *inter alia*, to possible

discriminatory consequences of certain envisaged legislative provisions.¹⁸ The situation changed, however, with the appointment of a new Government, which tasked, in February 2007, a special investigator to draw up a legislative proposal for a language law.¹⁹ The main aim of such a law would be to regulate the status of the Swedish language, but the investigator was also requested to consider whether it would be advisable to include in such a law provisions on the situation of the languages of national minorities.

Recommendation

98. Sweden should continue to ensure that the situation of national minorities is fully taken into account in the efforts to promote the Swedish language. Should a specific law in this field be pursued, it could usefully include guarantees for the protection of national minorities. There is a need to involve representatives of national minorities in the drafting process of this law.

Use of minority languages in contacts with the administration

Findings of the first cycle

99. In its first Opinion, the Advisory Committee urged the authorities to seek additional ways to overcome difficulties in the implementation of the laws concerning the use of Finnish, Sami and Meänkieli in contacts with administrative authorities. It encouraged examination of the possible extension of the territorial scope of application of the pertinent legislative guarantees.

Present situation

a) Positive developments

100. The Advisory Committee acknowledges the efforts that have been made, particularly by the Norrbotten County Administrative Board, to evaluate the implementation of minority language legislation in the municipalities concerned in northern Sweden. This has involved both academic research and official reports identifying shortcomings and containing proposals for improving the situation.²⁰ The authorities have also supported awareness-raising efforts to advance the implementation of the law locally.

101. Moreover, the extension of the geographic area covered by the minority language law guarantees has been under active consideration. One significant step was the appointment by the Government of a special investigator to analyse whether there are grounds to extend the Finnish administrative area to include an area within the Stockholm-Mälars Region and the extension of the Sami administrative area to include the South Sami area. In the resulting reports, the investigator, after in-depth analysis of the present situation and drawing, *inter alia*, on the Framework Convention and its monitoring results, recommended that the Finnish and Sami administrative areas be substantially extended.²¹ Furthermore, the investigator recommended that the protection of national minorities be recognised through a new provision in the Constitution and that related norms be compiled in a new law on national minorities and minority languages.

¹⁸ The best language - an integrated Swedish language policy (Bästa språket – en samlad svensk språkpolitik) Government Bill 2005/06:2, 15 September 2005.

¹⁹ See Committee terms of reference; Language law (Kommittédirektiv; Språklag) Dir. 2007:17, 8 February 2007

²⁰ See, for example, National Minorities and minority languages, (*Nationella minoriteter och minoritetsspråk*), Constitutional Committee, Report from Parliament 2004/05:RFR3. Minority languages and official contacts (*Minoritetsspråk och myndighetskontakt*), Lars Elenius and Stefan Ekenberg, Luleå Technical University 2002.

²¹ The right to my language (*Rätten till mitt språk*) Official Government Report 2005:40 and To reclaim my language (*Att återta mitt språk*) Official Government Report 2006:19.

102. Another positive development is that some local authorities outside the current application area, notably in Eskilstuna, have taken a positive attitude towards introducing language law regulations within their localities.

103. The Advisory Committee is pleased to note that there is a growing recognition of the need to strengthen minority language capacity in services for the elderly, and that certain municipalities have expressed the commitment to improving the situation in this field, including outside the present scope of application of the minority language laws.

b) Outstanding issues

104. The Advisory Committee notes that the problems persist in the implementation of the language legislation, although there are significant differences between the five municipalities currently covered by the language laws as well as between the three languages concerned.²² Despite some positive practices, such as the frequent use of Finnish in Haparanda, the use of minority language, especially Sami, in contacts with the authorities remains in many places rare. This state of affairs is caused by various factors, including limited language capacity amongst most of the authorities concerned, delays that the use of a minority language can cause as well as insufficient awareness of minority rights within the relevant administration.

105. Furthermore, the Advisory Committee considers that there is an interconnection between the effective implementation of the language laws and the provision of minority language education. The shortcomings identified in minority language education (detailed below under Articles 12-14) are likely to have a negative impact also on the implementation of minority language laws. This needs to be recognised more widely.

106. The Advisory Committee considers that more comprehensive data are needed on the use of minority languages in contacts with the administration. For example, the consulted sources confirmed that no record is provided about the number of judicial cases or administrative proceedings held or initiated in minority languages in the areas covered by minority legislation. This lack of information may have a negative impact on the elaboration of targeted policies aimed at improving the use of minority languages in the public sector.

107. While the proposal for the extension of the administrative areas covered by minority language laws remains under consideration by the authorities, representatives of national minorities are concerned by the delays that this process seems to have encountered. The Advisory Committee considers that the proposals made in the official inquiry merit speedy follow-up. With reference to the information contained in the report of the special investigator, the Advisory Committee notes that, even in the absence of specific data on the number of persons belonging to national minorities, it is clear that the areas concerned by the proposed extension of the minorities language legislation are inhabited by persons belonging to national minorities traditionally or in substantial number. Furthermore, there is a clear demand and need for the use of the minority languages at issue in contacts with authorities. It follows that the guarantees under Article 10, paragraph 2, of the Framework Convention are applicable and corresponding measures need to be introduced in the areas concerned.

²² See also Second Report on Sweden by the Committee of Experts of the European Charter for Regional or Minority Languages, 27 September 2006, ECMRL (2006)4.

Recommendation

108. Sweden should follow up the inquiry into the extension of minority language law guarantees. It should introduce legislation that fully protects the right of persons belonging to national minorities to use their language with administrative authorities in the areas where persons belonging to national minorities reside traditionally or in substantial numbers. At the same time, the authorities are encouraged to support local initiatives to facilitate minority language contacts with authorities which should include the municipalities where this is not an obligation under domestic legislation.

Article 11 of the Framework Convention

Minority language place names

Findings of the first cycle

109. In its first Opinion, the Advisory Committee welcomed the authorities' plans to increase their efforts to introduce minority language topographical indications and it encouraged them to extend the corresponding legal obligation to cover also Meänkieli.

Present situation

a) Positive developments

110. There are a number of positive examples of indicating place names in minority languages, with additional initiatives to include Sami language names. The Advisory Committee also notes that the authorities interpret Article 4 of the Heritage Conservation Act to include a commitment to display Meänkieli signs, even though this language is not explicitly mentioned in the said law.

b) Outstanding issues

111. The Advisory Committee continues to be of the opinion that an explicit reference to Meänkieli in the Heritage Conservatory Act would better reflect the national minority status of Tornerdalers than the current legal situation.

112. In practice, the Advisory Committee notes that the use of minority language signs and place names is still limited. Furthermore, the Advisory Committee is concerned about certain reported setbacks in the implementation of the obligations under Article 11, paragraph 3, concerning street names. In particular, despite local protests, the local municipality of Kiruna replaced traditional Meänkieli street names in the village of Kurravaara by new Swedish language street names.

113. The Advisory Committee is concerned that the introduction of bilingual or trilingual signs has in a number of cases prompted local opposition and some signs have been damaged.

Recommendation

114. Sweden is encouraged to improve further the legal framework and implementation practices on topographical indications in minority languages and to address decisively any setbacks in the domain, such as the one reported in Kurravaara. There is also a need to raise further awareness about the importance of minority language place names.

Article 12 of the Framework Convention

Minority-related content of textbooks

Findings of the first cycle

115. In its first Opinion, the Advisory Committee called on the authorities to improve monitoring on minority-related content of textbooks with a view to addressing any shortcomings.

Present situation

a) Positive developments

116. The Advisory Committee welcomes the review of selected textbooks used in compulsory and upper secondary schools that was completed by the National Agency for Education in 2006. The review shows to what extent textbooks contain information on national minorities, providing a good basis for addressing shortcomings.²³

117. While recognising the limitations of *ad hoc* initiatives, the Advisory Committee welcomes the fact that information campaign concerning the Sami also provided useful materials for schools.

b) Outstanding issues

118. The results of the above-mentioned review confirmed that, while some patchy information exists on Jews and Sami, there is generally a disconcerting absence of information related to national minorities in the textbooks used in Swedish schools, despite the related requirements set out in the national curricula.

Recommendation

119. The authorities should address the serious shortcomings identified in the above-mentioned review of textbooks and find ways to reflect national minorities and their culture in the relevant teaching materials, including in computer-based learning programmes. This work requires close involvement of national minorities as well as consultation with the local and school authorities and others involved, bearing in mind the high degree of decentralisation in this domain and the fact that textbooks are not centrally approved in Sweden.

Roma children in schools

Findings of the first cycle

120. In its first Opinion, the Advisory Committee encouraged the authorities to take additional measures aimed to enable and encourage Roma children to stay in regular classes.

Present situation

a) Positive developments

121. The Advisory Committee welcomes the fact that the situation of Roma children in school has been highlighted in reports, including in a recent in-depth study by the National Agency for

²³ *I enlighet med skolans värdegrund?* National Agency for Education, Report 285:2006.

Education, which provides a range of recommendations to improve the situation.²⁴ Some promising initiatives have been taken to introduce support for Roma in regular schools, but these have been limited in scope. The Advisory Committee refers in particular to the reports that schools assistants (“bridge builders”), employed in some schools, have helped to improve school attendance amongst Roma and build confidence between Roma parents and schools.

b) Outstanding issues

122. The Advisory Committee is concerned that various past recommendations have yielded only modest improvements and many of the problems present during the first cycle are still reported. These problems range from limited acknowledgement of Roma culture in school curriculum to absenteeism and incidents of bullying and harassment of Roma children.

123. Despite some positive results, the initiative to introduce Roma teaching assistants, has been pursued on an *ad hoc* basis, often with limited funding. Training of teaching assistants has not produced the expected results, and it has proved difficult to attract applicants for such training.

Recommendations

124. There is a need to take additional measures to ensure that Roma can enjoy quality education in an environment that is free from harassment and respects Roma and their culture.

125. Roma teaching assistant initiatives should be developed further, including through more secure funding and extended training. The training of school assistants should be designed and implemented in close consultation with representatives of the Roma, and the reasons for the lack of applicants for such training need to be analysed and the shortfall remedied.

Teacher training and teaching materials

Findings of the first cycle

126. In its first Opinion, the Advisory Committee encouraged the authorities to allocate funds to address the lack of minority language teachers. The Advisory Committee also drew attention to the shortcomings that reportedly exist in this respect *inter alia* as regards materials in Meänkieli, in South Sami and Lule Sami and highlighted the need to provide adequate teaching materials in minority languages.

a) Positive developments

127. A positive development was that the issue of availability of minority language teachers and of textbooks was analysed in detail in a report by the National Agency for Education.²⁵ The report confirms a number of shortcomings identified below.

128. The Advisory Committee welcomes the receipt of public funds by some new minority language teacher training initiatives, including some within the new Centre for Finnish Studies at the Mälardalen University.

²⁴ Roma in schools - an in-depth study (*Romer i skolan – en fördjupad studie*), National Agency for Education, Report 292:2007.

²⁵ The educational situation of national minorities (*De nationella minoriteternas utbildningssituation*), National Agency for Education, Report 272:2005.

129. The Advisory Committee finds it particularly promising that the authorities have launched a multilingual “Mother Tongue Theme Website”. While the site does not replace the need to produce textbooks in national minority languages, it is an important resource for children and teachers involved in mother tongue education and merits being developed further. The Advisory Committee stresses that the development of such Web resources should be carried out in close co-operation with minority language teachers and other stakeholders.

b) Outstanding issues

130. The lack of teachers in minority languages continues to be a major obstacle for the development of minority language education.

131. Plans to provide university level teacher training in Romani, Meänkieli and Sami languages have not yielded concrete results, and the training currently available is largely limited to individual courses. The lack of provision of university level teacher training is reportedly due partly to the lack of applicants, which may depend on unsatisfactory teaching conditions offered for minority language teachers.

132. There are concerns amongst national minorities that the reported plans underway in several universities to modify minority language studies substantially, which includes concentrating them in fewer universities, may impact negatively on developments in this area.

133. The availability of Romani language teachers remains particularly difficult. There are serious shortcomings also in the availability of qualified teachers of other languages of national minorities, the serious lack of teachers in South Sami being a case in point.

134. The problems regarding the availability of minority language teachers may, to some degree, be linked to the fact that the municipalities have the obligation to provide mother tongue education only when there are teachers available (see related comments below under Article 14). This condition is likely to reduce urgency around addressing the shortage of teachers. Indeed, the lack of teachers is the most common reason cited by municipalities when rejecting a request to provide mother tongue education.

135. The availability of textbooks in minority languages continues to be a problem, particularly for the Sami languages and for Meänkieli. The fact that the textbooks used are in a number of cases produced abroad may inadequately reflect local perspectives.

Recommendations

136. Sweden needs to strengthen its efforts to ensure that the teacher training reflects the demands and needs amongst national minorities. This requires a more strategic approach and increased provision of the related higher education, designed in close co-operation with representatives of national minorities. Guarantees of adequate funding for initiatives relating to minority language training should also be considered. Furthermore, the Advisory Committee invites the authorities to carefully examine the practical consequences of the legal provision stipulating that the obligation to provide mother tongue education applies only when there are teachers available.

137. The valuable efforts to provide Web-based teaching materials in minority languages should be pursued in close co-operation with minority language teachers and other stakeholders.

They should be coupled with an enhanced domestic production of textbooks for national minorities.

Article 13 of the Framework Convention

Private schools and teaching of minority languages

Findings of the first cycle

138. In its first Opinion, the Advisory Committee acknowledged the central role of private schools in providing minority language education and encouraged the authorities to support them further.

Present situation

a) Positive developments

139. Overall, the private schools have continued to be a key source for minority language education in Sweden and some new initiatives have been launched with support from the authorities.

b) Outstanding issues

140. Bearing in mind the continuous heavy reliance on private schools as a source of minority language education in Sweden, it is important that the authorities ensure that the overall education-related infrastructure - including teacher training, discussed above - is developed in a manner that reflects and supports the developments of such private initiatives. This requires the close involvement of the representatives of national minorities in the decision-making process concerning the status, teaching environment and development of private schools.

Recommendation

141. The Advisory Committee encourages the authorities to continue supporting private minority language and bilingual schools while ensuring, including through the involvement of minorities representatives in the decision-making process, that initiatives and needs in this sphere are reflected in the development of the overall education-related infrastructure.

Status of Jewish schools

Present situation

142. The authorities have introduced a new classification of private schools, and in doing so, they have classified Jewish schools as religious schools. This has prompted concerns amongst Jewish representatives, who consider that the Jewish school in Stockholm has essentially a cultural rather than religious vocation. The Advisory Committee finds it highly regrettable that such a decision was taken, also because the said classification was made apparently without prior consultation with the Jewish representatives. The Advisory Committee notes in this connection that there have been discussions in Sweden about the possibility of ending public funding to private religious schools.

Recommendation

143. The Advisory Committee urges the Swedish authorities to review their classification of religious private schools and to prepare related decisions in close consultation with the

representatives of schools and national minorities concerned. In this context, they should also review the decision taken on Jewish schools and ensure that any decisions on public funding for private schools continue to be based on non-discriminatory criteria.

Article 14 of the Framework Convention

Obligation to provide mother tongue instruction

Findings of the first cycle

144. In its first Opinion, the Advisory Committee criticised the fact that the obligation to provide mother-tongue teaching is conditional upon the availability of teachers and encouraged the authorities to consider amending this provision.

145. The Advisory Committee also noted that the limited amount of mother tongue teaching, the way it is organised and shortcomings in related information have contributed to the decrease in the number of pupils receiving such instruction.

Present situation

a) Positive developments

146. The implications of the above-mentioned conditions and problems have been touched upon in recent reports. The Advisory Committee takes note in particular of the report on the educational situation of national minorities by the National Agency of Education, which contains a number of valuable recommendations to improve the situation.

b) Outstanding issues

147. The legal situation remains unchanged and the obligation to provide mother-tongue education is still conditional upon the availability of teachers. In practice, this has in a number of cases prevented children from receiving such education. This said condition has been the most frequently invoked justification by the municipalities for turning down requests to receive mother tongue education, according to the above-mentioned report by the National Agency of Education (see also related comments under Article 12).

148. The Advisory Committee further notes that other legal conditions for mother tongue instruction remain in place. These are that the language is used by the pupils in question in everyday life, that they have a basic knowledge of it and that there are at least 5 pupils requesting mother tongue education. While Roma, Sami and Tornedalers have been excluded from these legal conditions, they continue to apply to Finnish and Yiddish, a fact that has been criticised by the National Agency of Education.

149. Where it is available, the amount of mother tongue teaching remains very limited (ranging from 40 minutes to 120 minutes per week): it is usually provided after regular school hours, limiting its attractiveness amongst minorities concerned. The problem of a limited awareness about applicable rules pertaining to mother tongue teaching persists. Furthermore, in some cases, municipal authorities are also unaware of the rules for mother tongue teaching.

Recommendation

150. Sweden should step up its efforts to improve mother tongue teaching and ensure that the lack of teachers and other present factors do not free the authorities from their obligation to take steps towards addressing the demand in this area. There is also a need to follow up to the recommendations contained in the recent report on the educational situation of national minorities by the National Agency of Education.

Bilingual education

Findings of the first cycle

151. In its first Opinion, the Advisory Committee noted the absence of legislative guarantees to receive bilingual education and the fact that legislation excludes the possibility of providing such education in minority languages other than Finnish in public schools in grades 7 to 9. It called for more attention, in both legislation and practice, to provide instruction in minority languages in public schools.

Present situation

a) Positive developments

152. The authorities have initiated some pilot projects in the field of bilingual teaching, including a four-year experiment with bilingual instruction in grades 7 to 9 for pupils with mother tongue other than Swedish. The Advisory Committee also notes that the authorities recognise that bilingual instruction has an important role to play in supporting and strengthening minority languages.

b) Outstanding issues

153. Beyond private initiatives (see under Article 12), the availability of bilingual education for national minorities, other than Sami, remains marginal and limited to isolated initiatives. Except for the Sami, there are still no legal guarantees for receiving such education in any circumstances and legislation restricts even the possibility to offer such education beyond the 6th grade. This situation, coupled with the above-mentioned limitations associated with mother tongue education, is far from the demands expressed by representatives of national minorities and constitutes one of the major challenges for national minority policy in Sweden. The Advisory Committee stresses that shortcomings in this sphere also contribute to problems experienced in the implementation of other articles of the Framework Convention, in particular Article 10 (see remarks under Article 10, paragraph 103).

Recommendation

154. Sweden should take more decisive measures in education to increase the availability of bilingual education for persons belonging to national minorities. This requires both legislative and practical measures that need to be designed and implemented in close co-operation with representatives of national minorities.

Pre-school education

Findings of the first cycle

155. In its first Opinion, the Advisory Committee noted the local difficulties experienced in the implementation of minority language legislation for the provision of pre-school education in minority languages.

Present situation

a) Positive developments

156. The provision of minority language pre-school education has been pursued in a number of municipalities and important examples of this include Meänkieli pre-school in Pajala. The implementation of the proposal to extend the administrative areas covered by minority language legislation (see above under Article 10) would also involve a significant expansion of the legal obligation to provide education in the pertinent minority languages.

b) Outstanding issues

157. Although the lack of comprehensive information makes it difficult to obtain a clear picture of the overall situation, there remain significant gaps in terms of the provision of minority language pre-schools in Sweden. Whereas some municipalities have taken positive measures in this area, others have not taken the necessary measures that would reflect the importance of the issue.

Recommendation

158. While considering the proposals to expand legal obligation to provide minority language pre-schools, the authorities should ensure the full implementation of the current obligations and also encourage local authorities to take more voluntary measures in this area.

Sami language education

Findings of the first cycle

159. In its first Opinion, the Advisory Committee noted that further improvements could be achieved as far as instruction in Sami languages is concerned.

Present situation

a) Positive developments

160. The situation of Sami language education has been one of the concerns in the government-sponsored studies analysing the minority language education in general and a new report devoted to this issue is currently underway. The Advisory Committee also welcomes the fact that Sami Parliament has pursued a more comprehensive approach to Sami language education, including through a language policy document entitled 'Starting an offensive Sami language policy', published in 2003. In practice, there are signs of growing interest in Sami language education, reflected in the growing number of children attending Sami pre-school education and in strong demand expressed in Sami language education offered in a high school in Jokkmokk.

b) Outstanding issues

161. The provision of Sami language teaching remains in practice limited. In addition to the capacity and resources problems (see under Article 12) and other factors harming minority language education in general (see below), the Sami language teaching faces particular challenges in terms of ensuring seamless interaction between Sami schools, available in selected municipalities up until the 7th grade, administered by Sami School Board and municipal authorities and municipal schools. There are also clear gaps in the information given to families potentially interested in Sami education concerning possibilities to request such education. Finally, the Advisory Committee stresses the need to ensure that integrated Sami education is adequately resourced.

Recommendation

162. Sweden should take further proactive measures to ensure that Sami language education fully meets the needs of the persons concerned and pupils and parents are adequately informed about their rights in this area.

Article 15 of the Framework Convention

Sami Parliament

Findings of the first cycle

163. In its first Opinion, the Advisory Committee concluded that the status and role of the Sami Parliament need to be further developed, including in relevant decision-making processes.

Present situation

a) Positive developments

164. Some steps, albeit limited, have been taken to expand the role of the Sami Parliament in decision-making processes. These include the transfer of some of the tasks in reindeer industry administration from county and central authorities to the Sami Parliament as from January 2007.

b) Outstanding issues

165. There is a need to ensure that, while the Ministry of Agriculture, Food and Consumer Affairs has the overall responsibility on Sami issues within the central government, the Sami Parliament also has effective channels for participating in decision-making on matters that do not fall within the scope of the said ministry, including in Sami lifestyle and cultural practices.

166. The Advisory Committee notes that the Sami Parliament does not yet have its own parliament building, but there are plans to build one. It agrees that such a building would not only serve a functional purpose but it would also be a sign of the importance attached to the body as a key institution in Sweden.

167. The Advisory Committee considers that the increasing participation of the relevant Sami structures, including Sami villages, in the preparation, implementation and evaluation of spatial planning decisions is one key area to be addressed. The significance of planning decisions for Sami is demonstrated by the impact that the relocation of the centre of the municipality of

Kiruna (due to the impact of mining activities) is expected to have on reindeer herding in the area and more broadly on several issues of concern for the Sami population.

Recommendation

168. The Advisory Committee encourages Sweden to take further steps to increase the role of the Sami Parliament in decision-making processes also in other areas than the reindeer industry. It is important that effective participation by Sami as individuals as well as through their representative structures can be ensured in decision-making in a wide range of areas. It is, for example, crucial that Sami can effectively participate in the decision-making concerning spatial planning, including the relocation of the city of Kiruna.

General consultation structures

Findings of the first cycle

169. In its first Opinion, the Advisory Committee encouraged the authorities to create more consolidated consultation structures for national minorities and to ensure that consultation takes place also at the local level. Moreover, it called for a more consolidated allocation of responsibilities for minority issues within the Government.

Present situation

a) Positive developments

170. The authorities have introduced various reforms in consultation structures for national minorities, including specific bodies devoted to Roma issues as well as a new procedure aimed at strengthening dialogue with representatives of each national minority.

b) Outstanding issues

171. The consultation processes continue to be complicated by frequent changes in the governmental structures dealing with national minority issues. Some of the new bodies, such as the Delegation for Roma Issues, have only been created recently and their impact and true representativeness are yet to be fully tested in practice.

172. The Advisory Committee stresses that the involvement of representatives of national minorities in decision-making should encompass a wide range of areas, including those not exclusively dealing with minority issues. This includes the area of health, where representatives of national minorities have specific concerns that need to be taken into account.

173. At the local level, there appear to be wide differences on possibilities of representatives of national minorities influencing decision-making processes. Whereas in certain municipalities national minorities have influence both through mainstream elected bodies and through specialised structures, in some others they are largely absent from decision-making processes.

Recommendation

174. The Advisory Committee encourages the authorities to ensure clarity and consistency on governmental responsibilities for dealing with national minority issues and to ensure that the consultation of national minorities is broad, inclusive and effective, both at national and at local level.

Article 18 of the Framework Convention

Transfrontier co-operation

Present situation

175. The Advisory Committee welcomes the process of preparing a Nordic Sami Convention, a draft of which was completed by an expert group in November 2005.

176. Disputes have arisen over the reindeer herding rights of a Swedish Sami village on the Norwegian side of the border, following the expiry of a bilateral herding agreement between Sweden and Norway in 2005.

177. There have been some excellent examples of transfrontier co-operation on minority issues in education and other fields, including those between Haparanda and Torneå.

Recommendations

178. While welcoming good practices in the media and other fields, the Advisory Committee encourages the authorities to pursue further regional co-operation on Sami issues. This should include adopting the Nordic Sami Convention providing strong guarantees for the protection of the Sami as an indigenous people.

179. It is important that a solution is rapidly found to the dispute over reindeer herding in Norway by a Swedish Sami village. The solution should fully protect the right of the Sami concerned to practice reindeer herding without any undue obstacles.

III. CONCLUDING REMARKS

180. The Advisory Committee considers that the present concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Sweden.

Positive developments

181. Sweden has continued to develop its legislative framework to combat discrimination. It has pursued valuable work concerning structural discrimination. The Ombudsman against Ethnic Discrimination and other key actors have helped tackle discriminatory practices in some areas, including in access to entertainment establishments. In addition, a large majority of the Swedish population considers that persons belonging to ethnic minorities enrich their society and encourage firmer measures to combat discrimination. Swedish society is increasingly self-critical with regard to xenophobic attitudes.

182. Sweden has continued to take measures with a view to implementing the right to use minority languages in five municipalities in northern Sweden, and the possible expansion of related legislative guarantees has been studied and promoted in valuable official reports.

183. Public funding for cultural initiatives of national minorities has slightly increased, and the contribution of minority cultures to the society is today widely recognised in Sweden. The need to enhance the representation of minority cultures, for example, in school textbooks, has been stressed in official reports.

184. Sweden's public service broadcasting encompasses certain commendable practices in terms of minority language media. These include extensive radio broadcasting in Sami and Finnish languages.

185. Sweden has developed promising web-based educational tools to advance minority language education and to address the shortage of educational materials in this sphere.

186. New consultation structures have been introduced to enhance the participation of persons belonging to national minorities in decision-making processes. The central government has also sought to engage local authorities more closely in issues concerning national minorities.

Issues of concern

187. Although the offices responsible for minority issues have shown clear commitment to their tasks, their effectiveness and capacity have been negatively affected by frequent shifts and changes in their institutional responsibilities.

188. There have been delays in the development of the legislative framework to protect national minorities, including as regards expanding the scope of guarantees for the use of minority languages.

189. While there are some commendable exceptions, engagement of local authorities in national minority issues remains limited. There is, for example, a need to generate more local

commitment to posting minority language signs and street names as well as to participation of persons belonging to national minorities in decision-making.

190. Lack of reliable data on national minorities complicates the formulation, implementation, evaluation and improvement of minority policies. Calls by some national minority representatives for measures need to be followed up more decisively by the authorities.

191. Minority language education in public schools remains limited and, in some cases, inconveniently organised. Bilingual education is offered in private schools and by isolated public initiatives. There is a need to take further measures to address the shortage of teachers and other capacity problems.

192. Persons belonging to national minorities, particularly Roma, still face discrimination, including in housing and employment, and limited confidence amongst many Roma in law-enforcement bodies complicates the situation further.

193. The continuous legal uncertainty concerning land rights continues to affect traditional activities of the Sami, including reindeer herding. It has given rise to legal disputes, with heavy financial consequences for certain Sami villages. The role of the Sami Parliament is not sufficiently developed in areas other than reindeer industry.

194. There are concerns that the print media subsidy system and certain mechanisms for supporting minority organisations do not adequately reflect the specific needs and diversity of national minority initiatives.

Recommendations

195. In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Take further steps to ensure that the protection of national minorities is tackled in a consistent and coordinated manner at both central and local level, and that there is clarity and stability as regards institutional responsibilities.
- Ensure close involvement of persons belonging to national minorities in decision-making processes at both central and local level, including in general questions of central importance to national minorities, ranging from health to spatial planning.
- Pursue swiftly the pending proposals to strengthen the legislative guarantees for the protection of national minorities. These include the important initiative to expand the scope of guarantees for the use of minority languages.
- Enhance data on national minorities by supporting data collection practices that take into account the views amongst national minorities and fully respect data protection and other pertinent concerns.
- Take decisive measures in order to expand the availability of minority language education and give adequate support to bilingual education. These measures should also address teacher shortages and other capacity problems.
- Pursue further efforts to combat discrimination against Roma and persons belonging to

other national minorities, keeping this as a key consideration in the continuing institutional and legislative reforms.

- Tackle, as a priority, the continuous legal uncertainty around land rights in northern Sweden, in a manner that fully protects the rights of the Sami. In the meantime, ensure that the related legal disputes do not threaten the viability of Sami villages and their reindeer herding activities.
- Consider increasing the role of the Sami Parliament in areas other than reindeer industry.
- Take further measures to support minority language media and cultural initiatives of national minorities, including by ensuring that the eligibility criteria of the related subsidy systems take into account the specific concerns of national minorities.