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**SECOND REPORT SUBMITTED BY SWEDEN
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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Report submitted in accordance with Article 25, paragraph 2 of the Framework Convention, second report



REGERINGSKANSLIET

Ministry of Justice

Foreword

Sweden's majority and minority populations have a long, common history. The Sámi, for example, lived in Sweden a long time before the country became a nation state and the first Roma and Jews came to Sweden in the 16th and 17th century respectively. Furthermore, Finland was part of Sweden for seven hundred years. Indeed, we have not just a common history but also a common future and in order for this to be a future for all, differences in origin, identity and belonging need to be respected and valued.

One of the most important cornerstones of Swedish democracy is the principle of every person's equal value. Active efforts are needed if this principle is to prevail and the Swedish minority policy forms an important component of the work being done.

For languages to be able to develop and survive, they need to be used. For cultures to be enriched and contribute to the development of society, they need space. My hope is that Sweden's minority policy does not just support our national minorities but also gives them the greatest possible scope to develop their languages and cultures. It is my wish that everyone in Sweden, regardless of their ethnic origin, shall be able to contribute to the development of society. Through this, our common future will develop sustainably.

Sweden ratified the Framework Convention for the Protection of National Minorities on 9 February 2000 and it came into force on 1 June the same year. Sweden submitted its first report to the Council of Europe in June 2001. Sweden hereby submits its second report on its compliance with the Council of Europe Framework Convention for the Protection of National Minorities. As can be seen from the report, Sweden has improved the protection of its national minorities substantially. This report follows the instructions laid down by the Council of Europe in its general guidelines, adopted by the Committee of Ministers on 15 January 2003 at the 824th Ministerial Meeting. The report discusses the measures taken and the changes that have taken place during the five years that have passed since the first report was submitted. An account of the measures implemented is given article by article. The answers to the particular questions posed to Sweden by the Council of Europe are presented within the framework of the relevant articles.

Stockholm, 30 June 2006

Jens Orback

Minister responsible for Sweden's policy on national minorities

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Part 1

Follow-up measures

Sweden pursues an integrated, cross-sectoral minorities policy. In order to bring about effective, sustainable implementation of this policy, an inter-ministerial working group has been in place since 2000. This group is made up of civil servants from the Ministry of Justice, the Ministry for Foreign Affairs, the Ministry of Health and Social Affairs, the Ministry of Education, Research and Culture and the Ministry of Agriculture, Food and Consumer Affairs. The working group's tasks are to co-ordinate government minority policy measures, to ensure that the objectives of minority policy have an impact within various subject areas and help to monitor and evaluate it. During 2005, the work done by the group has raised the level of awareness of national minorities within the Swedish Government Offices and to integrate the minority policy perspective into the relevant sector policies to a greater extent than before.

Norrbottn County Administrative Board has the task of monitoring the application of the acts on the right to use Sámi, Finnish and Meänkieli in contacts with administrative authorities and courts (Act 1999:1175 and Act 1999:1176). The County Administrative Board also distributes government grants to municipalities and county councils in accordance with the Ordinance on government grants for measures to support the use of Sámi, Finnish and Meänkieli (2000:86). The County Administrative Board reports annually to the Government on how government grants are being distributed to municipalities and county councils and on the results and costs of regional initiatives.

A special working group at the County Administrative Board has evaluated the extent to which the authorities comply with the legislation governing the right to use minority languages and the extent to which individuals invoke it. The evaluation shows, among other things, that the use of minority languages in dealings with administrative authorities and courts is associated with various difficulties and that information initiatives need to be improved. It also shows that, as regards the minority language laws, it is important to gain deeper knowledge about the extent to which individuals are able to utilise the rights and opportunities offered by the legislation.

In an effort to increase awareness of the minority language legislation, the County Administrative Board working group, in co-operation with the Norrbotten Branch of the Swedish Association of Local Authorities, organised a conference in Jokkmokk at the end of 2004. Thereafter, co-operation between the two bodies has been further strengthened in order to help the Association to stimulate its member municipalities to extend their collaboration on minority language issues within the various fields of public administration. Reports by the County Administrative Board to the Government show that there is an ongoing work to draw up action plans on minority policy within all the municipalities covered by the minority language legislation.

The Committee on the Constitution at the Swedish Riksdag has among other things through its evaluation of implemented government initiatives followed up the decision on national minorities and minority languages adopted by the Riksdag in 1999.¹ The follow-up shows that there is a gap between central government and the municipal level when it comes to implementation of the policy on minorities. One conclusion drawn by the Committee from the follow-up is that each national minority should be analysed separately in relation to the framework convention and the minority languages charter.

In March 2006, the Government submitted its report *A National Action Plan for Human Rights, 2006–2009* (Government Communication 2005/06:95) to the Swedish Riksdag². Before establishing the action plan, a survey of the situation regarding human rights in Sweden was performed. The survey is based on the comments made by international treaty-monitoring bodies, the evaluation of the first action plan of 2002 and a number of “reference groups”, including NGOs, municipalities and central agencies in Sweden. The survey also covers the situation for national minorities and the action plan announces a number of measures affecting them. These measures are presented later on in this report.

Information on the findings of the first report

The Advisory Committee on the Application of the Council of Europe Framework Convention presented the findings of its review of the extent to which Sweden had implemented the Framework Convention in a report in August 2002. The Council of Europe Committee of Ministers thereafter adopted a resolution containing certain conclusions and recommendations in December of the same year.

The report and resolution are available in their original language on the Swedish Government human rights website, www.manskligarattigheter.se/ www.humanrights.gov.se. The resolution has also been translated into Swedish and the national minority languages. These translations are also available via the website.

As part of Sweden’s follow-up of the Council of Europe recommendations regarding compliance with the Framework Convention in Sweden, the Government organised a seminar in April 2005 in co-operation with the Council of Europe. The seminar discussed issues regarding implementation of the Framework Convention at the local level and legislation for the protection of national minorities. Representatives of the Council of Europe, the Swedish Government, the Swedish Government Offices and other relevant central agencies, municipalities and national minorities took part in the seminar.

¹ Åström, Nationella minoriteter och minoritetsspråk – konstitutionsutskottets uppföljning av 1999 års riksdagsbeslut [National minorities and minority languages - follow-up of the 1999 Riksdag decision by the Committee on the Constitution]. Background, contents and results.

² Regerings skrivelse 2005/06:95 En nationell handlingsplan för de mänskliga rättigheterna 2006-2009.

During 2003 and 2004, the Government also organised three regional conferences on human rights and national minorities. The aim of these conferences was to disseminate information on aspects such as Sweden's commitments in accordance with the Framework Convention for the Protection of National Minorities. These conferences were primarily for representatives of municipalities, county councils and certain central agencies. Among others they showed that there is a great need to problematise and concretise the significance of Sweden's commitments for the national minorities on the municipal level. In order to facilitate and encourage such a process, the Government has given Göteborg University the task of producing a handbook on human rights and national minorities for municipal activities. The handbook is to be designed as a practical tool for local politicians and civil servants and is to concretise how human rights and the rights of national minorities can be promoted in municipal activities. The university is to present the handbook by 1 December 2006 at the latest.

Participation

In order to inform about the minorities policy and Sweden's undertakings in the field, information has been posted both on the Government's website, at www.regeringen.se, and on the Government's website for human rights, at www.manskligarattigheter.se/www.humanrights.gov.se. On two occasions, information posted on the latter website has particularly focused on the national minorities – in 2003 on the subject of the Roma and in 2004 on the theme of national minorities.

In March 2006, the Riksdag Committee on the Constitution arranged a hearing in view of the minority policy follow-up performed by the Committee in 2004 and mentioned previously in this report. The hearing was broadcast on national television.

Contacts with the Council of Europe

In order to among others keep the Council of Europe informed about Sweden's progress with the implementation of the Framework Convention, the Swedish Government in co-operation with the Council of Europe arranged a seminar (as described above) in April 2005 to monitor compliance with the Convention in Sweden.

Sweden is also taking part in the ongoing efforts within the Council of Europe concerning national minorities, partly by participating in the Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) and by being a member of the Committee of Experts on Roma, Gypsies and Travellers (MG-S-ROM). This participation has led to an exchange with both

the Council of Europe and other Coe member countries as regards initiatives aimed at carrying policies for national minorities into effect.

Part 2

Fundamental principles, Section I of the Framework Convention

ARTICLE 1

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

Since submitting its first report on compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, Sweden has not acceded to any other conventions as regards national minorities or initiated any further cooperation with international organisations in such issues. For more information in this regard, Sweden therefore refers to its first report.

The Government's ambition is for Sweden to ratify ILO Convention No 169 Concerning Indigenous and Tribal Peoples in Independent Countries.

For bilateral agreements, please see under Article 18.

In an attempt to clarify that the protection of national minorities and the rights and freedoms afforded them are part of human rights protection, issues concerning national minorities in Sweden have since July 2004 been dealt with at the Ministry of Justice, that is responsible for human rights in Sweden.

ARTICLE 2

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

ARTICLE 3

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

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

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

Definition of national minorities

The concept of national minority has still not been defined in Swedish legislation. As was stated in Sweden's first report on compliance with the Framework Convention for the Protection of National Minorities, the criteria to be fulfilled in order for a group to be considered a national minority are stipulated in the Government Bill *National minorities in Sweden (1998/99:143 - Nationella minoriteter i Sverige)*.

– Groups with a pronounced affinity that, as regards numbers in relation to the rest of the population, have a non-dominant position in society. The determination of the group cannot only be made according to the numeric number of persons within the group but importance must be attached here to structure and unity of the group.

– Religious, linguistic, traditional and/or cultural belonging. Only one of the listed characteristic features need exist, but those characteristic features that the group demonstrates must in some essential respect distinguish it from the majority.

– Self-identification. The individual and also the group should have a desire and ambition to retain its identity.

– Historical or long bonds with Sweden. The Government does not consider that it is possible to draw an absolute limit measured in years. Minority groups whose minority culture existed in Sweden prior 20th century may be said to satisfy the requirement for an historic or long bond.

National minorities

Since submitting its first report on compliance with the Framework Convention for the Protection of National Minorities, Sweden has not recognised any other group as a national minority. The five groups acknowledged as national minorities in Sweden are therefore still the same: Sámi – who are also an indigenous people – Swedish Finns, Tornedalers, Roma and Jews.

Sweden is a country characterised by ethnic and cultural diversity. As noted by the Advisory Committee in paragraphs 19 and 20 in its report on Sweden, there are several groups wishing to gain status as national minority or indigenous people in addition to those already recognised as such. Dialogue has been

pursued between representatives of the Government and of those groups wishing to gain status as national minorities. It has not been possible, however, to consider these groups as national minorities since they do not fulfil the above-mentioned criteria established by the Government. Neither has it been considered necessary to include these groups in the application of the Framework Convention for the Protection of National Minorities on an article-by-article basis.

Statistics

Quarterly, half-yearly and annual statistics on the population of Sweden are compiled by the national statistics agency, Statistics Sweden. Population statistics are presented in three sub-groups. The first includes population broken down by e.g. sex, age, citizenship and country of birth. The second describes population changes, e.g. migrations, births and deaths. And finally, future population trends are forecasted. Sweden does not compile official statistics on people's ethnic origin, however, apart from their citizenship and country of birth, since there are no methods of calculating ethnic origin that are both ethically acceptable and scientifically reliable. It is hence not possible for Sweden to submit statistical data on its national minorities. In accordance with the Personal Data Act (1998:204),³ it is also forbidden to process personal data that reveals race, ethnic origin or religious belief.

Commitments in accordance with part II of the Framework Convention

ARTICLE 4

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

³ Excerpt from the Personal Data Act, along with other pieces of legislation referred to in this report and not submitted as part of the first report, can be found in Appendix 1 (Relevant Swedish legislation).

Equality before the law

One of the cornerstones of the Swedish judicial system is the principle of the equal value of every human being. As was described in Sweden's first report to the Council of Europe, this principle and the principle of treating everyone equally before the law are explicitly provided for in the Swedish Constitution. Since the first report was submitted, the protection provided for vulnerable groups in the Swedish Constitution has been supplemented and strengthened. A provision has been added to Chapter 1, Article 2 of the Instrument of Government stipulating that the public institutions not only shall promote the opportunity for all to attain participation and equality in society but shall combat discrimination of persons on the grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

In order to promote complete and effective equality between persons who belong to the majority population and those who belong to a national minority, Sweden has furthermore substantially improved and extended protection against discrimination through the implementation of other legislative measures. The new legislation, which is discussed below, has had an effect as to the Office of the Ombudsman against Ethnic Discrimination (DO) on several occasions has taken legal action by bringing cases to court or by reaching settlements in cases of ethnic discrimination against Roma. The settlements have resulted in that the Roma who had been subjected to discrimination on the grounds of their origin have received economic compensation and redress for the treatment they had been exposed to.

Measures to promote equality

Legislation

Since submitting the first report, the wording of Sweden's penal provisions on agitation against a national or ethnic group in Chapter 16, Article 8 of the Penal Code has been amended as from 1 January 2003. According to this amendment, a special range of punishment has been introduced for serious cases of agitation and the area of application for the provisions on agitation has been extended to include agitation with reference to sexual orientation.

Three new acts against discrimination and an ordinance on anti-discrimination terms in procurement contracts have also been introduced. The new acts are the Equal Treatment of Students at Universities Act (2001:1286), the Prohibition of Discrimination Act (2003:307) and the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67). Furthermore, amendments have been made to the Measures to Counteract Ethnic Discrimination in Working Life Act (1999:130), which has also been given a new name, and the Ombudsman against Ethnic Discrimination Act (1999:131).

The Equal Treatment of Students at Universities Act (2001:1286)

The Equal Treatment of Students at Universities Act (2001:1286) came into force on 1 March 2002. The purpose of the act is to promote equal rights for students and applicants in the area of higher education and to combat discrimination on the grounds of e.g. ethnic origin, religion or other belief. The act covers higher education activities at universities and university colleges run by the state, a municipality or county council or by a private education provider authorised to issue certain degrees (referred to hereinafter as universities). The act includes provisions banning direct and indirect discrimination, harassment and instruction to discriminate. Neither may a university subject a student or applicant to victimisation due to him/her having reported the university for discrimination or having participated in an investigation under this Act. Under the Act, a university shall, within the framework of its activities, perform goal-oriented work to actively promote equal rights. A university shall take measures to prevent and preclude students or applicants from being subjected to harassment. A university shall also each year prepare a plan that shall contain a review of the measures needed to promote the equal rights of students and to prevent and preclude harassment. The university also has an obligation to investigate reported harassment and where appropriate take measures that may reasonably be required to prevent further harassment. The possible legal consequence of violating the provisions of the Act is damages.

The Prohibition of Discrimination Act (2003:307)

As part of the implementation of two EC directives⁴ the Prohibition of Discrimination Act (2003:307) came into force on 1 July 2003. The purpose of the act is to counteract discrimination associated with e.g. ethnic origin, religion or other belief. The term “discrimination”, as it is used in the act, refers to direct or indirect discrimination, harassment and instructions to discriminate. The scope of the act is considerable. The prohibition of discrimination based on ethnic origin, religion or other belief applies to:

- labour market policy activities,
- starting or running a business,
- occupation,
- membership of, participation in and benefits provided by employee organisations, employer organisations or occupational organisations,
- goods, services and housing,
- social services, transport services for persons with disabilities and housing adaptation allowances,
- social insurance system and connected benefit systems,
- unemployment insurance,
- study support, and
- health and medical care and other medical services.

Invalidity and damages are the possible legal consequences of violating the provisions of the act.

⁴ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

A person who is claimed to have discriminated against someone as defined in the act may not subject any individual to reprisals because he or she has reported or drawn attention to the discrimination or taken part in an investigation into the discrimination. The possible consequence of violating the provision governing reprisals is damages.

The Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act (2006:67)

The Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act (2006:67) has been in force since 1 April 2006. The purpose of this act is to promote equal rights for children and pupils and to combat discrimination on grounds of e.g. ethnic origin, religion or other belief. The act is further intended to combat other degrading treatment. It explicitly prohibits discrimination (direct or indirect, harassment and instruction to discriminate) against children and pupils in preschools, schools and municipal adult education. The Act also provides children and pupils protection against other degrading treatment, such as bullying, and also prohibits reprisals against children and pupils due to them reporting or drawing attention to an infringement of the act on the part of someone engaged in the activity or because they have participated in an investigation under the act.

Legal action has already been taken as a result of degrading treatment at school, but the new act clarifies the responsibility of the school's governors for discrimination and other forms of degrading treatment. Furthermore, there are now tighter requirements regarding active measures to combat bullying and similar degrading treatment and all education and other activities, as specified in the Education Act – preschool, school childcare, compulsory and upper secondary school and municipal adult education, are now covered by the new act.

Preventive work has been strengthened due to the prohibition of discrimination and other degrading treatment of children and pupils in the education system now being combined with regulations pertaining to the party responsible for the activities, be it a municipal or private governor, having to pursue goal-oriented work and to ensure the drawing up of an equal treatment plan. This plan shall aim to promote the equal rights of children and pupils and prevent and preclude all forms of harassment and other degrading treatment. The measures planned in this regard shall also be included in the equal treatment plan, which is to be followed up and reviewed annually. There is also an obligation to prevent and preclude harassment and other degrading treatment and where appropriate take measures that can be reasonably required to prevent further harassment or other degrading treatment. The possible consequence of violating the provisions of the act is damages.

The Act on Measures against Ethnic Discrimination in Working Life on Grounds of Ethnic Origin, Religion or Other Belief (1999:130)

This act was amended on 1 July 2003 as part of the implementation of the two European Council directives mentioned above. New grounds for discrimination – religion and other belief – have been incorporated into the act. As a result, the name of the act has been changed from the Measures to Counteract Ethnic

Discrimination in Working Life Act to the Act on Measures against Ethnic Discrimination in Working Life on Grounds of Ethnic Origin, Religion or Other Belief. The amendment reflects that a person's profession of faith is no longer part of "ethnic origin" but is now incorporated into the new grounds for discrimination "religion or other belief". Under the act, "ethnic origin" means someone belonging to a group of people who have the same national or ethnic origin, race or colour. The discrimination concepts have been adapted to EC law and the law now explicitly states that harassment and instruction to discriminate against a person are also forms of discrimination. Furthermore, the scope of the act has been extended. It now includes decisions or measures taken by an employer concerning work practice, training or other vocational guidance. The legal protection offered by the act now covers a person applying for or completing work practice and a person who performs work at a workplace as a hired hand without being permanently employed there.

The Ombudsman against Ethnic Discrimination Act (1999:131)

As a result of the amendments in the Act on Measures against Discrimination on Grounds of Ethnic Origin, Religion or Other Belief and the enactment of new anti-discrimination legislation, the Ombudsman against Ethnic Discrimination Act has also been amended. The act now states that the Ombudsman, with respect to ethnic origin, religion or other belief, shall also supervise compliance with the Equal Treatment of Students at Universities Act, the Prohibition of Discrimination Act and the Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act in accordance with their provisions.

Anti-discrimination terms in procurement contracts

Early in 2006, the Government adopted an ordinance⁵ under which public authorities in certain types of contracts awarded to a supplier of a service or building contractor in Sweden shall draw up terms, the aim of which is to counteract discrimination on the part of the supplier. The authority shall check that the supplier fulfils the anti-discrimination terms during the contract period. These terms shall be linked to sanctions. The purpose of the ordinance is to raise awareness of and compliance with anti-discrimination legislation. The ordinance came into force on 1 June 2006.

Public authorities and organisations against discrimination

Office of the Ombudsman against Ethnic Discrimination (DO) and the Board against Discrimination

Sweden has several ombudsmen against discrimination. One of these is the Office of the Ombudsman against Ethnic Discrimination (DO) whose task it is to ensure compliance with the above-mentioned anti-discrimination legislation as regards discrimination on the grounds of ethnic origin, religion or other belief.⁶ As described in the first report, the Government appoints the Ombudsman, who is also the head of the agency. The Board against Discrimination, which is also a government authority, shall ensure compliance

⁵The Ordinance on Anti-Discrimination Terms in Procurement Contracts (2006:260).

⁶ The Act on the Ombudsman against Ethnic Discrimination (1999:131).

with the Act on Measures against Discrimination in Working Life on the Grounds of Ethnic Origin, Religion or Other Belief. The Board shall e.g. give the Ombudsman advice in issues of principal importance concerning application of the act.

Over the last five years, DO has been given an ever-greater remit as a result of the new anti-discrimination legislation that has come into force. As the office's remit has grown, it has also received substantially more government funding in recent years. In order to improve supervision of the applicable legislation and to reach more vulnerable individuals, it has been proposed in the Government's spring fiscal policy bill to give DO a further SEK 13 million in funding as from 2007.

Centre against Racism

With the support of the Government, the Centre against Racism was established in 2004. The centre is a nation-wide umbrella organisation for a number of voluntary organisations and its overarching objective is to strengthen and supplement the actions taken by society to combat e.g. racism. The activities of the centre are evaluated by the Swedish Integration Board, which also has the task of allocating its funding in accordance with guidelines adopted by the Government.

Anti-discrimination bureaus

In accordance with the Ordinance on Government Support to Activities that Prevent and Counteract Discrimination (2002:989), support may be awarded to organisations and foundations for activities aimed at preventing and counteracting discrimination on grounds of gender, ethnic origin, religion or other belief, disability and sexual orientation. The Swedish Integration Board takes decisions about support pursuant to the ordinance. The Swedish Integration Board has the task of submitting an evaluation to the Government no later than 15 June 2006 of how local anti-discrimination activities have been pursued and of the results achieved.

It is important to ensure that the quality of the advice given by the anti-discrimination bureaus to private persons is high. The need for additional expertise on all the grounds for discrimination at the bureaus has been expressed on several occasions. There is ongoing co-operation between the anti-discrimination bureaus and DO, the Office of the Disability Ombudsman (HO), the Office of the Ombudsman Against Discrimination on Grounds of Sexual Orientation (HomO) and the Office of the Equal Opportunities Ombudsman (JämO). In light of the need of greater expertise, this cooperation will be further developed as regards advice, support and training given by the various ombudsmen to the anti-discrimination bureaus. The conclusions of the forthcoming evaluation by the Swedish Integration Board will also be considered as part of this work.

The Government's spring fiscal policy bill proposes that government funding to the anti-discrimination bureaus be raised by a further SEK 1 million this year and by SEK 4 million during 2007 and 2008 respectively.

Judicial authorities

Extensive efforts are being made in the judiciary to counteract discrimination within the system. These efforts include preventing the discrimination of national minorities. The establishment a few years ago of special anti-discrimination competence strategies at the National Police Board, the Office of the Prosecutor-General, the National Courts Administration and the National Prison and Probation Administration is a case in point. The aim of these strategies is to ensure comprehensive, long-term and continuous anti-discrimination efforts. A number of training initiatives have been implemented. Efforts have also been made to ensure the correct treatment of persons who have dealings with the authorities, regardless of their ethnic origin.

As was mentioned previously, the right to use Sámi, Finnish and Meänkieli in dealings with administrative authorities and the courts in certain geographical areas (administrative areas) has been regulated by law since 2000. The relevant legislation is applicable at all administrative authorities and courts in these administrative areas and in courts to which a verdict or decision from a court within these areas has been appealed. A government commission has recently proposed that the administrative areas for Sámi and Finnish be extended.

Legislative proposals against discrimination

In January 2002, the Government decided to appoint a parliamentary committee, the Anti-Discrimination Committee, and task it to deliberate on cohesive anti-discrimination legislation, i.e. legislation covering all or the majority of the grounds for discrimination and all or most areas of society. The Committee completed its task in February 2006 when it submitted its final report *Cohesive Anti-Discrimination Legislation Parts I and II (En sammanhållen diskrimineringslagstiftning del I och II - Official Government Report 2006:22)*. The report contains a proposal to revoke the current anti-discrimination legislation – the Equal Opportunities Act, the prohibition of discrimination in working life legislation from 1999, the Equal Treatment of Students at Universities Act, the Prohibition of Discrimination Act and the Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act – and replace it with a new anti-discrimination law. The Committee also proposes that the existing four anti-discrimination ombudsmen – DO, HO, HomO and Jämo – be amalgamated into one authority, the Ombudsman Against Discrimination. The new Ombudsman will exercise supervision of discrimination in accordance with the new act. It is proposed that the new anti-discrimination law – as it does today – apply to working life, some education fields, labour market policy activities, the start-up and running of business operations, vocational practice, membership in e.g. employee and employer organisations, the supply of goods, services and housing, the social services, the social insurance system, unemployment insurance, health and medical care and study support. It is also proposed that the legislation apply within the following areas of society.

– The education field in its entirety,

- public meetings and public events,
- compulsory military and compulsory civilian service, and
- public appointments or public assignments.

Furthermore, it is also proposed that private persons be prohibited from discriminating when they supply goods, services or housing to the general public, and that companies, associations and other legal persons in these areas receive the necessary legal protection. Under current legislation, only physical persons are afforded protection against discrimination.

The Government intends to prepare proposals with the aim of being able to introduce new legislation by 2008 at the latest.

Government commissions and investigations into discrimination

Situation testing

The Government has tasked the Swedish Integration Board to examine the scope and using a method called situation testing, investigate the prevalence and extent of ethnic and religious discrimination on the labour market, and, if the conditions exist, to develop and initiate such investigations. These are performed using tests to survey the extent of discrimination within different areas of society. The method can be used to substantiate all kinds of discrimination, but has primarily been used to establish the extent of ethnic discrimination. The method tests whether persons of the same age, with similar qualifications and income, etc., but with different ethnic origins, are treated the same in a specific comparable situation. In other countries, the method has been used both to examine the scope of actual discrimination and to secure evidence in individual cases.

In accordance with the terms of reference given to the Swedish Integration Board, the investigations shall be designed to give a national picture and to enable comparisons to be made between different regions, industries and between women and men. The Board has also been authorised to enter into agreements with the International Labour Organization (ILO) about performing such investigations on the Swedish labour market. The ILO has developed a method of situation testing on the labour market, which is used in several European countries. A final report on the assignment shall be submitted to the Government in October 2006.

After the Swedish Integration Board has presented its final report, the Government intends to look at whether the use of discrimination testing/situation testing might be necessary within other areas of society apart from the labour market.

Structural discrimination on the grounds of ethnic origin or religious affiliation

In October 2003, the Government tasked a special investigator to report on the current state of knowledge as regards structural discrimination on the grounds of ethnic origin or religious affiliation. This assignment also included submitting proposals for measures aimed at increasing knowledge within the area and at combating such discrimination. The investigator submitted his report *The Blue*

and Yellow Glasshouse - Structural Discrimination in Sweden (Det blågula glashuset - strukturell diskriminering i Sverige - Official Government Report 2005:56) in June 2005. The report has been circulated for comments.

The assignment did not, however, include carrying out surveys or research to develop the knowledge that is lacking. In light of this, the Government decided to assign directives to a commission on power, integration and structural discrimination. In accordance with these directives, the investigator has the task of identifying structural discrimination on the grounds of ethnic origin or religious affiliation, to the extent such discrimination can be substantiated, and of identifying and analysing the mechanisms behind it and its consequences for power and influence and its consequences in relation to the Government's integration policy goals. The investigator shall also propose measures to combat structural discrimination on the grounds of ethnic origin or religious affiliation and to increase the amount of influence and power that those who risk being subjected to such discrimination can yield. A final report shall be submitted in August 2006.

Discrimination of Roma

Special assignment for the Office of the Ombudsman against Ethnic Discrimination (DO)

The Roma as a group are particularly adversely affected by prejudice and discrimination. In November 2001, the Government therefore gave DO the task of performing a special two-year project aimed at preventing and counteracting discrimination of Roma. The report *The Discrimination of Roma in Sweden (Diskriminering av romer i Sverige)* was submitted to the Government in March 2004. It also contained a number of proposals for measures, which have been the subject of further discussion in the Government Offices. One result of DO's work and proposals is that the office has been asked by the Government to concentrate more on issues concerning discrimination of Roma. As from 2005, it has also received more funding for this and similar measures.

Information to groups subjected to discrimination

In 2004, a group of researchers analysed all the cases that had been referred to DO between 1998 and 2003. One of their conclusions was that DO had not managed to reach those groups, like the Roma, that are most vulnerable to ethnic discrimination. As mentioned above, the Government allocated extra funding to the authority in 2005, in order to help develop its information activities and thereby enable it to reach those who are particularly vulnerable to ethnic discrimination. The Roma was one of the groups identified by DO as being particularly at risk. This initiative will be just one component in a long-term and strategic effort to improve protection against discrimination. DO will bring in an external evaluator to assess the results of the initiative.

The situation for Roma women

As the Council of Europe has noted in its report on Sweden's compliance with the Framework Convention for the Protection of National Minorities, Roma women, and especially those who wear traditional Roma clothing, are subject to

both prejudice and discrimination. In order to strengthen their position, a special project was initiated in this area in 2002. A working group was formed comprising Roma women and representatives of the Government Offices. The responsible State Secretary heads the group. Since February 2005, the working group has held a number of seminars on the regional level with and about Roma women and with municipality officials who work with Roma issues. The objective has been to discuss the situation facing Roma girls and women as regards education and working life and to stimulate and inspire the formation of local networks among Roma women. A seminar was held in Stockholm in 2005 and seminars have also been conducted in Malmö, Luleå and Göteborg during the spring of 2006.

Equality in public health

The policy area of public health includes efforts aimed at promoting good health and preventing disease. In April 2003, the Riksdag adopted the bill *Public Health Objectives (Mål för folkhälsan - Government Bill 2002/03:35)* which launched a new intersectoral public health policy. At the same time, the Riksdag also adopted an overarching public health aim: to create social conditions that will ensure good health on equal terms for the entire population. The focus of the new public health policy is to combat inequality in health. Regardless of gender, class, ethnic and culture background, sexual orientation or disability, people shall enjoy the conditions for good health.

As is evident in the Government report *Public health policy for equality in health and sustainable growth (Folkhälsopolitik för jämlikhet i hälsa och hållbar tillväxt - Government Communication 2005/06:205)*, which was recently submitted to the Riksdag, the five national minorities for which Sweden has a particular commitment will receive special focus.

ARTICLE 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

Government support

It has been possible for a few years now for organisations representing national minority groups to receive financial support from central government. The aim of this support is to promote efforts that strengthen the culture and identity of

such groups, support the national minority policy and allow the groups to exert more influence in society. As from 2006, the support is regulated by the Ordinance on Government Support for National Minorities (2005:765). A total of SEK 15 million is available every year.

Culture

Since 2002, the National Council for Cultural Affairs has had a special responsibility and extra funding to promote the languages and culture of Sweden's national minorities. This in turn has enabled a significant increase in the financial support given to cultural centres, libraries and theatres, etc.

Since 1993, support has been disbursed from the culture budget to the Sámi Parliament to finance subsidies to Sámi NGOs on the local and national level. This support has gone to education and research initiatives as well as to projects focusing on Sámi culture. The Sámi Parliament Council for Cultural Affairs allocates the support in accordance with established criteria and methods. The establishment of a Sámi theatre institute, mentioned in Sweden's first report on its compliance with the Framework Convention for the Protection of National Minorities, has been successful and Sweden now has a Sámi theatre institute, Sámi Théáter, which has received government support since 2001. The Institute is based in Kiruna and has two theatres, one in Kiruna itself and one in Tärnaby. Sámi Théáter's goal is to stimulate renewal and development, whilst at the same time safeguarding and promoting the Sámi language. During the 2004/2005 seasons and in cooperation with the Nordic Sámi Theatre, it has performed two works by Shakespeare in Sámi, Hamlet and Macbeth, at the Ice Globe Theatre in Jukkasjärvi.

The National Council for Cultural Affairs has also provided government support to the Tornedal Theatre, the Finnish Culture Association for its Uusi Teatteri, the Roma Cultural Centre (RKC) in Stockholm, the Roma Library in Malmö, and the Jewish community. These are just some examples of activities that have received cultural support from central government. In issues concerning both the allocation of this support and the culture and languages of Sweden's national minorities, the National Council for Cultural Affairs consults representatives of the national minorities, through e.g. The Swedish Bureau for Lesser Used Languages (SWEBLUL). As part of this consultation process, SWEBLUL sends copies of support applications received by the Council for Cultural Affairs to organisations representing the national minorities, which in turn propose who they think should receive the money. Their opinions are then considered before the Council makes a final assessment.

The Government has tasked the National Council for Cultural Affairs to review responsibility issues in museums. This assignment also includes reviewing the activities of the Ájtte Museum of Sámi Culture. The assignment was reported to the Government on 30 April 2006 and is being further discussed within the Government Offices.

The Government has designated 2006 the Year of Cultural Diversity. The aim is to increase awareness of the significance of ethnic and cultural diversity in cultural life. Another objective is to henceforward increase the ethnic and cultural diversity of public-financed cultural activities. This implies making cultural activities more multifaceted and increasing the number of authors, practitioners and cultural administrators with non-Swedish or minority background so that they constitute a greater proportion of those who are professional active within the entire spectrum of public-financed cultural life.

Traditions and industries

Sweden shares the Council of Europe's view that the issue of land rights and usufructs in areas traditionally inhabited by the indigenous Sámi people is important. The Government has therefore appointed several commissions with the aim of solving this issue.

In January 2002 the Boundaries Delimitation Committee (Gränsdragningskommissionen) was appointed by the Government and given the task of delimiting the areas that the Sámi may use for reindeer grazing. The Committee's remit also included establishing the extent to which the Sámi on the one hand traditionally occupy land and on the other use land which is not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities, as is stipulated in Article 14 of ILO Convention 169. The Committee presented its report *The Sámi People's Common Law Grounds (Samernas Sedvanemarker - Official Government Report 2006:14)* in the spring of 2006. The report will be circulated for comments during the rest of 2006 and will then be further discussed within the Government Offices.

In addition to the Boundaries Delimitation Committee, the Government decided to appoint a special investigator in April 2003 and task him to as far as possible clarify the grounds for and extent of the Sámi villagers' and landowners' hunting and fishing rights both in Sámi territories and on reindeer grazing lands. The investigator has earlier submitted two interim reports and presented his final report on the assignment in January 2006 entitled *Hunting and fishing in partnership (Jakt och fiske i samverkan - Official Government Report 2005:116)*. The report contained a proposal for hunting and fishing in Sámi territories and on reindeer grazing lands to be administrated by mutual associations. This report will also be circulated for comments during 2006.

Support for special Sámi initiatives has been awarded during the last two European Structural Fund programming periods. During the current programming period, 2000-2006, the Sámi in Sweden have had their own sub-programmes within two of the Interreg Programmes (joint cross-border programmes with Norway and Finland) and investment areas in Objective 1 Programmes. The overriding objective of these initiatives is and has been to strengthen the Sámi business sector and thereby contribute to the positive development Sámi culture and Sámi enterprise. A strengthened Sámi business sector implies the preservation of traditional business activities at the same time

as new sustainable activities and industries with their roots in the Sámi business sector and Sámi culture are developed and supported. In total, the current programming period has generated project funding of just over SEK 143 million, including public and private co-financing, for the Sámi community.

In September 2005, the Government also tasked the Swedish Board of Agriculture, to ensure the realisation of an agreement on winter grazing in Härjedalen between Sámi villagers and Swedish landowners, in order to find a long-term, sustainable solution to the Sámi villagers need for winter grazing lands. A decision taken by the Government on 4 May 2006 gave the Swedish Board of Agriculture the task of continuing negotiations until the end of the year.

Integration policy

Presented in the spring of 2002, the Government Report *Integration policy for the 21st century (Integrationspolitik för 2000-talet - Government Communication 2002/02:129)* outlined the development of integration policy. In September 2005, the Government decided to appoint a parliamentary committee to perform a review of the goals, focus, organisation and efficacy of its integration policy. This assignment will be reported in June 2007.

ARTICLE 6

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

Raising awareness is an important part of the work to counteract discrimination and prejudice. The Government has therefore taken several measures to promote respect and understanding and to raise people's awareness of the national minorities.

Information and awareness about the Sámi

In December 2000, the Government launched a national information initiative on the Sámi as Sweden's indigenous people and Sámi culture. The aim was to increase awareness of the Sámi as Sweden's indigenous people and of Sámi

culture in Sweden. Another aim was to prevent and counteract discrimination. Between 2001 and 2004, the Government made a total of SEK 20 million available for the information initiative. Within the framework of the initiative, the Government granted project funding to around thirty local and regional projects. Education issues were given high priority.

At the beginning of 2004 and as part of the information initiative, the Government commissioned a survey of Swedish people's awareness of and attitudes to the Sámi. The survey showed that the majority of those asked saw the Sámi in a positive light. The 1001 people asked also had a general awareness of the Sámi people. This awareness is on a rather low level, however, providing justification for further information initiatives on the Sámi, their culture and history. Another reason why further efforts should be made in this area is that a large number of those asked showed a keen interest and would like to know more about the Sámi, their culture, history and society.

In 2002 and as part of the same information initiative, the Government gave the Sámi Parliament the task of establishing a Sámi information centre. This centre and its website were opened in 2005, www.samer.se. As mentioned above, all groups in Swedish society have shown a keen interest and many questions come from children and young people. The information centre and its website are seen as playing an important role in the efforts to create greater understanding for the Sámi whilst at the same time helping to safeguard and increase the availability of relevant and trustworthy information about them.

Forum for Living History

In light of the information project "Forum for Living History" (Forum för levande historia) which was established on the initiative of the Government in 1997, a new agency was established in Stockholm for issues concerning democracy, tolerance and human rights based on the Holocaust. The agency was given the name Forum for Living History. Its activities aim to strengthen people's will to work actively for the concept of the equal value of all people. Combating anti-Semitism and anti-Ziganism is central to the agency's mission. In partnership with the National Council for Crime Prevention, the agency carried out a survey of young people's attitudes to e.g. anti-Semitism. A total of 10 600 young people took part in the survey, which has been followed up in several more in-depth studies. On 14 March 2006, the agency presented a report on anti-Semitism, *Anti-Semitic images and attitudes in Sweden (Antisemitiska attityder och föreställningar i Sverige)*. The aim of this in-depth study was to identify and thereby increase awareness both about prejudice against Jews and the forms and incidences of anti-Semitism among the Swedish population. By responding to a postal questionnaire, nearly 3 000 people aged between 16-75 years participated in the study. The results of the study indicate that 36 per cent of the participants have an ambivalent attitude towards Jews and 5 per cent harbour strong and consistent anti-Semitic views. The remaining 59 per cent of interviewees systematically rejected anti-Semitic prejudices. According to the results in the report, many Swedish people believe that Jews exercise power over the media, politics and the economy. Out of all those asked, 26 per cent felt that "Jews have major influence on the global economy" and 15 per cent agreed with the statement "the Jews have too much power in the world today".

Forum for Living History has launched a special Roma initiative, aimed at disseminating knowledge about the Roma, their history and situation in Sweden. Part of this work has been to compile the anthology *A banished people - oppression and discrimination of Roma/gypsies/travellers (Ett fördrivet folk - om förtryck och diskriminering av romer/zigenare/resande)*. This forms part of the Government's policy to highlight and disseminate knowledge about Sweden's national minorities in order to combat prejudice and negative attitudes.

The national action plan for human rights

At the UN World Conference on Human Rights that took place in Vienna in 1993, all states were recommended to consider drawing up national action plans in order to identify measures to improve the promotion and protection of human rights. The Swedish Government put forward its first national action plan for human rights in 2002 in the form of a written communication (Government Communication 2001/02:83). This action plan, which covered the period 2002–2004, has been subsequently followed-up and evaluated. Due to generally positive experience gained from drawing up the action plan, a new one has now been drafted. The new action plan, *A National Action Plan for Human Rights, 2006–2009 (En nationell handlingsplan för de mänskliga rättigheterna 2006–2009, Government Communication 2005/06:95)*, was adopted by the Government and submitted to the Riksdag in March 2006. The Riksdag has now finished discussing the plan and put it aside.

The Government's long-term objective, as it is expressed in the communication, is to guarantee full respect for human rights in Sweden. In other words, human rights, as they are stipulated in Sweden's international commitments, must not be violated. The Swedish legal system shall be in conformity with the international human rights conventions to which Sweden is a signatory. These conventions shall be followed both on the central, regional and local levels. In order to achieve the objective of full respect for human rights, it is important to perform a regular review of the problems that may occur regarding the protection of various rights in Sweden. Another central issue is increasing knowledge and raising awareness about human rights. Furthermore, it is important for the efforts to protect and promote human rights to be well coordinated. As a result of its national action plan, the Government is taking a cohesive approach to human rights issues in Sweden, both as regards specific rights issues and awareness, information and organisation issues.

The communication is split into two parts. Part I outlines a human rights action plan for the period 2006–2009, and part II is a survey of the human rights situation in Sweden in 2005. The aim of the survey is to highlight the possible shortcomings as regards the protection and promotion of human rights in Sweden. Based on the survey, measures are announced in the action plan aimed at strengthening a number of rights. The focus of the action plan is on protection against discrimination. Other issues discussed include the right to work,

housing, health and education, political rights, the rule of law and asylum and migration issues.

The rights of the Sámi and other national minorities are discussed in a special section both in the action plan and in the survey. Several measures are announced in this area, including measures to improve the situation for the Roma, better consultation with the national minorities and the establishment of a strategy for the implementation of the policy on national minorities in society.

The action plan also contains measures aimed at increasing knowledge, awareness and information about human rights, within the education system, in the public sector and among the general public. Finally, issues relating to how human rights promotion is organised, the methods to be used and how to monitor and evaluate the action plan are also discussed. This includes issues relating to public administration management of human rights and to the responsibility resting with the municipalities and county councils in these issues.

The choice of human rights issues to be discussed in the survey and the action plan was based on a considerable amount of material. This included comments and criticism from international treaty-monitoring bodies, as well as the comments made in conjunction with the evaluation of the first action plan. In addition, opinions and proposals on what should be included in the survey and action plan were gathered from a large number of societal actors, such as parliamentary parties, central agencies, municipalities and county councils, universities and NGOs, including those representing the national minorities. Opinions and proposals were collected via reference group meetings and written statements. A summary of the comments made by the national minority organisations is presented in Appendix 2 of this report.

The Delegation for Human Rights in Sweden

At the same time as it adopted the National Action Plan for Human Rights 2006–2009, the Government also took the decision to establish the Delegation for Human Rights in Sweden. Based on the action plan, the Delegation's task is to support the long-term efforts to ensure full respect for human rights in Sweden. Within the framework of its assignment, the Delegation shall:

- support central agencies, municipalities and county councils in their efforts to ensure full respect for human rights in their areas of activity,
- develop and implement strategies for increased information and knowledge about human rights among various target groups in society,
- stimulate public discussion on human rights, and
- submit proposals for how support for the efforts to ensure full respect for human rights in Sweden can be continued after the Delegation has concluded its assignment.

The Delegation consists of a chairperson and a number of members with varying types of skills within the area of human rights as well as other experts. The Delegation will have an associated reference group comprising representatives from Swedish NGOs, and a secretariat with three full-time secretaries. The

Delegation is to present its final report to the Government no later than 31 March 2010.

The Swedish Government's human rights website

As part of the implementation process for the first action plan for human rights, the Government established a human rights website, www.manskligarattigheter.se/www.humanrights.gov.se. The website has information about human rights and about the Government's efforts to protect and promote rights both internationally and nationally. It also has the texts of key human rights conventions, as well as other important documents in the area, including Sweden's reports to international and regional treaty-monitoring bodies, and the conclusions drawn by these bodies. Also included are the conventions and documents concerning the rights of the national minorities and Sweden's reports to the Council of Europe.

All different, all equal – a youth campaign for human rights and non-discrimination

It is crucially important for young people to obtain knowledge about human rights, including children's rights and non-discrimination issues, at an early stage of their lives. The decision was taken at the Third Summit of Heads of State and Government of the Council of Europe in May 2005 to implement the campaign *All different, all equal* during 2006 and 2007. By improving knowledge of human rights, the campaign aims to strengthen and encourage young people to participate in social development that is characterised by mutual respect and understanding. The campaign is being implemented at both the European and the national level. The Delegation for Human Rights in Sweden has been given the task of co-ordinating national activities within the framework of the campaign.

Protection against discriminatory acts, hostility and violence

Counteracting discrimination, racism and xenophobia is one of society's most important issues. All individuals are of equal value and shall be treated with the same regard and respect. Crime associated with racism or xenophobia is known as 'hate crime'. The characteristic of hate crime is that it violates the principle of the equal value of all human beings. Since 2002, Swedish law explicitly instructs the courts, when deciding on punishment, to consider whether the motive of a crime has been to violate a person on account of his/her race, colour national or ethnic origin, faith, sexual orientation or similar factor and treat this as an aggravating circumstance. It is also incumbent on the judicial authorities to prioritise hate crime.

Crime statistics

Since 1997, the Swedish Security Service (Säpo) has collected statistics on reported crimes with a xenophobic (including racially motivated crimes), anti-

Semitic or homophobic element and crimes connected to white power ideology, which maintains that humanity is divided up into different races, that these races are of different value and that the “white race” is the most competent and therefore of the greatest value. These statistics are presented annually in an official report.

According to Säpo’s latest report, *Criminality linked to the inner security of Sweden, 2004 (Brottslighet kopplad till rikets inre säkerhet, 2004)*, 2 263 crimes with a xenophobic element were reported, which represents an increase of 27 per cent compared to the year before. Unlawful threat and molestation were the most commonly reported xenophobia-related crimes. Just under 12 per cent of the total number of reported xenophobia-related crimes were linked to white power ideology.

In relation to population, the counties of Örebro, Västmanland and Stockholm have the most reported xenophobia-related crimes. Furthermore, the Säpo report also states that 203 reports of unlawful discrimination were submitted to the police during 2004.

As regards reported crimes in which unlawful discrimination was the main offence, most of the incidents involved persons being refused entry to restaurants or clubs, experiencing discriminatory treatment in their dealings with the authorities or feeling they have been unjustly treated in working life.

In 2004, 290 suspected cases of agitation against a national or ethnic group were reported. Of these, 36 per cent had a connection to white power- ideology.

The police received 151 reports of suspected crimes with a possible anti-Semitic element. This represented an increase of 44 per cent compared to 2003. Of these, 27 per cent could be linked to white power-ideology. The most common main offences were agitation against a national or ethnic group followed by unlawful threat/molestation. Most of these crimes were reported in metropolitan counties, which may well be due to the high concentration of e.g. synagogues and other Jewish meeting-places in these areas.

Säpo’s hate crime statistics have primarily been used as an indicator of the extent and development of this criminality and only to a small degree to aid police operations. As the Government feels there is need to monitor hate crime throughout the judicial system, it has instructed the National Council for Crime Prevention to take over the responsibility for hate crime statistics from Säpo. The reasons for this are that it is easier for the Council for Crime Prevention to perform more detailed quality controls on the data since it already has the responsibility for crime statistics, and that it can complement the crime statistics with wide-ranging surveys of hate crime victims. This re-organisation follows an international trend in which it is increasingly common for hate crime to be reported by authority responsible for crime statistics.

Hate crime surveys

In May 2001, the Government tasked the Council for Crime Prevention to monitor the measures taken within the judicial system to counteract racist,

xenophobic and homophobic crimes and unlawful discrimination and to analyse how these measures are influencing the development of such crimes. In June 2002, the Council presented its report of the assignment entitled *Hate crime – monitoring the measures implemented within the judicial system (Hatbrott – En uppföljning av rättsväsendets insatser)*. The report ascertains that the judicial system must be better at highlighting hate crime, that knowledge of hate crime needs to improve, that the grounds for increasing the severity of a sentence should be applied to a greater extent and that co-operation with minority organisations should increase. It is also pointed out, however, “most of the initiatives against hate crime [taken within the judicial system] are so new that it is still not possible to see the consequences. The effects of these measures can therefore only be evaluated in the longer term”.

The Government has recently decided to follow up on the shortcomings pinpointed in the Council’s report from 2002. A working group at the Ministry of Justice has been appointed to carry out a comprehensive analysis of to what extent the shortcomings highlighted in the report have or have not been rectified. This evaluation could also form the basis of a decision as to whether there is a need for additional measures to combat and prevent hate crime. The evaluation will be completed in September 2006.

The Swedish police and prosecution service

The police and prosecution service have been instructed by the Government to streamline their crime prevention and crime investigation activities regarding hate crime, to the extent that it falls under their areas of responsibility.

The police have improved their efforts against hate crime in recent years, as a result of active intelligence, a systematic survey and analysis of racist groups and threat assessment. Most police authorities have established strategy documents and actions plans on hate crime. Several police authorities have also implemented information and education initiatives for the benefit of their staff.

The public prosecutor’s skills at handling hate crime investigations have been gradually improving for several years. The work is based on the guidelines laid down by the public prosecutor on fighting hate crime. The prosecution service has invested in both further training for its staff and in closer co-operation with the police. It has also performed several special internal studies on hate crime. The aim of these measures has been to increase the quality of preliminary investigations and streamline legal proceedings. To this aim, the prosecution service carried out a comprehensive review of all incoming cases of unlawful discrimination and agitation against a national or ethnic group during 2004.

ARTICLE 7

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

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe,

no amendments to the provisions governing fundamental freedoms and rights in Chapter 2 of the Swedish Constitution (the Instrument of Government) have been made. Sweden therefore refers to its first report in this regard.

ARTICLE 8

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

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no amendments have been made to the provisions of the Constitution governing the freedom of religion or in the legislation dealing with issues regarding financial support to religious communities or other compensations related to this area. Sweden therefore refers to its first report in this regard.

Circumcision

In view of the fact that the Advisory Committee has made specific comments concerning the Swedish Act Relating to the Circumcision of Boys (2001:499), the Government would like to state the following:

Under the Act, a fully qualified doctor must perform the circumcision of boys over the age of two months. A person who has been granted a special license to do so by the National Board of Health and Welfare in Sweden may also perform the Circumcision of boys under the age of two months. A license to perform circumcision may be issued to a person associated with a religious community, for which the practice is part of a religious tradition. This person must also possess the necessary skills and be considered suitable to perform the procedure. The National Board of Health and Welfare is the supervisory authority in this area.

At the behest of the Government, the Board has been monitoring the effects of the legislation. Its conclusions were presented in October 2005 in the report *Circumcision of boys, the effects of the Act (2001:499) (Omskärelse av pojkar, effekterna av lagen (2001:499))*. According to the report, licenses were granted to five persons, four of who belong to the Jewish community, between 2001 and June 2005. Only two of those from the Jewish community are currently practising the procedure. The act has provided the Board with the scope to supervise those who have applied for a license, which has improved both hygiene routines and pain management documentation. It is also apparent that there are shortcomings in the circumcision procedures performed by anonymous persons outside the Swedish health service. The National Board of Health and Welfare has no way of supervising such activities. The Board's follow-up provides no grounds for assuming that the activities covered by the act, i.e. circumcision procedures performed by licensed practitioners or within the Swedish health service, do not fulfil the established requirements. The

shortcomings seem to occur in the activities that are outside the control of the supervisory authority.

In the Government's opinion, it is alarming that there are boys hurt as a result of circumcision procedures performed by anonymous persons outside the health service. The Board's follow-up does not, however, provide a sufficient basis to be able to say why persons outside the health service circumcise certain boys, especially older ones of preschool age belonging to religious communities other than Judaism. According to the Government, it is important to find out more about the reasons why some parents choose to consult practitioners outside the health service. The Government therefore intends to task the National Board of Health and Welfare to investigate the issue and find out the opinions of the various religious communities.

Religious slaughter

The Government has previously given the Swedish Animal Welfare Agency the task of investigating the scope for religious slaughter in Sweden. The task has included looking at the form and implementation of religious slaughter in New Zealand, where electric shock anaesthetises the animals before being subjected to Halal slaughter. The Animal Welfare Agency has submitted its report to the Government and it has been circulated for comments.

During consultation, a request was received for the Agency to look more closely at the practice of what is known as 'post-cut stunning', i.e. when the animal is anaesthetised immediately after its throat is cut. The Government has therefore tasked the Animal Welfare Agency to study, analyse and evaluate the use of post-cut stunning in connection with the religious slaughter of cattle in other countries. The Agency shall in particular follow developments in New Zealand as regards the technique used to administer electric shocks during the religious slaughter of cattle. Furthermore, the Agency shall perform a review of more recent publications in the field of religious slaughter. The task is to be performed after consultation with the Swedish Board of Agriculture, the National Food Administration, the Jewish Central Council, the Islamic Union of Cultural Centres in Sweden, the Swedish Association of Islamic Communities, The Shiah Muslim Community in Jakobsberg and the Ombudsman against Ethnic Discrimination (DO). The opinions of county administrative boards, the Swedish Association of Local Authorities and Regions (SALAR), the Federation of Swedish Farmers, the abattoir industry and animal welfare groups should also be heard. The assignment shall be reported to the Government no later than 30 April 2007.

ARTICLE 9

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

systems, that persons belonging to a national minority are not discriminated against in their access to the media.

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

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no amendments to the provisions governing freedom of expression, freedom of thought and freedom of conscience have been made. Sweden therefore refers to its first report in this regard.

Access to the media

There is nothing in Swedish legislation nor in practice that prevents national minorities from producing or using any forms of media. No distinction is made between people as regards their constitutional rights to the freedom of the press and the freedom of expression. Everyone is free to start and run media companies or to use or not use the media. Nonetheless, the Swedish Government has considered it important to implement appropriate measures to facilitate access to the mass media for persons belonging to national minorities.

Public service media bear a major responsibility for paying heed to the needs of the national and ethnic minorities. Broadcasting licences for public service companies, Sveriges Television (SVT – Swedish Television), Sveriges Radio (SR – Swedish Radio) and Sveriges Utbildningsradio (UR – the Swedish Educational Broadcasting Company) have long stipulated that they are to increase their efforts to cater for Sweden's national and ethnic minorities. Under the broadcasting license that applied up until 2002, Sámi, Finnish and Meänkieli were given a unique standing as regards programming. For the current licensing period, which has been running since 2002, Romani Chib shall also be given special treatment. Moreover, the Government Bill that forms the basis of the current broadcasting license stipulates that the public service companies shall also take Yiddish into consideration as a recognised minority language. In March 2006, the Government adopted the bill *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). The Bill stipulates the overall guidelines that are to apply for SVT, SR and UR for the next licensing period. In the Bill, the Government also proposes that broadcasts in the national minority languages shall continue to be a priority area and that accessibility shall be further improved.

Minority language media

Radio and television broadcasts in minority languages

Swedish Television (SVT) broadcasts news, current affairs, children's programmes, documentaries, etc., in Finnish. The daily news programme *Utiset* highlights the conditions and events in Sweden and other countries from a Swedish Finns perspective. During 2005, SVT broadcast 139 hours of Finnish-speaking programmes in total.

It also broadcast a total of 67 hours of Sámi programmes during the same period, including the news programme *Ođđasat* that is broadcast every day.

In addition, SVT broadcast six hours of current affairs and children's programmes in Meänkieli in 2005.

During the same period, programmes in Romani Chib were broadcast in the form of two documentaries produced by SVT itself.

In 2005, Swedish Radio (SR) broadcast nation-wide programmes in fourteen different languages, four of which were national minority languages. SR Sisuradio is responsible for both national and regional/local broadcasts in Finnish. It also broadcasts local programmes in Meänkieli on Mondays to Fridays in the county of Norrbotten. A key aspect of SR Sisuradio's news coverage has been to examine the development of Finnish as a minority language in Sweden.

Totally in 2005, SR broadcast 8 641 programming hours in Finnish, 827 hours in Meänkieli, 467 hours in Sámi and 120 hours in Romani Chib.

SR Sameradion (Sámi radio) broadcasts in three different varieties of the Sámi language; North, South and Lule Sámi as well as in Swedish.

SR's broadcasts in Romani Chib consist both of a half-hour magazine that deals with everyday issues for Roma in Sweden, and of a news and current affairs programme containing information about society and covering Roma culture.

SR has also broadcast programmes featuring Yiddish speakers.

During 2005, Swedish Educational Broadcasting Company (UR) broadcast 36 hours of television programmes in Finnish and eight hours in Sámi. The programmes were aimed at children, young people and adults. Finnish television programmes dealt with subjects such as literature, health, nature and the Finnish

language. They have also broadcast a drama series for young people in Finnish. Most of the broadcasts in Sámi were programmes for children and young people. In radio UR has also broadcast a course in North Sámi.

Minority language film productions

The linguistic and culture diversity of the Swedish film industry has increased in recent years. Regional production centres have been particularly instrumental in this development. Several films in which national minority languages are spoken or which deal with the circumstances of the national minorities have attracted considerable recent attention. The increasing diversity of the Swedish film industry is a positive development, which, along with greater gender equality, should be further stimulated within the framework of the production subsidies allocated to the industry. There still needs to be a broader base for the production of films in the national minority languages, however. To highlight this issue, the Swedish Film Institute has been given the task, in close partnership with the relevant organisations, of examining and submitting proposals for how to promote the production of films in these languages. The results are to be presented to the Government no later than 15 August 2006.

Minority language newspapers

Adequate support for newspapers in these languages is also essential to their preservation and development. The terms and conditions governing state financial support for the press include special rules on the allocation of funds to newspapers that address minorities in their own languages. In October 2004, the Government decided to appoint a parliamentary committee to analyse the need for press subsidies for daily newspapers aimed at immigrants and the national minorities. In February 2006, the committee presented its final report *Diversity and range (Mångfald och räckvidd – Official Government Report 2006:8)*. The report contains proposals from the committee on how to facilitate the establishment of daily newspapers in Sámi and Meänkieli. The proposals are currently being processed by the Government Offices.

Accessibility in the IT field

IT is important not only for the majority population but also for the national minorities. One problem for the Sámi has been that the computer software programs do not support the language. The Nordic ministers responsible for Sámi issues and the Presidents of the Sámi Parliaments wrote to the IT industry in order to bring about a change in this situation. As a result, the latest version of Windows now supports the Sámi language (as from 2004). Further efforts are being made in this field, including making the authorities aware of this option. Thanks to Nordic efforts, the new European telecommunications standard for mobile telephones also supports the Sámi language. Provided that the mobile phone industry applies the standard, users can now send and receive SMS messages in Sámi.

ARTICLE 10

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

The right to use minority languages

Elderly care in minority languages

The acts (1999:1175 and 1999:1176) governing the right to use Sámi, Finnish and Meänkieli in dealings with administrative authorities and courts allow people to use these languages in such situations in the geographical areas (known as linguistic ‘administrative areas’) where they have traditionally been used and are still used to a sufficient extent. The acts provide for the right of individuals to obtain preschool education and elderly care either entirely or partly in the stated languages in certain geographical areas. There is however a need for elderly care adapted to the language and culture of all Sweden’s national minorities outside the linguistic administrative areas as well. Throughout the entire health service and the elderly care service, there should be adequate knowledge and the possible special needs of people from the national minorities should be considered.

Several municipalities have therefore expanded, or are planning to expand, their services for older inhabitants in other languages and have established special accommodation or special departments at existing homes for e.g. Finnish-speaking older people. In 2004, there were 30 special accommodation units across the country for older people of ethnic origin, 19 of which were for Finnish speakers. The difficulties associated with reaching people with a different linguistic background may well be due to a lack of knowledge or a lack of information to such groups about the efforts of society. The municipalities are working hard to satisfy the needs of people with a foreign background or those who belong to the national minorities. Only 34 per cent of the municipalities stating that they have older residents with special needs due to their ethnic origin say, however, that they can satisfy the needs of all or the majority of them as regards having the staff with the necessary language skills. Of the municipalities concerned, 59 per cent have no activities that have been adapted to suit any ethnic group.

The Government feels that there is a need to improve the quality and range of alternatives in the social care service for people with foreign backgrounds or those who belong to the national minorities. This is a question of everything from better information and more adapted accommodation to the daytime activities of special home help groups with staff who have the necessary language skills and cultural knowledge. In the municipalities within the administrative areas for Sámi, Finnish and Meänkieli, it is particularly important to both inform about the rights of the individual to obtain elderly care either entirely or partly in the languages specified and to offer tailor-made measures for these groups. In the Government's spring fiscal policy bill, it is proposed that SEK 50 million be set aside both during 2007 and 2008 in order to stimulate the development of elderly care that is adapted to a multicultural society.

In May 2006, the Government appointed a special delegation to follow and analyse the needs and development of senior citizen housing issues. Within the framework of its assignment, the delegation shall consider the needs of the ethnic and linguistic minorities. A final report on the assignment is to be presented no later than 31 December 2009.

Regional or minority languages

On 22 January 2004, the Government decided to appoint a special investigator, Paavo Vallius, to analyse whether there are grounds to extend the Finnish administrative area to include an area within the Stockholm-Mälars Region. In February 2005, the Government then decided to attach a supplementary directive concerning the extension of the Sámi administrative area to include the South Sámi area, which covers the southern parts of the region where Sámi has been traditionally used (parts of Norrbotten, Västerbotten, Jämtland and Dalarna). The investigator submitted an interim report, *The right to my language (Rätten till mitt språk – Official Government Report 2005:40)* in May 2005 and a final report, *To reclaim my language (Att återta mitt språk – Official Government Report 2006:19)* on 21 February 2006, in which he has proposed that the Finnish and the Sámi administrative areas be extended. The investigator also submitted other proposals in the minority policy field. The final report is currently being circulated for comments.

An integrated language policy

In December 2005, the Swedish Riksdag discussed the Government Bill *The best language – an integrated Swedish language policy (Bästa språket – en samlad svensk språkpolitik – Government Bill 2005/06:2)*. The adopted national language policy goals specify that everyone have the right to language, including the right to develop and use their own mother tongue and national minority languages. In order to achieve the language policy goals, government-financed language conservation and development activities will be coordinated and strengthened as from 1 July 2006. They will henceforward be accommodated as a unit at the Institute for Dialectology, Onomastics and Folklore Research. This will enable fresh and more extensive measures to be implemented to conserve and develop both the Swedish language and Sweden's recognised minority languages Finnish, Meänkieli, Romani Chib and Yiddish.

The Sámi Parliament will however continue to head up the conservation and development activities for the Sámi language.

The Nordic Sámi Language Prize

In order to promote, develop and conserve the Sámi language, the ministers responsible for Sámi issues and the Presidents of the Sámi Parliaments in Norway, Finland and Sweden have established the Nordic Sámi Language Prize, *Gollegiella*, which freely translated means “the Golden Language”. The language prize is awarded every other year and started in 2004. It is awarded to individuals or organisations that have made a valuable contribution to the development of the Sámi language.

ARTICLE 11

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no changes have been made regarding the first two paragraphs of this Article. Sweden therefore refers to its first report in this regard. Sweden would like to point out the following with regard to the third paragraph.

Place names

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no amendments have been made to the Heritage Conservation Act (1988:950) governing the designation of place names/district names. Sweden therefore

refers to its first report in this regard. Sweden would like to add the following, however.

Even if the minority language Meänkieli is not explicitly mentioned in the Act, the appurtenant provision for good place-names practice means that, in areas where Meänkieli is traditionally spoken, signs shall also be displayed in Meänkieli, as has indeed been the case.

A large part of the Swedish mountains and forest regions belong to the area in which Sámi is traditionally spoken. Within this area, there are considerable differences as regards pronunciation, word inflection and vocabulary, which is why the variants of Sámi spoken in Sweden have been divided up into North Sámi, Lule Sámi, Arjeplog Sámi, Ume Sámi and South Sámi.

As a result, Sámi names are written differently in different parts of the linguistic area. Work has been ongoing for a few years now not only to incorporate correct Sámi place names on maps, but also to display road signs with the Sámi names of places in different parts of Sápmi, Sameland. Place names are now written in accordance with Sámi spelling and punctuation rules, in accordance with a UN recommendation from 1972 on the protection of minority rights. Spelling has also varied over the years. For example, the Sámi word for mountain used to be spelt *varre* or *vare* but is nowadays spelt *várri* in North Sámi, *várre* in Lule Sámi and *vaerie* in South Sámi.

Similar to Sámi, the Finnish and Meänkieli languages have a long history in northern Sweden. Place names in Finnish and Meänkieli can be found in Tornedalen and adjacent districts in particular and are written in accordance with Finnish and Meänkieli spelling rules. In the extreme north of Sweden, it is not uncommon to have triple-barrelled names, with a Finnish, Meänkieli and Sámi component.

ARTICLE 12

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

Promoting knowledge concerning national minorities

It is important for all children and school pupils, regardless of whether they belong to a minority or the majority, to have knowledge and awareness of the history of the minorities in Sweden, their culture, language and religion. National curricula and syllabi for compulsory and upper secondary schools have not been changed since Sweden submitted its first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe. The national curricula still state therefore that pupils shall receive tuition on the national minorities and minority languages.

In May 2005, the Government tasked the National Agency for Education to review a selection of textbooks used in Swedish compulsory and upper secondary schools. These textbooks are to be analysed with regard to the extent to which and the way in which they deviate from the fundamental values of the national curriculum. Any manifestation of discrimination or other form of insult shall receive particular attention. The assignment is to be presented no later than by 1 December 2006.

In 2002, the National Agency for Education compiled the information report *Sweden's national minorities – Highlighting origin in child-care and schools (Sveriges nationella minoriteter – Att gestalta ett ursprung i barnomsorg och skola)*. This publication presents the history, language and culture of all five recognised national minorities. The aim of the report was to highlight the national minorities and inspire others within the Swedish child-care and school sectors to do the same. The report also gave a brief background to the new governmental policy on national minorities and what it means for the child-care and school sectors.

Within the framework of the extensive information initiative on the Sámi as Sweden's indigenous people and Sámi culture (see also under Article 5), a special school project was performed. The project was an information and awareness-raising campaign aimed at lower secondary school pupils and teachers across the country. It was part of the efforts to increase knowledge of Sweden's indigenous people and aimed to provide secondary school teachers with a basis for lessons and inspire discussion about the current situation for the Sámi and about Sámi culture and history. The project was divided into two stages. An information brochure entitled *Sámi, same but different, (Same, same but different)* was produced and distributed to a large number of schools. Furthermore, secondary school classes were invited to Stockholm to participate in seminars and study visits on the Sámi and Sámi environments in order to gain deeper knowledge about them.

The adult secondary education unit at the Sámi Education Centre in Jokkmokk receives an annual grant from central government. The Centre runs course in e.g. Sámi handicraft.

At the behest of the Government, The National Agency for Education has carried out a review of the situation as regards education for the national minorities, *The education situation for Sweden's national minorities (De*

nationella minoriteternas utbildningssituation), about which more information is given under Article 14. The report has been printed and sent to all the municipalities in Sweden in order to both inform about the results of the Agency's survey, and to provide further information about the national minorities.

Research

The Government has given the Swedish Research Council the national responsibility for what are termed "minor subjects". Within the framework of this initiative, SEK 25 million has been distributed for the period 2002–2005 to a number of universities for the research and development of minority language research environments. Stockholm University has been granted funding for special initiatives in Finnish and Meänkieli and Umeå University has been given similar funds for initiatives in Sámi.

Stockholm University and Mälardalen University work together by sharing personnel to teach and lecture on Finnish as a university subject. Research in Finnish is also conducted at Uppsala University. These universities have extensive exchange programmes with universities in Finland.

Earlier in 2006, the Government awarded the Nordic Sámi Institute a special grant of SEK 880 000.

The Mother Tongue Theme Website (Webbplatsen Tema Modersmål)

The National Agency for School Improvement is one of two sector agencies in the education field. The Agency supports municipalities and schools in their efforts to improve quality and results. The responsibility for implementation and results has been decentralised to local governors. To improve quality and increase the degree of goal achievement in all parts of the Swedish education system, the Government is investing resources to stimulate local school development. School principals, teachers and chief education officers working in the preschool, school and adult education sectors are the Agency's chief target groups.

The Agency's efforts as regards the national minorities manifest themselves primarily through the Mother Tongue Theme Website (Webbplatsen Tema Modersmål). Between 2000 and 2005, the Government has invested SEK 10 million in the construction and development of the website. It is intended as a resource not only for those working in child-care and in schools but also for everyone interested in mother tongue support, mother tongue tuition and mother tongue study guidance. It contains information and communication tools as regards mother tongue and covers about 30 different languages, including all of Sweden's recognised minority languages. The website is run by professionally active mother tongue tutors. In addition to producing teaching material, the editors of the website arrange national conferences for teachers of all the

minority languages. The aim is to highlight good teaching resources and create good opportunities for meetings.

As regards the national minority languages, the Agency has consulted the Sámi Schools Board on three *variants of Sámi* and also gathered Sámi language teachers together for further training. The *Yiddish* section of the website has been developed in co-operation with the Jewish Central Council in Sweden. Responsibility for *Finnish* has been delegated to Språkcentrum in Stockholm and Trollhättan Municipality has been responsible for *Romani Chib*. Apart from the Mother Tongue Theme Website, the initiatives for Roma have consisted of support to the development of dictionaries and teaching media in five different variants of Romani Chib for various age-groups. As regards Romani Chib, the Agency has also worked together with the Finnish National Board of Education and the Council of Europe. As regards *Meänkieli*, the support function for the Mother Tongue Theme Website is located in Pajala. It should also be mentioned that the first conference ever in Meänkieli has been held in Sweden.

Over the years and via the Mother Tongue Theme Website, the Agency has further developed the pilot scheme that began in the autumn of 2004 by introducing *part-time distance mother tongue tuition*. This tuition is for pupils from compulsory year 6 (average 12 – 13 year-olds) and upward and is carried out in a number of different languages including Sámi. The Agency intends to continue to develop these activities.

Developing teachers' skills

Prior to the start of the 2006/2007 school-year, the National Agency for School Improvement is offering municipalities and schools that provide mother tongue tuition in different subjects or alternatively let mother tongue-speaking staff work in parallel with the class teacher/subject teacher the option of applying for a special grant (SEK 150 00 per municipality/school). These bilingual teachers shall also be given the opportunity to study at university (at least 20 higher education credits) within the framework of their employment. The hope is that the municipalities will utilise this option and hire e.g. Roma staff.

The National Agency for Education and the National Agency for School Improvement have during 2001– 2003 and 2005– 2006 respectively made it possible for preschool and compulsory school staff to participate in the higher education programme *Teaching young – age multilingual children and pupils (Att undervisa flerspråkiga barn och elever i de lägre åldrarna)* worth 5 and 10 credits respectively. Municipalities in northern Sweden were invited to send staff that worked with Finnish, Meänkieli and Sámi to the first programme.

At the behest of the National Agency for Education, Malmö University drew up a proposal for a teacher training programme primarily focusing on how to work with Roma children and pupils (80 university credits). After completing this programme, students would be authorised “teaching assistants”. This programme has unfortunately not been realised due to a lack of applicants although the option is still offered.

Teachers who give tuition in minority languages are invited to a few days' of further training every year in their respective languages. This has occurred in Sámi, Finnish and Meänkieli and during 2006, such days will also be arranged for Roma staff.

Teaching media

The responsibility for teaching media lies with the municipality, as the principal governor of the schools within its boundaries. The development of teaching media for the minority languages is supported by the National Agency for School Improvement, however. Instead of supporting the development of traditionally printed teaching media, the Agency is investing in the development of the Mother Tongue Theme Website. Here, there is more scope for offering teaching material in text, visual and audio form. The website has also radically improved the access to teaching material in the minority languages.

The Agency has given SEK 1.5 million in special support to promote the development and production of South Sámi teaching media. In 2006, the Government has awarded SEK 1 million to the Sámi Education Centre to finance a special initiative to develop and produce teaching media in South Sámi for adults. The Roma have a considerable need for printed material. The Agency is therefore supporting the development of such material in different variants of Romani Chib. The initiative for the produced material has almost exclusively come from the Roma themselves.

Access to higher education

In order to promote equal opportunities to education, the Government is making goal-oriented efforts to counteract ethnic and social inequality as regards access to higher education. For more information on the significance of anti-discrimination legislation in this area, see under Article 4.

In its Bill *A more open system (Den öppna högskolan – Government Bill 2001/02:15, report 2001/02:UbU4 and Government Communication 2001/02:98)*, the Government presents a number of proposals and assessments to improve the work of universities to broaden their recruitment and facilitate the transition from upper secondary school and adult secondary education to higher education. As a result of these proposals, a new provision was incorporated into Chapter 1 Section 5 of the Higher Education Act (1992:1434), under which universities, etc., shall actively promote and broaden recruitment to higher education. During 2002–2004, a Government-appointed recruitment commission made efforts to stimulate recruitment activities at universities, etc., and SEK 120 million was set-aside for this purpose.

In the Bill *New world – new university (Ny värld – ny högskola – Government Bill 2004/05:162, Report 2005/06:UbU3, government Communication 2005/06:160)*, the Government presented measures to help broaden recruitment still further. Since 15 January 2006, the Swedish Net University Agency has had a new name – the Swedish Agency for Networks and Cooperation in Higher Education – and a wider remit to support universities, etc., in their efforts to broaden recruitment and improve their teaching.

The situation for Roma in Swedish schools

At the behest of the Government, the National Agency for Education has surveyed the situation for Roma in the Swedish school system on a number of occasions. Such a survey is presented in the report *Roma and the Swedish school system (Romer och den svenska skolan (1999))*. Based on studies of how well the goals of the education system have been achieved and of compulsory school attendance, the National Agency for Education draws the conclusion in the report that there is a need for a clearer dialogue with the Roma in Sweden about how their children's right to an education can best be fulfilled.

As previously mentioned and has been presented in more detail under Article 14, the National Agency for Education has performed a survey of the education situation for the national minorities. The Roma's access to education on equal terms in particular has been highlighted in other reports. The European Commission Against Racism and Intolerance (ECRI), Council of Europe treaty-monitoring bodies, the Ombudsman against Ethnic Discrimination (DO) and Save the Children are among the instigators of these reports.

The studies mentioned have pointed to the vulnerability of Roma in the Swedish school system. In order to obtain a clearer picture of the Roma's right to education on equal terms, the Government feels there is a need for an in-depth study reflecting the real conditions and the Roma's needs. In December 2005, the Government therefore tasked the National Agency for Education to implement an in-depth study of the situation for Roma in the Swedish school system. The assignment is to be reported on 1 February 2007. As part of its efforts, the Agency will highlight best practice examples from municipalities where the education situation for Roma works well and disseminate information about these to other municipalities at education hearings.

ARTICLE 13

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

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no changes have occurred with respect to this Article, with the exception of two Roma preschools and one new Finnish special school having opened. The Government sees the establishment of schools that especially focus on national minorities in a positive light, but, in order to avoid misunderstanding in this context, it wishes nevertheless to point out that, in accordance applicable provisions, an independent school/independent special school must be open to all children and pupils regardless of their mother tongue.

Roma preschool

In April 2006, a new preschool for Roma children opened in Malmö. The Roma Youth Centre is behind the initiative and the aim is to prepare Roma children better prior to them starting school, since many Roma pupils leave compulsory school with incomplete grades. Another preschool for Roma children, run by Roma women as personnel co-operative, has existed in Göteborg for a few years now.

The new preschool will have a Romani profile, but will be run in accordance with existing guidelines and follow the national preschool curriculum. The focus will be on the Swedish language and provide a good grounding as well as teach the children about the Roma culture. The staff includes both Roma and Swedish people.

From the beginning, 15 children will attend the preschool. The intention is to start on a small scale and gradually increase the number of preschool places.

Finnish special school

The National Agency for Education has recently approved the Swedish-Finnish School in Upplands Väsby as an independent special school, which is eligible to receive support from the municipality. The Swedish-Finnish School Foundation in Upplands-Väsby is the governor of the school. This approval is for years 7–10 (13–16 year-olds) and applies as from April 2006 and on condition that the school starts to take in students no later than the beginning of the 2007/2008 school-year. The school has a bilingual profile, which means more teaching in the Finnish language. This is both feasible and in line with the requirements for openness as laid down in the Swedish Education Act.

ARTICLE 14

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have**

adequate opportunities for being taught the minority language or for receiving instruction in this language.

- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

The right to learn one's own minority language, etc.

Preschool

In its Bill *Quality in preschools (Kvalitet i förskolan – Government Bill 2004/05:11)*, the Government emphasises the multicultural preschool. The Government has amended the preschool curriculum (Lpfö 98) to the effect that preschools shall strive to ensure that every child with a mother tongue other than Swedish develops his/her cultural identity and ability to communicate both in Swedish and in his/her mother tongue.

Furthermore, the Government has clarified that the Ordinance concerning Government Support to the Production of Certain Teaching Media (1991:978) shall also be used for teaching materials used for mother tongue support in preschools.

Compulsory school and upper secondary school

In November 2004, the Government gave the National Agency of Education the task of performing a new survey of the education situation for the national minorities in order to obtain a clear and up-to-date picture of the overall situation for the minorities and outline further measures that might be needed in the area. The Agency presented the assignment in October 2005. The Agency pinpointed shortcomings in the current education situation for the national minorities and put forward proposals for measures to improve it.

The proposals of the National Agency of Education These mainly involved amendments being made to the regulatory framework for mother tongue tuition and the need for information initiatives. They also presuppose an increased awareness on the part of the municipalities of their responsibility for the education situation of the national minorities and for arranging mother tongue tuition.

The Agency proposes amendments to the government regulations governing mother tongue tuition so that,

- all five national minorities are offered tuition in the language even if it is not the language the pupils use in everyday conversation or if they do not have basic knowledge of it, and that
- all five national minorities are offered tuition in their language even if the number of pupils is less than five.

The Agency also proposed that the Government should consider incorporating a special provision governing the national minority languages into the compulsory school and upper secondary school ordinances, which would be a way of drawing positive attention to them. The Government has subsequently tasked

the National Agency for Education to calculate the economic consequences of the proposals. The Agency presented the assignment in April 2006 and the report is currently being discussed within the Government Offices. The Government will then come back with proposals for measures. The National Agency for Education has also submitted proposals for how the municipalities can improve the conditions for the education situation for the national minority languages. These proposals will be communicated to the municipalities via the Agency's report.

Sámi for adults

During 2006, the option for adult Sámi, who speak the language but have never learnt how to read or write it, to receive *short-term study support* to study Sámi will be introduced. The maximum grant payable is SEK 640 per day. These studies can be done in a study circle, at a folk high school or within the adult secondary education system. The Sámi Parliament will administrate the grant.

Higher education

The Government feels that it is important for Sweden to have well-developed and well-functioning education and research in the Finnish language. Since there is a large Swedish Finns minority in the Mälars Region, an education initiative is needed at Mälardalen University. The Government has therefore given Mälardalen University financial support to be able to build up a *centre for Finnish language and culture* with the aim of strengthening the Finnish language and the position of the Swedish Finns minority in the Mälars Region.

ARTICLE 15

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

Participation in cultural life

The national minorities all have rich cultures of their own, which often find expression in a wide variety of artistic activities. This helps to preserve and develop minority cultures in Sweden as well as enrich cultural life in general. For more information on this, see under Article 5.

Participation in economic life

The economic tasks of the Sámi Parliament

Since its establishment in 1993, the Sámi Parliament has helped provide a more comprehensive picture of Sámi business and industry, Sámi culture and the Sámi language. This has been brought about by participation in various contexts with the aim of strengthening the position of the Sámi in society, by active efforts to disseminate information and the distribution of financial support to

Sámi culture and Sámi business and industry. Annual multi-million kronor grants have been allocated to Sámi culture aimed at preserving, strengthening and disseminating knowledge on Sámi culture and cultural heritage.

As part of the development of the Sámi Parliament, an investigator was appointed in 2000 to perform a review of its organisation. The investigator's proposals have resulted in a number of changes, e.g. with the intention of creating both a clear dividing line between the political body on the one hand and the administration on the other, and a clearer organisational structure. Both these changes will be significant as regards the Government's intention to gradually increase the influence of the Sámi Parliament over Sámi-related issues.

Participation in public life

The Sámi Parliament

The democratically elected body, the Sámi Parliament, is of considerable importance to the Sámi, both as their voice in society and as a symbol for the Sámi people. Since its establishment in 1993, the body's activities have gradually expanded and in the autumn of 2004, the Government tasked the National Property Board to look into the construction of a parliament building to house the Sámi Parliament in Kiruna. According to the proposal, the parliament building would not only accommodate party offices, but could also be used for official engagements and plenary sessions of the Sámi Parliament.

The Government's focus is to gradually allow greater Sámi influence in areas where this is possible and taking into account the results of completed government inquiries. One of the steps in this process was taken when the Government submitted a bill to the Riksdag in 2005, the proposals of which included transferring parts of the reindeer industry administration from the county administrative boards and from the Swedish Board of Agriculture to the Sámi Parliament. In May 2006, the Riksdag adopted the proposals in the bill, which will lead to the transfer of working tasks and responsibility to the Sámi Parliament as from January 2007.

Activities within the Swedish Government Offices linked to national minority groups

The Council for Roma Issues

The Council for Roma Issues has replaced the Roma working group, appointed by the Government in 1996 and mentioned in Sweden's first report on its compliance with the Framework Convention for the Protection of National Minorities. The Council was established in 2002 and advises the Government on Roma issues. The chairperson of the council is the minister responsible for minority issues, Jens Orback. Members of the Council include representatives of Roma organisations as well as those from the Office of the Ombudsman against Ethnic Discrimination (DO), the Swedish Integration Board, the Forum for Living History and the Swedish Association of Local Authorities and Regions.

The Council's plan of work highlights a number of especially important areas. These include: focusing more attention on the Roma as a group, discrimination and human rights, education issues, culture and the media, social issues and international co-operation.

The working group for Roma women

As mentioned earlier under Article 4, a special project was started in 2002 aimed at strengthening the situation for Roma women. A working group for Roma women was formed and as part of its task, the group has held four seminars during 2005–2006 in different parts of Sweden with and about Roma women. These seminars have discussed the conditions for Roma girls and women as regards education and working life.

The Delegation for Indigenous People

In December 1993, the UN decided to proclaim an international decade of the world's indigenous people starting on 10 December 1994. As a consequence, the Swedish Government appointed a special delegation, the Delegation for Indigenous People, consisting of individual Sámi and experts from cultural life, the research community and the Government Offices. The Delegation reported to the Ministry of Agriculture, Food and Consumer Affairs. Its aim was to monitor the objectives that concerned Sweden in the above-mentioned decade of the world's indigenous people, announced by the UN, to help increase Sámi self-determination and their participation in political life, promote Sámi culture and help raise public awareness of Sámi culture heritage. During the ten years, 1994–2004, of its existence, the Delegation made efforts on the regional, national and international level to inform about and strengthen the position of the Sámi as an indigenous people and national minority.

Information initiatives on the Sámi

In December 2000, the Government decided to implement a national information initiative on the Sámi in Sweden and Sámi culture. Similar to the Delegation for Indigenous People, The Government's information initiative on the Sámi as Sweden's indigenous people and Sámi culture, 2001–2004, was run by the Government Offices. More information about the initiative is given under Article 6.

Consultation meetings

Since 2000, the Government has invited representatives of the national minorities to an annual consultation meeting in order to increase their influence on the work done by central government to promote their cause. This dialogue has now been evaluated. This evaluation has also taken into consideration the recommendations of the Council of Europe concerning improved and more concrete consultation with minority groups. It shows that the annual consultation meetings with representatives of all the national minorities should be supplemented with a series of meetings between Government representatives and each minority group respectively. This will improve the scope for dialogue on both issues that concern each individual group and issues that concern all of them. As a result of what emerged from the evaluation, a new procedure for the dialogue has applied since the beginning of 2006.

The Government also intends to further strengthen the consultation, as is also stipulated in the action plan for national human rights. It is important that the national minorities participate in the compilation of background material to Sweden's reports to the Council of Europe, and when the criticism and recommendations received are to be followed up. The Government's intention is therefore to invite representatives of the national minorities to meetings about Sweden's reports to the Council of Europe on its compliance with the minority languages charter and the Framework Convention for the Protection of National Minorities. This has also been the case prior to the writing of this report. On 4 April 2006, a consultation meeting was held on Sweden's second report to the Council of Europe regarding its compliance with the Framework Convention. The meeting was attended by representatives from national minority organisations, civil servants from the Government Offices and the responsible State Secretary. During the meeting, participants were informed about the opinion on Sweden submitted by the Council of Europe regarding Sweden's compliance with the Framework Convention and the main content of Sweden's second report to the Council of Europe. The national minority organisation representatives were given the opportunity to put their views forward both on the content of the second report and on the minority policy in general. These views were then taken into consideration as much as possible when compiling the report.

The Sámi Parliament and the Government have regular contact to discuss current issues. This contact takes the form of both routine contact with the Government Offices and an annual dialogue in which issues relating to finance, staff, organisation and working tasks are discussed. In addition, the minister responsible for Sámi affairs and representatives of the Sámi parties has annual deliberations on current questions.

Participation in political life

Political elections to the Sámi Parliament

As is true of the rest of society, it is important for the Sámi to feel a sense of participation and that they have the potential to influence both the development of society and their own culture. This was one of the reasons why the democratically elected Sámi Parliament was established in 1993. Election turnout at Sámi Parliament elections indicates, as is the case with other elections, the degree of legitimacy in the political system. To be eligible to vote, a person must be enrolled on The Sámi Parliament electoral register. Election turnout increased to 66 per cent in the latest election, but has fallen overall by 6 per cent since the first election in 1993. The trend in the number of people enrolled on the electoral register indicates, however, that the Sámi Parliament is gradually gaining in legitimacy among the Sámi population. Election turnout has increased in terms of actual numbers as a result of an increasing number of Sámi enrolling in the electoral register. The trend also points to greater trust being shown in the Sámi Parliament and its efforts to promote Sámi culture and Sámi business and industry.

Participation in the political process

The Government has set aside SEK 22 million for a special democracy initiative in the run up to the 2006 general election to the Swedish Riksdag. This democracy initiative – which has been given the name Participating Sweden (Delaktiga Sverige) – is a programme of measures aimed at combating exclusion and increasing people's participation in Swedish society. The programme will run between 2006 and 2009 and is divided into different activities aimed at strengthening political participation, counteracting discrimination and gathering more knowledge about the obstacles to and opportunities for participation both in everyday life and public life in general. Some of these activities are aimed in particular at the national minorities. The consultations/meetings between citizens and representatives of the public authorities on issues regarding participation and influence, etc., are one such activity. One consultation will take place with the national minorities on the subject of their potential influence in the political process. In addition, the Government has begun a special initiative to improve the situation of the Roma, in which a number of new measures will be taken with their cooperation. These measures aim to counteract discrimination and create mutual knowledge, both among agencies and municipalities and among the Roma, about their living conditions in Sweden and how these can be improved. The measures include a problem inventory in consultation with the Roma, co-ordination, knowledge gathering and a number of special assignments for central agencies. The work shall be carried out with the active and open participation of the Roma.

ARTICLE 16

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

Since Sweden submitted the first report on its compliance with the Framework Convention for the Protection of National Minorities to the Council of Europe, no amendments to Swedish legislation have been made within the scope of this article. Sweden therefore refers to its first report in this regard.

ARTICLE 17

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

- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

The Sámi are a people that live in four countries; Sweden, Finland, Norway and Russia. There has been intensive contact between the Sámi in the different countries over the centuries and this is still the case today. The Sámi Parliamentary Assembly, a co-operation body between the Sámi Parliaments in Finland, Norway and Sweden has been in existence since 2000. The Russian Sámi has observer status in this Assembly. The Assembly deals with issues relating to cross-border Sámi issues with the aim of strengthening borderless Sámi cooperation. Examples of such issues include the cross-border variants of the Sámi language, business activities, art and culture promotion, Sámi handicraft, education and research. The Assembly also coordinates and pursues the common claims of the Sámi in international contexts and in particular in relation to other indigenous people in the world, through e.g. the Barents Cooperation and the Arctic Council in the UN's efforts with issues relating to indigenous peoples.

Within the framework of the European Structural Funds, two special programmes have been created to promote co-operation between the Sámi on different sides of the national border. During the current programme period, 2000–2006, these programmes have facilitated cross-border co-operation and contacts for the Sámi group, regardless of nationality.

The Council of Europe has created a European NGO for Roma issues, the European Roma and Travellers Forum (ERTF). The ERTF is an autonomous organisation, but with close ties with the Council of Europe, which aims to give Roma in Europe the opportunity to influence decision-making in issues that concern them. The Roma minority in Sweden is represented in the ERTF with one permanent member and three alternates.

The Government believes that it is important for representatives of the national minorities to also have the opportunity to participate in international fora in which their issues are discussed. For this reason, the Government has announced in its latest national action plan for human rights that representatives of the national minorities will be offered more opportunity to participate in international fora in which their issues are discussed.

ARTICLE 18

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

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

In 2000, Sweden, Norway and Finland began to co-operate more closely on issues relating to the Sámi people. The ministers responsible for Sámi issues and the Presidents of the Sámi Parliaments meet once a year to discuss issues that concern the Sámi from a Nordic perspective. In 2002, the Nordic ministers responsible for Sámi issues and the Nordic Presidents of the Sámi Parliaments appointed a group of experts with the task of drawing up a draft Nordic Sámi convention. The group presented its proposal in November 2005. The expert group's draft convention is currently being discussed in the three countries.

In addition to the work with the draft convention, Sweden is also negotiating with Norway on a new convention that will regulate cross-border Sámi reindeer herding.

A Nordic official body for Sámi issues has been established to promote more regular contact between Nordic countries that have Sámi populations. The body has representatives on the civil servant level from the Nordic countries as well as from the Sámi Parliaments and the ministries and meets twice a year.

Since 2001, there has been a working group of civil servants responsible for issues affecting national minorities in Sweden and Finland, the Finnish – Swedish Working Group for Minority and Minority Language Issues. The work of the group is focused on issues relating to the status of Finnish in Sweden and the status of Swedish in Finland as well as other common minority policy issues.

A project to deepen co-operation among the other Nordic countries on issues concerning the minorities is also ongoing. A meeting to exchange experiences took place in April of this year (2006).

Sweden and Finland have co-operated on Roma issues since the 1970s in the form of seminars being arranged every second year in Sweden and Finland respectively. Finland arranged the latest conference in October 2004.

Sweden participates in the recently re-established Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) under the Council of Europe. Sweden also takes part in the work done by the Council of Europe's Committee Experts on Roma, Gypsies and Travellers (MG-S-ROM).

Work to draw up a declaration on the rights of indigenous peoples has been ongoing within the UN for about ten years. A working group under the UN High Commissioner for Human Rights completed its work in February 2006. A report containing a draft wording of the declaration will probably be submitted to the newly established UN Human Rights Council later this year, to be subsequently adopted by the UN General Assembly in the autumn. The draft declaration makes reference to e.g. the right of indigenous peoples to self-determination and land. Sweden and the Nordic countries have taken a leading role in the establishment of the declaration.

Appendices

Appendix 1, Relevant Swedish legislation

The Constitution

Chapter 1 Basic principles of the form of government

Section 2 Public power shall be exercised with respect for the equal worth of all and the liberty of the private person.

The personal, economic and cultural welfare of the private person shall be fundamental aims of public activity. In particular, it shall be incumbent upon the public institutions to secure the right to health, employment, housing and education, and to promote social care and social security.

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

The public institutions shall promote the ideals of democracy as guidelines in all sectors of society and protect the private and family lives of private persons. The public institutions shall promote the opportunity for all to attain participation and equality in society. The public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own. (Amendment Act 2002:903).

Personal Data Act (1998:204)

Processing of personal data subject to the Act

Section 13 It is prohibited to process data that reveals

- a) race or ethnic origin,
- b) political opinions,
- c) religious or philosophical beliefs, or
- d) membership of a trade union.

It is also prohibited to process such personal data as concerns health or sex life.

Information of the kind referred to in the first and second paragraphs is designated as sensitive personal data in this Act.

The Swedish Penal Code (1962:700)

Chapter 16 On Crimes against Public Order

Section 8 A person who, in a disseminated statement or communication, threatens or expresses contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin or religious belief or sexual orientation shall, be sentenced for agitation against a national or ethnic group to imprisonment for at most two years or, if the crime is petty, to a fine.

If the offence is gross, a sentence to imprisonment for at least four and at most ten years shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether the disseminated statement or communication was of a particularly threatening or contemptuous nature and whether it has been spread to a large number of persons in a way that has been intended to evoke significant attention.
(Amendment Act 2002:800).

Equal Treatment of Students at Universities Act (2001:1286)

Purpose of the act

Section 1 The purpose of this Act is to promote in the higher education sector equal rights for students and applicants and to combat discrimination owing to sex, ethnic origin, religion or other religious belief, sexual orientation and disability. (Amendment Act 2003:311).

Definitions

Section 2 In this Act

University: means a university or a university college which is managed by the State, a municipality or a county council and which is subject to the Higher Education Act (1992:1434) and also private organisers of education who hold a licence to award degrees in accordance with the Award of Certain Degrees Licensing Act (1993:792),

Student: means a person who has been accepted and is undertaking basic higher education or research education in accordance with the Higher Education Act or a course that can result in a degree that a private organiser of education may award in accordance with the Award of Certain Degrees Licensing Act; however, a person who is employed as a doctoral student shall not be deemed to be a student when applying this Act,

Applicant: means a person who by the appropriate procedure has given notice that he or she wishes to be accepted for basic higher education or research education in accordance with the Higher Education Act or to a course that can result in a degree that an individual organiser of education may award in accordance with the Award of Certain Degrees Licensing Act,

Ethnic belonging: that someone belongs to a group of people who have the same colour or national or ethnic origin,

Sexual orientation: homosexual, bisexual or heterosexual orientation,

Disability: permanent physical, mental or intellectual limitation of functional capacity as a consequence of an injury or an illness that existed at birth, has arisen thereafter or which may be expected to arise. (Amendment Act 2003:311).

Active measures

Goal-oriented work

Section 3 A university shall, within the framework of its activities, conduct goal-orientated work to actively promote the equal rights of students irrespective of their sex, ethnic origin, religion or other religious belief, sexual orientation or disability.

More detailed regulations concerning the obligations of universities in accordance with the first paragraph are contained in Sections 4 and 5. (Amendment Act 2003:311).

Preventing and precluding harassment

Section 4 A university shall take measures to prevent and preclude students or applicants being subjected to harassment. In this Act, the term harassment means conduct that violates a student's or an applicant's dignity in higher education studies, if the conduct is related to

– ethnic origin (ethnic harassment),

- religion or other religious belief (harassment owing to religion or other religious belief)
- sexual orientation (harassment owing to sexual orientation),
- disability (harassment owing to disability), or
- sex or is of a sexual nature (sexual harassment). (Amendment Act 2003:311).

Annual plan

Section 5 A university shall each year prepare a plan that shall contain a review of the measures that are required to promote the equal rights of students irrespective of sex, ethnic origin, religion or other religious belief, sexual orientation or disability and in order to prevent and preclude harassment in accordance with Section 4. The plan shall also contain a report on which of these measures the university intends to commence or implement during the forthcoming year.

A report on how the planned measures in accordance with the first paragraph have been implemented shall be included in the plan for the following year. (Amendment Act 2003:311).

Obligation to investigate and take measures against harassment

Section 6 A university that becomes cognisant of a student considering him or herself to have been exposed to such harassment as referred to in Section 4, shall investigate the circumstances surrounding the said harassment and, in appropriate cases, take such measures that may reasonably be required to preclude continued harassment.

Prohibition against discrimination

Direct discrimination

Section 7 A university may not disfavour a student or an applicant by treating him or her worse than the university treats, has treated or would have treated someone else in a comparable situation, if the disfavour is connected with sex, ethnic origin, religion or other religious belief, sexual orientation or disability.

The prohibition does not apply if the treatment is justified taking in to account a special interest that is manifestly more important than the interest of preventing discrimination at the university. (Amendment Act 2003:311).

Indirect discrimination

Section 8 A university may not disfavour a student or an applicant by applying a provision, a criterion or a method of procedure that appears to be neutral but which in practice especially disfavours persons of a particular sex, with a particular ethnic origin, religion or religious belief, or sexual orientation or particular disability. However, this does not apply if the provision, criterion or method of procedure can objectively be justified owing to a reasonable goal and the means are appropriate and necessary in order to achieve the goal. (Amendment Act 2003:311).

Harassment

Section 8 a A university may not discriminate against a student or an applicant by harassing him or her. (Amendment Act 2003:311).

Instructions to discriminate

Section 8 b A university may not issue orders or instructions to an employee at the university concerning the discrimination of a student or an applicant according to Sections 7–8 a. (Amendment Act 2003:311).

Scope of the prohibitions

Section 9 The prohibitions against discrimination contained in Sections 7–8 b shall apply when a university

1. decides on entry to higher education or takes any other measure that is important for entry,
2. decides on examinations or makes any other assessment of study performance,
3. decides or conducts any other similar assessment on matters concerning
 - a) crediting of education,
 - b) respite with studies or continuation of studies after study breaks,
 - c) change of tutor,
 - d) withdrawal of tutor or other resources in connection with research education,
 - e) training allowance for doctoral students, or
4. takes a disciplinary measure against a student. (Amendment Act 2003:311).

Section 10 The prohibition contained in Section 7 against direct discrimination when a university decides on entry to higher education and underlying education, also applies when the university, by making premises accessible and usable, can create a situation for a person with disability that is comparable to that for persons without such disability, provided it is reasonable to require that the university takes such measures.

Prohibition against victimisation

Section 11 A university may not subject a student or an applicant to victimisation because he or she has reported the university for discrimination or participated in an investigation under this Act.

Information concerning credentials

Section 12 An applicant who has been denied access to education is entitled, upon request, to be provided with written information from the organiser of the education concerning what education or what other credentials the person who has been accepted for the education possesses. This right applies if the education sought can lead to a degree that an individual organiser of education may issue in accordance with the Award of Certain Degrees Licensing (Amendment Act 1993:792).

Damages

Section 13 The State, a municipality or a county council that is the manager of a university and a private organiser of education who has a licence to award degrees in accordance with the Award of Certain Degrees Licensing Act (1993:792) shall pay damages for the violation that a student or an applicant has been subjected to by reason of the university neglecting

- the obligation under Section 6 to investigate and take measures against harassment of students,
- the prohibitions contained in Section 7, 8, 8 a or 8 b and Section 9 or Section 10 against discrimination of students or applicants,
- the prohibition contained in Section 11 against subjecting students or applicants to victimisation.

If it is reasonable, the damages may be reduced or lapse completely. (Amendment Act 2003:311).

Appeals

Section 14 A decision by a university or a university college that is managed by the State, a municipality or a county council may be appealed against to the University Appeals Board on the grounds that the decision contravenes the prohibitions on discrimination contained in Section 7 or 8 and Section 9, items 1, 3 or 4 or Section 10 or the prohibition against victimisation contained in Section 11. If the Appeals Board considers that the decision violates any of the prohibitions and that it may be assumed that this had an impact on the outcome,

the decision shall be annulled and the matter, if it is necessary, be remitted to the university or university college to be considered anew.

If a decision may be appealed against in accordance with any other enactment, the appeal shall be made according to the procedure prescribed there instead of in accordance with the provisions contained in the first paragraph.

Section 15 A decision by the University Appeals Board under this Act may not be appealed against.

Supervision

Section 16 The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation and the Disability Ombudsman shall ensure that this Act is complied with.

An Ombudsman shall endeavour to secure voluntary compliance with this Act by the universities.

A university is liable, if directed by an Ombudsman, to provide the information concerning the circumstances regarding the operations of the university that may be of importance for supervision. A university is also obliged to submit information when an Ombudsman supports a request made by an applicant under Section 12.

Trial applicable rules

Section 17 Cases concerning damages in accordance with Sections 6–11 and also Section 13 shall be dealt with in accordance with that prescribed in the Code of Judicial Procedure regarding litigation in contentious cases where settlement of the matter is allowed.

However, in such cases it may be ordered that either party shall bear his or her own litigation costs, if the party that lost the case had reasonable cause to have the dispute considered.

Burden of proof

Section 17 a If a person who considers that he or she has been discriminated against or victimised shows circumstances that give cause to assume that he or she has been discriminated against or victimised, it is the university that shall prove that discrimination or victimisation has not occurred. (Amendment Act 2003:311)

Right to bring an action

Section 18 In a dispute in accordance with Section 17, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation or the Disability

Ombudsman may as a party bring an action for a student or an applicant who gives consent for the same.

If an Ombudsman brings an action for a student or an applicant pursuant to this Act, the Ombudsman may within the same litigation also bring another action as a representative for the student or the applicant.

That prescribed by the Code of Judicial Procedure concerning situations of disqualification relating to parties, personal attendance, questionings under truth affirmation and other issues that relate to evidence shall also apply to a person for whom an Ombudsman brings an action in accordance with the first paragraph.

Limitation periods, etc.

Section 19 An action in a case for damages in accordance with Sections 6 – 11 and also Section 13 shall be instituted within two years after when the act complained of occurred or an obligation should have at the latest been performed. Otherwise the right to bring proceedings expires.

Section 20 An action that is brought by the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against discrimination because of Sexual Orientation or the Disability Ombudsman shall be treated as if the action had been brought by the student or by the applicant him or herself.

The Prohibition of Discrimination Act (2003:307)

The purpose of the Act

Section 1. The purpose of this Act is to counteract discrimination based on any of the following grounds: gender, ethnic origin, religion or other belief, sexual orientation or disability. (Amendment Act 2005:480)

Other provisions prohibiting discrimination

Section 2. Provisions prohibiting discrimination are also found in

- the Equal Opportunities Act (1991:433),
- the Act on Measures against Discrimination in Working Life on Grounds of Ethnic origin, Religion or other Belief (1999:130),
- the Prohibition of Discrimination in Working Life on Grounds of Disability Act (1999:132),
- the Act on a Ban against Discrimination in Working Life on because of Sexual Orientation (1999:133), and

– the Equal Treatment of Students at Universities Act (2001:1286).

Chapter 16 Section 9 of the Swedish Penal Code contains provisions on unlawful discrimination.

Definitions

Discrimination

Section 3. In this Act discrimination is defined as follows:

1. direct discrimination: when an individual is disadvantaged by being treated less favourably than someone else is being, has been or would have been treated in a comparable situation, if such treatment is associated with the person's sex, ethnic origin, religion or other belief, sexual orientation or disability;
2. indirect discrimination: when an individual is disadvantaged by the application of provisions, criteria or practices that are apparently neutral but in practice are particularly disadvantageous to individuals of a particular sex, ethnic origin, religion or other belief, sexual orientation or disability, in so far as these provisions, criteria or practices cannot be justified by legitimate aims and the means are appropriate and necessary for achieving these aims;
3. harassment: conduct that violates a person's dignity and that is associated that person's sex, ethnic origin, religion or other belief, sexual orientation or disability;
4. sexual harassment: unwelcome conduct of a sexual nature that violates a person's dignity,
5. instructions to discriminate: orders or instructions to discriminate against an individual as described in Subsections 1-4 that are given to someone who is either in a subordinate or dependent position relative to the person who gives the orders or instructions or who has undertaken to act on that person's behalf. (Amendment Act 2005:480)

Ethnic origin, sexual orientation and disability

Section 4. In this Act the following definitions apply:

1. ethnic origin: the condition of belonging to a group of persons of the same national or ethnic origin, race or skin colour;
2. sexual orientation: homosexual, bisexual or heterosexual orientation;
3. disability: permanent physical, mental or intellectual limitation of a person's functional capacity that as a consequence of injury or illness was present at birth, has arisen since or may be expected to arise.

Prohibition of discrimination

Labour market

Section 5. Discrimination against employees or job seekers that is associated with a person's sex, ethnic origin, religion or other belief, sexual orientation or disability, is prohibited

1. in job placement services offered by public employment offices or other organisations or parties offering employment services, and
2. in connection with other measures included in labour market policy activities.

The prohibition of discrimination does not, however, constitute an obstacle to the application of provisions that are integral to efforts to promote equal opportunities regardless of ethnic origin. (Amendment Act 2005:480)

Starting or running a business

Section 6. Discrimination that is associated with a person's sex, ethnic origin, religion or other belief, sexual orientation or disability is prohibited in connection with financial support, permits, registration or similar arrangements that are needed or may be of importance in enabling an individual to start or run a business. (Amendment Act 2005:480)

Occupation

Section 7. Discrimination that is associated with ethnic origin, religion or other belief, sexual orientation or disability is prohibited in connection with qualification, certification, authorisation, registration, approval or similar arrangements that are needed or may be of importance in enabling an individual to engage in a certain occupation. (Amendment Act 2005:480)

Membership etc.

Section 8. Discrimination that is associated with a person's sex, ethnic origin, religion or other belief, sexual orientation or disability is prohibited in connection with

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

The prohibition on sex discrimination does not however apply in respect of benefits that an organisation provides to the members of a particular sex as part of efforts to promote equality between women and men. (Amendment Act 2005:480)

Goods, services and housing

Section 9. Discrimination that is associated with a person's sex, ethnic origin, religion or other belief, sexual orientation or disability is prohibited in connection with the professional provision of goods, services or housing. The prohibition of sex discrimination does not however apply in connection with the provision of

– insurance services, or

– other services or housing, if the different treatment accorded to women and men respectively can be justified by a legitimate aim and the means are appropriate and necessary for achieving this aim. (Amendment Act 2005:480)

Social services etc.

Section 10. Discrimination that is associated with ethnic origin, religion or other belief or sexual orientation is prohibited in connection with

1. services provided by the social services, and

2. entitlement to local and national transport services for disabled people, and housing adaptation allowances.

Social insurance system

Section 11. Discrimination that is associated with a person's sex, ethnic origin, religion or other belief or sexual orientation is prohibited in connection with the social insurance system and related benefit systems.

The prohibition of sex discrimination does not however represent an obstacle to application of the provisions concerning

– widow's pension, under the Act (2000:461) concerning Survivors' Pensions and Child Survivors' Support and under the Act (2000:462) concerning Introduction of the Act (2000:461) concerning Survivors' Pensions and Child Survivors' Support,

– wife's supplement, under the Act (1962:392) concerning Wife's Supplement and Municipal Housing Supplement to Basic Pensions, or

– child allowance payments, under the Child Allowance Act (1947:529) and the Act on Extended Child Allowance (1986:378). (Amendment Act 2005:480)

Unemployment insurance

Section 12. Discrimination that is associated with a person's sex, ethnic origin, religion or other belief or sexual orientation is prohibited in connection with unemployment insurance. (Amendment Act 2005:480)

Health and medical care

Section 13. Discrimination that is associated with ethnic origin, religion or other belief or sexual orientation is prohibited in connection with health and medical care and other medical services.

Prohibition of victimisation

Section 14. A person who has allegedly discriminated against someone under the terms of this Act may not subject an individual to victimisation because he or she has reported or drawn attention to the discrimination or taken part in an investigation into the discrimination.

Invalidity and damages

Invalidity

Section 15. If a person is discriminated against by a provision in a contract in a manner that is prohibited under this Act, the provision shall be adjusted or declared invalid if so requested by the aggrieved person. If the provision is of such importance for the contract that it is unreasonable to demand that the said contract shall apply as to the rest without material changes, the contract may also be adjusted in other respects or be declared invalid in its entirety.

If a person is discriminated against in a manner prohibited under this Act by termination of a contract or by some other such legal document, the legal document shall be declared invalid if so requested by the aggrieved person.

Damages

Section 16. Anyone discriminating against a person in a manner that is prohibited under this Act shall pay damages for the violation that the discrimination involves. If an employee discriminates against a person, the damages shall be paid by the party in whose service the employee is engaged.

Section 17. Anyone subjecting a person to victimisation in a manner that is prohibited under Section 14 shall pay damages for the violation that the victimisation involves. If an employee subjects a person to victimisation, the damages shall be paid by the party in whose service the employee is engaged.

Section 18. Damages under Section 16 or 17 can be reduced or cancelled if such a course is deemed reasonable.

Supervision

Section 19. The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination on grounds of Sexual Orientation and the Disability Ombudsman are to supervise compliance with this Act.

The Ombudsmen shall seek to induce parties covered by the prohibitions against discrimination and victimisation to comply with the Act voluntarily. (Amendment Act 2005:480)

Legal proceedings

Applicable rules

Section 20. Cases concerning application of the prohibitions against discrimination and the prohibition against victimisation under this Act shall be dealt with in accordance with the provisions of the Swedish Code of Judicial Procedure concerning procedures in civil cases where conciliation in the matter is permitted.

The Court may, however, order that each party shall bear its own litigation costs if the person who considers that he or she has been discriminated against or subjected to victimisation has lost the case and had reasonable cause to have the dispute examined. However, this does not apply when one of the Ombudsmen brings the action in accordance with Section 22.

Burden of proof

Section 21. If a person who feels that he or she has been discriminated against or subjected to victimisation can point to circumstances that support such a claim, it is up to the respondent to show that discrimination or victimisation has not occurred.

Right to bring an action

Section 22. In a dispute under this Act, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination on grounds of Sexual Orientation or the Disability Ombudsman may bring an action on behalf of an individual who considers that he or she has been discriminated against or subjected to victimisation, if the said individual consents to such a course. An Ombudsman bringing such an action may also in the same judicial proceedings bring another action as representative for that person. (Amendment Act 2005:480)

Statutory limitation etc.

Section 23. Legal proceedings in a case under this Act must be initiated within two years from the date of the alleged offence or from the last date on which an obligation should have been fulfilled. Otherwise the right to initiate legal proceedings is forfeit.

Section 24. The provisions of the Swedish Code of Judicial Procedure concerning parties with respect to disqualification, pending proceedings, personal appearance and examination on oath, as well as other matters relating to evidence, shall also apply to the person on whose behalf the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the

Ombudsman against Discrimination on grounds of Sexual Orientation or the Disability Ombudsman brings an action under this Act.

The provisions of the Swedish Code of Judicial Procedure concerning pending proceedings for an individual bringing an action under this Act shall also apply to an Ombudsman bringing an action on behalf of the individual under this Act. (Amendment Act 2005:480)

Section 25. The decision of the Court in a case in which the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination on grounds of Sexual Orientation or the Disability Ombudsman brings an action on behalf of an individual has legal force in relation to this person. The decision may be appealed by the individual. (Amendment Act 2005:480)

The Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act (2006:67)

Purpose and scope of the Act

Section 1 The purpose of this Act is to promote equal rights for children and school students and to combat discrimination on grounds of sex, ethnic origin, religion or other belief, sexual orientation or disability. This Act also has the purpose of combating other degrading treatment.

This Act is applicable to education and other activities referred to in the Education Act (1985:1100).

Definitions

Section 2 In this Act the following terms have the meaning set out in this section.

school student: a person being educated or applying for an education under the Education Act (1985:1100),

child: a person taking part in or applying to a pre-school activity or school age child care under the Education Act,

staff: employees and contractors in education and other activities,

ethnic origin: the condition of belonging to a group of persons who have the same national or ethnic origin, race or skin colour,

sexual orientation: homosexual, bisexual or heterosexual orientation,

disability: permanent physical, mental or intellectual limitations of a person's functional capacity that, as a consequence of injury or illness, existed at birth, have arisen since then or may be expected to arise,

harassment: conduct that degrades a child's or school student's dignity and that

1. is related to

- ethnic origin (ethnic harassment)
- religion or other belief (harassment on grounds of religion or other belief)
- sexual orientation (harassment on grounds of sexual orientation),
- disability (harassment on grounds of disability),
- sex (harassment on grounds of sex) or

2. is of a sexual nature (sexual harassment),

other degrading treatment: conduct that otherwise degrades a child's or school student's dignity.

Responsibility for employees and contractors

Section 3 The organiser of an activity referred to in Section 1, second paragraph is responsible for the employees and contractors in this activity complying with the duties specified in this Act when they act in their post or within the framework of their contract.

Mandatory provisions

Section 4 Terms in an agreement that restrict duties under this Act have no legal force.

Active measures

Goal-oriented work

Section 5 The organiser of the activity shall ensure that it is conducted in a goal-oriented manner in order to promote the purposes specified in Section 1, first paragraph. Special provisions on this are set out in Sections 6–8.

Equal treatment plan

Section 6 The organiser of the activity or the person designated by the organiser shall ensure that there is an equal treatment plan for each individual activity. The plan shall aim to promote the equal rights of children and school students irrespective of sex, ethnic or national origin, religion or other belief, sexual orientation or disability and to prevent and hinder harassment and other degrading treatment. The plan shall set out the measures planned. The plan shall be followed up and reviewed each year.

Duty to prevent and hinder harassment and other degrading treatment

Section 7 The organiser of the activity or the person designated by the organiser shall take measures to prevent and hinder children and school students from being subjected to harassment and other degrading treatment.

Duty to investigate and take measures against harassment and other degrading treatment

Section 8 If the organiser of the activity, the head teacher or some other person with a corresponding management function or some other staff member becomes aware that a child or a school student in the activity considers that he or she has been subjected to harassment or other degrading treatment in connection with the conduct of the activity, the organiser or the person designated by the organiser shall investigate the circumstances and, where necessary, take the action that can reasonably be required to prevent the continuation of the harassment or other degrading treatment.

Prohibition of discrimination

Direct discrimination

Section 9 The organiser of the activity, the head teacher or some other person with a corresponding management function or another staff member must not disadvantage a child or a school student by treating the child or school student worse than the representative of the activity treats, has treated or would have treated some other child or school student in a comparable situation if the disadvantageous treatment is related to sex, ethnic origin, religion or other belief, sexual orientation or disability.

Indirect discrimination

Section 10 The organiser of the activity, the head teacher or some other person with a corresponding management function or some other staff member must not disadvantage a child or a school student by the application of a provision, a criterion or a procedure that is apparently neutral but that in practice particularly disadvantages children or pupils of a particular sex, ethnic origin, religion or other belief, sexual orientation or disability. This does not apply, however, if the provision, criterion or procedure can be motivated by a legitimate aim and the means are appropriate and necessary to achieve the aim.

Harassment

Section 11 The organiser of the activity, the head teacher or some other person with a corresponding management function must not subject a child or a school student to harassment.

Instructions to discriminate

Section 12 The organiser of the activity, the head teacher or some other person with a corresponding management function or another staff member must not give orders or instructions to discriminate against a child or a school student in his or her activity under Sections 9–11.

Prohibition of other degrading treatment

Section 13 The organiser of the activity, the head teacher or some other person with a corresponding management function or another staff member must not subject a child or school student to other degrading treatment.

Prohibition of reprisals

Section 14 The organiser of the activity, the head teacher or some other person with a corresponding management function or another staff member must not subject a child or school student to reprisals because the child or school student has reported or complained that someone in the activity has acted contrary to this Act or because the child or school student has taken part in an investigation under this Act.

Damages

Section 15 If the organiser of the activity, the head teacher or some other person with a corresponding management function or another staff member sets aside his or her duties under Sections 6-14, the organiser shall both pay damages to the child or school student for the degrading treatment and pay compensation for any other damage caused by the setting aside of the duty. However, damages for degrading treatment in cases other than discrimination or reprisals are not payable if the degradation is minor.

If there are special reasons, the damages for degrading treatment can be reduced or cancelled.

Supervision

Section 16 The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation, the Disability Ombudsman and the National Agency for Education shall each ensure that this Act is followed in their areas of responsibility.

At the request of an Ombudsman or the National Agency for Education the organiser of the activity, the head teacher or some other person with a corresponding management function is required to supply the information on circumstances in the activity that can be of importance for the supervision.

Legal proceedings

Section 17 Cases concerning damages under this Act shall be dealt with in accordance with the provisions of the Swedish Code of Judicial Procedure concerning procedures in civil cases where conciliation in the matter is permitted.

In such cases it may, however, be ordered that each party shall bear its litigation costs, if the party that has lost the case had reasonable grounds for bringing the dispute to court.

Burden of proof

Section 18 If a child or a school student who considers that he or she has been discriminated against under Sections 9–12, subjected to other degrading treatment under Section 13 or subjected to reprisals under Section 14 presents circumstances that give grounds to presume that he or she has been discriminated, subjected to other degrading treatment or subjected to reprisals, the organiser of the activity shall show that the discrimination, other degrading treatment or reprisals have not taken place.

Section 19 If a child or school student shows that he or she has been subjected to harassment or other degrading treatment by another child or school student in connection with the conduct of the activity, then, in order to escape liability for damages, the organiser shall show that every reasonable measure had been taken to prevent or hinder such treatment.

Right to bring an action

Section 20 In a dispute on damages under this Act, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation, the Disability Ombudsman or the National Agency for Education may bring an action as a party for a child or school student who consents to this. For children and school students under 18 years who are not married the custodians shall give consent.

If an Ombudsman or the National Agency for Education brings an action under the first paragraph, the Ombudsman or the Agency may also bring another action in the same proceedings as the representative of the child or school student.

The provisions of the Swedish Code of Judicial Procedure concerning parties with respect to disqualification, personal appearance and examination on oath as well as other questions relating to evidence shall also apply to the person on whose behalf an Ombudsman or the National Agency for Education brings an action under the first paragraph.

Statutory limitation, etc.

Section 21 Legal proceedings in a case on damages under Section 9, 10, 12 or 14 shall be initiated within two years from the date of the action complained about or from the last date on which a duty should have been fulfilled. Otherwise the right to initiate legal proceedings is forfeited.

Section 22 An action brought by the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation, the Disability Ombudsman or the National Agency for Education is treated as if it had been brought by the child or school student himself or herself.

Transitional provisions

2006:67

This Act enters into force on 1 April 2006 and is applicable to cases of damage that take place after its entry into force.

the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130)

Purpose of the Act

Section 1 This Act has the purpose of in matters concerning work, conditions of employment and other conditions of work together with development opportunities at work to promote equal rights and opportunities irrespective of ethnic origin or other belief.

Ethnic origin means that someone belongs to a group of people who have the same national or ethnic origin, race or skin colour. (Amendment Act 2003:308)

Section 1 a. Persons who, without being employed, apply for or perform work in a work experience position at a workplace shall be regarded as job seekers and employees respectively in application of the prohibition against discrimination and victimisation contained in Sections 8-9 b, Section 10, item 3, and Section 12, and in the provisions in Sections 13-16, and Sections 18-20.

The person or persons on whose behalf the work is performed, or to whom the application for a work experience position is made, shall be regarded as the employer. (Amendment Act 2005:308)

Section 1 b. Persons who, without being employed, perform work at a workplace as hired or borrowed labour shall be regarded as employees in application of the provisions in Sections 12, 13, 15, fourth paragraph, and Sections 18-20.

The person or persons on whose behalf the work is performed shall be regarded as the employer. (Amendment Act 2005:477).

Cooperation

Section 2 Employers and employees shall cooperate to promote equal rights and opportunities in working life irrespective of ethnic origin, religion or other

belief. They shall in particular combat all forms of ethnic discrimination pursuant to the present Act. (Amendment Act 2003:308)

Section 3 revoked through act (Amendment Act 2003:308)

Active measures

Goal-orientated work

Section 4 The employer shall within the framework of her or his business conduct goal-orientated work to actively promote equal rights and opportunities in working life irrespective of ethnic origin, religion or other belief.

More detailed rules concerning the obligations of the employer in accordance with the first paragraph are contained in Sections 5-7. (Amendment Act 2003:308)

Work situation

Section 5 The employer shall implement such measures that, having regard to the employer's resources and circumstances generally, may be required to ensure that the work situation is appropriate for all employees irrespective of ethnic origin, religion or other belief. (Amendment Act 2003:308)

Section 6 Employers shall take measures to forestall and prevent any employee from being subjected to harassment or to victimisation pursuant to the present Act.

Recruitment

Section 7 Employers shall endeavour to ensure that all persons irrespective of ethnic origin, religion or other belief apply for vacant positions.

Ban on discrimination

Direct discrimination

Section 8 Employers may not place a job applicant or an employee at a disadvantage by treating him or her less favourably than they treat, have treated or would have treated someone else in a similar position, if such unfavourable treatment is related to ethnic origin religion of other belief.

Indirect discrimination

Section 9 An employer may not disfavour a job applicant or an employee by applying a provision, a criterion or a method of procedure that appears to be

neutral but which in practice disfavours persons with a particular ethnic origin, religion or other belief. This applies unless the purpose of the provision, criterion or method of procedure can be justified for reasonable reasons and the measure is appropriate and necessary in order to achieve the purpose.

Harassment

Section 9 a An employer may not discriminate a job applicant or an employee by harassing him or her.

In this Act harassment means behaviour in working life that violates the integrity of a job applicant or an employee and which is linked to ethnic origin, religion and other belief. (Amendment Act 2003:308)

Instruction to discriminate

Section 9 b An employer may not order or instruct an employee to discriminate against a person, pursuant to Sections 8-9 a. (Amendment Act 2003:308)

Scope of the prohibitions

Section 10 The prohibitions contained in Sections 8 – 9b apply when the employer

1. takes a decision on an employment issue, selects a job applicant for an employment interview or implements other measures during the employment procedure,
2. takes a decision on promotion or selects an employee for training for promotion,
3. takes a decision or other action in relation to a work experience position.
4. takes a decision or other action in relation to some other form of training or vocational guidance
5. applies pay or other terms of employment,
6. manages and distributes work, or
7. gives notice of termination, summarily dismisses, lays-off or implements other significant measure against an employee.

The prohibitions against direct discrimination do not apply in the case of decisions on employment, promotion or training for promotion where a person of a specific ethnic origin, religion or belief is required due to the nature of the work or of the circumstances in which it is performed. (Amendment Act 2003:308)

Information in respect of qualifications

Section 11 A job applicant who has not been employed or an employee who has not been promoted or selected for training for promotion, is entitled upon request to obtain written information from the employer about what training, professional experience and other qualifications the person has who got the job or training position.

Prohibition on victimisation

Section 12 An employer may not subject an employee to victimisation on the grounds that the employee has reported the employer for discrimination, drawn attention to discrimination or taken part in an investigation of discrimination pursuant to the present Act.

Nor may an employer subject an employee to victimisation on the grounds that he or she has reported or drawn attention to a failure on the part of the employer to comply with one or more of the provisions on active measures in Sections 4-7. (Amendment Act 2005:477)

Obligation to investigate and implement measures against harassment

Section 13 An employer who becomes aware that an employee considers him or herself to have been exposed to harassment pursuant to section 9 a, second paragraph, by another employee shall investigate the circumstances surrounding the said harassment and when it occurs implement the measures that may reasonably be required to prevent continuance of the harassment. (Amendment Act 2003:308)

Sanctions

Invalidity

Section 14 A contract shall be invalid to the extent that it prescribes or permits such discrimination as is prohibited under Section 8-10. (Amendment Act 2003:308)

Section 15 If an employee is discriminated against by a provision in a contract with an employer in some way that is prohibited under this Act, the provision shall be adjusted or declared invalid if the employee so requests. If the provision is of such importance for the contract that it cannot reasonably be required that it should otherwise apply with unchanged content, the contract may also be adjusted in other respects or declared invalid in its entirety.

If an employee is discriminated against in any way that is prohibited under this Act by an employer giving notice terminating a contract or implementing another such legal act, the legal act shall be declared invalid, if the employee so requests.

The first and second paragraphs do not apply if Section 14 is applicable.

If a regulation or some other internal provision at the workplace discriminates against a job seeker or employee in a manner that is prohibited under the present Act, the provision shall be adjusted or declared invalid if so requested by the job seeker or employee. (Amendment Act 2005:477)

Damages

Section 16 If a job applicant or an employee is discriminated against by an employer violating the prohibitions contained in Section 8, 9, 9 a or 9 b and Section 10, items 1 and 3, the employer shall pay damages to the person discriminated against for the violation that the discrimination involves. (Amendment Act 2003:308)

Section 17 If an employee is discriminated against by an employer breaching the prohibitions contained in Section 8, 9, 9 a or 9 b and Section 10, items 4–7, the employer shall pay damages to the employee for the loss that arises and for the violation that the discrimination involves. (Amendment Act 2003:308)

Section 18 If an employee is subjected to reprisals as referred to in Section 12, the employer shall pay damages to the employee for the loss that arises and for the violation that the reprisals involve.

Section 19 If an employer does not fulfil the employer obligations pursuant to Section 13, the employer shall pay damages to the employee for the violation caused by the omission.

Section 20 If it is reasonable, damages pursuant to Sections 16–19 can be reduced or lapse completely.

Supervision

Section 21 There shall be an Ombudsman against ethnic discrimination and a Board against Discrimination in order to ensure compliance with this Act.

The Ombudsman and Board shall be appointed by the Government.

The Office of the Ombudsman against ethnic discrimination

Section 22 The Ombudsman against ethnic discrimination shall in the first instance endeavour to get the employer to voluntarily comply with the provisions of this Act.

The Ombudsman shall also otherwise participate in the endeavours to promote ethnic diversity in working life.

The Board against Discrimination

Section 23 The Board against Discrimination has the task of deciding on default fines in accordance with Section 26 and considering appeals in accordance with Section 33.

Duty to provide information

Section 24 An employer is liable at the request of the Ombudsman against ethnic discrimination to provide the information concerning the circumstances in the employer's operation that may be of importance for the Ombudsman's supervision under Section 21. An employer is also liable to provide information when the Ombudsman deals with a request by an individual job applicant or employee in accordance with Section 11. If there are special reasons, the employer is not liable to disclose information. (Amendment Act 2003:308)

Default fine

Section 25 If the employer does not comply with a direction in accordance with Section 24, the Ombudsman may order the employer, subject to a default fine, to fulfil her or his obligations.

Section 26 An employee who does not comply with a rule stated in Sections 5–7, may be ordered, subject to a default fine, to comply with his or her obligations. Such an order is issued by the Board against Discrimination upon the application of the Ombudsman against ethnic discrimination, or, if the Ombudsman has declared that it does not wish to make an application, a central employees' organisation to which the employer is bound by a collective bargaining agreement. The order can also be directed to the State as an employer. In the application it shall be stated what measures should be imposed on the employer, what reasons are referred to in support of the request and what investigation has been conducted. (Amendment Act 2000:762)

Procedure

Section 27 The employer shall, subject to the sanction that the matter may nevertheless be determined, be ordered to within a specified period express his or her comments on a request pursuant to Section 26 and provide the information concerning the situation in the business that the Board needs for its adjudication.

When an employees' organisation has made an application, the Ombudsman against ethnic discrimination shall be afforded an opportunity to present views. (Amendment Act 2000:762)

Section 28 The Board against Discrimination shall ensure that matters are investigated to the extent their nature requires.

Where necessary, the Board shall cause the investigation to be supplemented. Unnecessary investigation may be rejected.

Oral hearing

Section 29 Matters concerning orders for default fines pursuant to Section 26 are determined following an oral hearing, except when the Board considers such a hearing unnecessary.

Section 30 The person who presented the application to the Board against Discrimination and the employer shall be summoned to attend a hearing pursuant to Section 29.

The Board may order, subject to a default fine, the employer or the employer's legal representative to attend personally.

Where so required for the investigation, the Board may also summon others to the hearing. (Amendment Act 2000:762)

The determination of matters

Section 31 A matter concerning a default fine order pursuant to Section 26 may be determined, even where the employer fails to express an opinion in the matter, does not co-operate in the investigation or if the employer fails to attend an oral hearing.

If the Ombudsman against ethnic discrimination or the employees' organisation that made the application for default fine order fails to attend a hearing, the application for default fine order lapses. (Amendment Act 2000:762)

Section 32 The Board against Discrimination may, when determining a matter concerning a default fine order pursuant to Section 26, order the employer to implement other measures than those requested in the application, provided these measures are not manifestly more burdensome for the employer.

In the decision, the Board shall state how and within what time the measures of the employer shall be commenced or implemented.

The decision of the Board shall be made in writing and served on the employer. (Amendment Act 2000:762)

Appeals, etc.

Section 33 Decisions concerning default fine orders pursuant to Section 25 may be appealed against to the Board against Discrimination.

Sections 28-30 apply in such appeal matters.

Section 34 Decisions of the Board against Discrimination pursuant to this Act may not be appealed against.

Section 35 Actions for the judicial confirmation of default fines which have been ordered pursuant to this Act are brought in a District Court by the Ombudsman against ethnic discrimination.

In cases concerning the judicial confirmation of default fine orders pursuant to Section 26 the District Court may also assess the suitability of the default fine. (Amendment Act 2000:762)

Judicial proceedings

Regulations applicable

Sections 36 Cases concerning the application of Sections 8-10 and 12-20 shall be dealt with in accordance with the Labour Disputes (Judicial Procedure) Act (1974:371).

In such context, a job applicant and a person that apply for or perform work in a work experience position or person that perform work at a workplace as hired or borrowed labour shall be deemed to be an employee. The person to whom the application for a work experience position is made or performed or on whose behalf the work is performed or applied, shall be regarded as the employer.

The second paragraph also applies when the regulations concerning hearings in disputes in the Employment (Co-Determination in the Workplace) Act (1976:580) are applied in a dispute pursuant to Sections 8-10 and 12-20. (Amendment Act 2003:308)

Burden of proof

Section 36 a If a person who feels that he or she has been discriminated against or subjected to victimisation is able to point to circumstances that support such a claim, it is up to the employer to show that discrimination or victimisation has not occurred.

Right to bring an action

Section 37 In a dispute, pursuant to Section 36, the Ombudsman against ethnic discrimination may bring an action on behalf of an individual employee or job applicant, if the individual allows this and the Ombudsman considers that a judgment in the dispute is of importance for the application of law or where there is otherwise special reason for so doing. If the Ombudsman considers it appropriate, the Ombudsman may in the same judicial proceedings also bring other actions as representative for the individual.

The decision of the Ombudsman in matters in accordance with the first paragraph may not be appealed against.

The actions by the Ombudsman under the first paragraph shall be brought in the Labour Court.

Section 38 When an employees' organisation is entitled to bring an action on behalf of the individual pursuant to Chapter 4, Section 5 of the Labour Disputes (Judicial Procedure) Act (1974:371), the Ombudsman may only bring the action if the organisation does not do so.

That prescribed in the Act concerning the status of an individual in the judicial proceedings shall also apply when the Ombudsman brings the action.

Section 39 Actions concerning damages pursuant to Section 16 as a result of a decision concerning employment that has been issued by an employer with public status may not be considered before the employment decision has entered into final legal force.

Time limits, etc.

Section 40 If someone brings an action as a result of notice of termination or summary dismissal, Section 34, second and third paragraphs, Section 35, second and third paragraphs, Section 37, Section 38, second paragraph, second sentence, Sections 39-42 and also Section 43, first paragraph, second sentence and second paragraph of the Employment Protection Act (1982:80) shall be applied.

Section 41 In matters concerning some other action than those referred to in Section 40 of this Act, Sections 64-66 and 68 of the Employment (Co-Determination in the Workplace) Act (1976:580) shall apply, except that the time limit stated in Section 66, first paragraph, first sentence, shall be two months.

Section 42 In matters concerning actions for damages as a result of a decision of employment that has been issued by an employer with public status, the time limits under Section 41 are computed from

Section 43 An action brought by the Ombudsman against ethnic discrimination is dealt with as if the action had been brought by the employee or the job applicant her or himself.

The Ombudsman against Ethnic Discrimination Act (1999:131)

Section 1 The aim of this Act is to counteract discrimination linked to ethnic origin, religion or other belief. (Amendment Act 2003:313)

Section 2 The Government appoints the Ombudsman who shall work to ensure that discrimination linked to ethnic origin, religion or belief does not exist in working life or in other areas of society. (Amendment Act 2003:313)

Section 3 By giving advice and in other ways, the Ombudsman shall work to ensure that anyone who is subjected to discrimination is able to uphold his/her rights.

The Ombudsman shall also initiate measures to combat discrimination by having discussions with authorities, companies and by shaping public opinion, providing information and so on. (Amendment Act 2003:313)

Section 4 The Ombudsman shall in particular strive to ensure that job seekers are not subjected to discrimination. The Ombudsman shall also have contact with employers and the relevant employer organisations to promote a good relationship between different ethnic groups in working life. (Amendment Act 2003:313)

Section 5 The Ombudsman shall monitor the compliance of the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130), the Act on Equal Treatment of Students at Universities (2001:1286), the Prohibition of Discrimination and Other Degrading Treatment of Children and School Students Act (2003:307), in accordance with the provisions of the acts. (Amendment Act 2006:71)

The Ordinance on Anti-Discrimination Terms in Procurement Contracts

/Enters into force 1 July 2006/

Section 1 Chapter 1 Section 17 and Chapter 6 Section 9 of the Swedish Public Procurement Act (1992:1528) stipulate the requirements that may be put on a supplier in a public procurement procedure. Under Chapter 1 Section 17.1 paragraphs 3 and 4, Chapter 6 Section 9.1 paragraphs 3 and 4, a supplier may be banned from participating in a public procurement procedure if he has been convicted of a crime committed in the exercise of his profession or has committed a serious mistake in the exercise of his profession and the department carrying out the procurement process can prove this.

Chapter 1 Section 18b and Chapter 6 Section 10a of the Public Procurement Act contains provisions concerning certain contractual conditions.

Section 2 This Ordinance includes provisions concerning certain contractual conditions in accordance with Chapter 1 Section 18b and Chapter 6 Section 10a of the Public Procurement Act (1992:1528).

The aim of the Ordinance is to increase awareness of and the compliance with anti-discrimination legislation, for example the Act on Equal Opportunities (1991:433), the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130), the Act Prohibiting Discrimination in Working Life on Grounds of a Disability (1999:132), the Act Prohibiting Discrimination in Working Life on Grounds of Sexual Orientation (1999:133), the Act Prohibiting Discrimination (2003:307) and the Act on Equal Treatment of Students at Universities (2001:1286).

Section 3 The Ordinance applies to all the public authorities included in the appendix of the Ordinance.

Section 4 In a contract that is awarded to a supplier of a service or a construction project in Sweden, the authority shall in accordance with the Public Procurement Act (1992:1528) set conditions aimed at combating discrimination at the supplier's workplace if the contract

1. is valid for a period of eight months or longer and
2. has an estimated value of at least SEK 750 000.

The first paragraph does not apply to contracts awarded in the procurement of services or construction projects referred to in Chapter 1 Section 3 paragraph 2 of the Public Procurement Act.

A procurement may not be divided with the intention of ensuring that the period of validity or the estimated value falls below the above levels.

Section 5 Conditions stipulated in Section 4 shall be designed in such a way as to make it possible for the authority to monitor compliance. If suitable, this shall also include sub-contractors.

The authority shall ensure that the conditions include some type of sanction.

Section 6 During the period of validity, an authority shall monitor that the supplier complies with the conditions in accordance with Section 4. There shall be a follow-up at least once a year or if the contract is shorter, at least once during the period of validity.

Appendix

Labour Market Board
Swedish Rail Administration
National Courts Administration
Swedish National Financial Management Authority
National Fortifications Administration
Defence Materiel Administration
Swedish Armed Forces
Swedish Social Insurance Administration
Göteborg University
Karolinska Institutet
Swedish Prison and Probation Service
Royal Institute of Technology
National Land Survey
Swedish Civil Aviation Authority
Lund University
Swedish Migration Board
Swedish Environmental Protection Agency
Swedish Government Offices
Swedish National Debt Office
National Police Board
Swedish Maritime Administration

National Tax Board
National Property Board
Swedish Agency for Public Management
Swedish University of Agricultural Sciences
Umeå University
Uppsala University
Swedish Administrative Development Agency
National Agency for Services to Universities and University Colleges
Swedish Road Administration

The Ordinance on Government Support to Activities that Prevent and Combat Discrimination (2002:989)

General provisions

Section 1 Government support in accordance with this Ordinance may be allocated to organisations and foundations whose activities are aimed at preventing and combating discrimination on the grounds of gender, ethnic origin, religion, disability and sexual orientation.

Support is allocated depending on availability of funds. When allocating funds, the aim should be to ensure an even geographical distribution.

Preconditions for support

Section 2 Support may be allocated to an organisation or foundation whose activities are aimed at preventing and combating discrimination in accordance with Section 1 by

1. providing free advice and information to an individual about what he or she can do to uphold his/her rights, and
2. shaping public opinion, through courses and seminars, as well as general information and advice.

Section 3 Support may be allocated to an organisation or foundation if

1. activities do not aim to make a profit,
2. activities are pursued with clear goals and methods,
3. the activities have a long-term focus, and
4. there are people in the organisation who have knowledge about discrimination and the regulations that apply.

Decision-making authority

Section 4 The Swedish Integration Board is the decision-making authority regarding support as stipulated in this Ordinance with regard to an application.

Support is granted for one year at a time.

Payment

Section 5 Support is paid in advance twice a year.

The Swedish Integration Board may decide that support that has been granted will not be paid if it can be presumed that the aid has been granted on erroneous grounds.

Follow-up and evaluation

Section 6 An organisation or foundation which has been paid support in accordance with this Ordinance shall submit to the Swedish Integration Board the accounts, annual reports and other information determined by the Board prior to a follow-up and evaluation.

Reclaims

Section 7 The Swedish Integration Board may decide to reclaim the support if

1. it has been paid based on erroneous information,
2. it has not been used for the purposes it was granted for,
or
3. the organisation or foundation does not submit the information referred to in Section 6.

Appeals

Section 8 The decision of the Swedish Integration Board in accordance with this Ordinance may not be appealed.

Authorisation

Section 9 The Swedish Integration Board must communicate the further regulations required to implement this Ordinance.

Ordinance on Government Support for National Minorities (2005:765)

Scope

Section 1 This Ordinance includes provisions on government support for the Sámi Parliament and organisations that represent the national minorities.

Provisions in Sections 4 to 14 do not apply to the Sámi Parliament and organisations that represent the Sámi minority.

Aim

Section 2 The aim of this government support is to aid and facilitate activities at the Sámi Parliament and the organisations that represent the national minorities.

Types of support

Section 3 Government support in accordance with this Ordinance is submitted in accordance with the conditions stipulated in Sections 7 and 8 with an equally large fixed portion per national minority and a flexible portion that is based on the number of local associations or sections. This does not, however, apply to the Sámi. Instead the Government determines the level of support to the Sámi Parliament on an annual basis depending on the availability of funds with a figure that corresponds to half of one of the fixed portions referred to in the first sentence.

Definitions

Section 4 A minority organisation referred to in this Ordinance is a national organisation or an organisation of national interest which

1. represents one of the national minorities and where the members of the organisation or its local associations or sections consist to an overwhelming extent of people who belong to the national minority, and which
2. organises activities aimed at empowering the national minority, promoting the identity, culture and language of the national minority group, combating discrimination or disseminating knowledge about the group in question.

Section 5 A national organisation in this Ordinance is an organisation that has at least five local associations or sections in different parts of Sweden.

Section 6 A local association or section in a minority organisation in this Ordinance is an association or section which

1. is included on the minority organisation register of local associations or sections,
2. has members and bodies, appointed by the members, which determine the activities or finances of the local association or section, and which
3. pursues activities.

Preconditions for support

Section 7 Support is awarded for one year at a time depending on the funds available. A “support year” corresponds to a government budgetary year.

Section 8 Government support may be submitted to a minority organisation which is applying for support in accordance with its needs and which

1. has statutes and a board or equivalent body,
2. is an open group and where membership is voluntary
3. is democratic,
4. has pursued activities in Sweden for at least the last two years, and which
5. strives to ensure that there is an equal distribution of power and influence between men and women in the organisation.

Moreover, the minority organisation must have at least two local associations or sections for the flexible portion of the government support.

When an assessment of the minority organisation’s need for government support is being made, account shall be taken of whether the organisation receives other state subsidies for its activities.

Applying for support

Section 9 Applications for support in accordance with this Ordinance are decided by the Government.

A decision with regard to support may be conditional.

Section 10 An application for government support shall be made in writing on the form provided by the Government Offices. The application shall be signed in person by the authorised representative from the organisation and the Government Offices shall have received it by 1 October the year before the support year at the latest.

Along with the application, the organisation shall submit its statutes and annual report for the latest financial year and information with regard to the composition of the board or corresponding body.

The organisation is also obliged to submit to the Government Offices other documents and information that are required for a decision to be made concerning the application.

Section 11 If an organisation applying for support in accordance with this Ordinance does not submit the documents and information stipulated under Section 10, the applicant shall be given the opportunity to submit the

complementary documents within a certain time period. If the applicant does not do so, the application shall be considered at it is.

Financial accounting

Section 12 An organisation which has been granted support in accordance with this Ordinance is obliged to submit the accounts, annual reports and other information determined by the Government Offices. A financial account must be signed by an accountant or if the support that has been granted amounts to SEK 250 000 or more, by a chartered or certified accountant.

Repayment

Section 13 The Government may decide that support must be repaid in part or in its entirety if

1. the support has been paid on erroneous grounds,
2. the organisation does not submit the documents or information referred to under Section 12 or if
3. the conditions stipulated have not been adhered to.

Appeals

Section 14 Decisions in accordance with this Ordinance may not be appealed.

Transitional provisions

2005:765

1. This Ordinance comes into force on 15 December 2005 and will be applied for the first time for government support for support year 2006.
2. Applications for government support for the support year 2006 must be submitted by 16 January 2006 at the latest.

Higher Education Act (1992:1434)

Chapter 1. Initial provisions

Section 5 Universities shall in their activities promote sustainable development so that present and future generations are assured a healthy and good environment, economic and social welfare, and justice.

Gender equality shall always be observed and promoted in the activities of the universities.

Furthermore, the universities should in their activities promote an understanding for other countries and international conditions.

The universities shall also actively promote and broaden their recruitment. (Amendment Act 2005:1208)

Ordinance on Government Support for the Production of Certain Teaching Media (1991:978)

Section 1 Government support in accordance with this Ordinance may be granted for the production of teaching media if there is a lack of suitable media.

Government support will only be granted for the production of

1. teaching media that is intended to be used for

- mother tongue tuition at preschools for children with a mother tongue other than Swedish,

- teaching that is monitored by the Swedish National Agency for Education.

2. interpreters' glossaries. (Amendment Ordinance 1997:604)

Section 2 Government support issues are decided by the Swedish National Agency for School Improvement, unless otherwise stipulated by Section 3.

Applications for government support are submitted to the Swedish National Agency for School Improvement. (Amendment Ordinance 2002:1162)

Section 3 Issues regarding government support for the production of teaching media for students with disabilities are decided by the Swedish Institute for Special Needs Education.

Applications for government support are submitted to the Swedish Institute for Special Needs Education. (Amendment Ordinance 2001:289)

Section 4 Government support may be granted as

1. a subsidy for the entire production cost or parts thereof,

2. a subsidy with a repayment clause for some of or the entire sum in question

3. a guarantee of support if losses are incurred. (Amendment Ordinance 1993:454)

Section 5 Decisions with regard to government support may not be appealed. (Amendment Ordinance 1993:454).

Section 6 The Swedish National Agency for School Improvement and the Swedish Institute for Special Needs Education may separately communicate the regulations required to implement this Ordinance. (Amendment Ordinance 2002:1162).

Summary of comments made by national minority organisations

During 2005, Sweden performed a survey of the situation as regards human rights in Sweden. As previously mentioned in this report, this survey forms part of the *National Action Plan for Human Rights, 2006–2009*. The comments of the national minority organisations summarised below are an extract from the action plan.

The Government has an ongoing dialogue with representatives of national minority organisations. Each minority group has within the framework of this dialogue highlighted various priority areas in which they feel that further measures are required. The five minority groups have all claimed that there are considerable shortcomings as regards the rights of the national minorities concerning education. Many municipalities do not know what their obligations are when it comes to providing mother tongue tuition in the minority languages. There is also a severe shortage of trained teachers of the minority languages and the supply of teaching media is very limited.

Representatives from the Swedish Finns has criticised the requirement that at least five pupils in one municipality must request mother tongue tuition in Finnish before the municipality is obliged to organise the tuition. For Sámi, Meänkieli and Romany Chib one pupil requesting mother tongue tuition suffices. Representatives from the Swedish Finns have also brought up the issue of mother tongue use at preschools and claim that the situation as regards the language development of the children is alarming. According to the representatives, there is no statutory right nor earmarked fund for mother tongue support in preschools. As a result, many municipal Finnish-speaking preschool groups have closed. In conjunction with the survey carried out prior to the new human rights action plan, representatives from the Swedish Finns called for a

new bill of rights as regards Finnish tuition and tuition in Finnish at preschools and schools to supplement the national human rights action plan. They also call for the right of the Swedish Finns minority and the other national minorities to their own mother tongue and their own culture to be highlighted to a greater extent in the new action plan.

Roma representatives have identified the fact that the educational level of most Roma people is very low as a major problem. Many graduate from compulsory school with incomplete grades, few attend upper secondary education and very few Roma people pursue an academic education. Today there are many adult Roma people who have not completed their compulsory education. This low level of education in turn means that Roma people have problems competing on the labour market.

Representatives from the national minorities have stated that the way schools teach about the national minorities, their languages, history and culture is deficient and quite often non-existent despite the fact that the school curriculum stipulates that this shall be taught. Representatives from the minorities say that there is no teaching media to use when teaching about the national minorities.

The situation of the national minority languages is something that all the groups highlight as a problem. Several of the minority languages have been languages that have basically only been spoken at home and not in contact with society as a whole. During certain periods it was not even permitted to speak any other language than Swedish at school. This means that the national minority languages are to a varying extent threatened today. All the five national minority groups want to see more support for the national minority languages in order to be able to preserve and develop them. This includes everything from developing dictionaries to drawing up action plans for the different languages. Many have said that there is a need for some kind of body to offer linguistic guidance for the minority languages.

All the minority groups request information about the national minorities not only in central government and municipal activities but also in society at large. It is clear that the municipalities and central agencies still have very little knowledge as regards the existence of rights of the national minorities and their languages. Many representatives from the national minorities feel that there is a lack of knowledge about the existence of a policy for national minorities and about which minorities are classed as 'national minorities'. They believe that the minorities policy is not being implemented at the local and regional level, which makes it difficult for individuals to ensure that their rights are upheld in practice when they, for example, request mother tongue tuition for their children at school. A further problem is that many who belong to one of the national minorities themselves do not know their rights and because of this are unable to uphold them. Information measures are requested that are geared towards informing the national minorities of their rights.

The national minority organisations have annually applied for support for their activities since the minority policy was established. All the organisations have,

however, stated that the support is not sufficient to be able to pursue the activities they wish to.

Several of the minority groups have demanded elderly care in their language. Representatives from the national minorities have also emphasised the importance of respecting a person's background and culture in elderly care.

All the minority groups have demanded that their influence as regards issues affecting the national minorities at all levels is enhanced.

Representatives from the Swedish Finns have also proposed the introduction of a language register to provide statistical information concerning the size of the Swedish Finns group so that the measures provided by society can stand in relation to the figures. Other national minorities have, however, strongly disassociated themselves from such demands since they have experienced oppression on the grounds of their ethnic origin.

The Swedish Finns has observed that the health of its members is in general much poorer compared to other groups in Sweden. They believe that the issue of the health of Swedish Finns should be included in the general public health initiative.

Representatives from the Jewish group have reported a number of times that the issues receiving most priority are Yiddish tuition, the legalisation of kosher slaughter, Jewish elderly care and childcare as well as measures to combat anti-Semitism.

As regards media issues it seems that the lack of a daily newspaper in Meänkieli is seen as a serious shortcoming for the inhabitants of Tornedalen. They have demanded that the Swedish public service broadcaster Sveriges Television (SVT - Swedish Television), Sveriges Radio (Swedish Radio) and Utbildningsradion (Swedish Educational Broadcasting Company) should increase their broadcasts in Meänkieli. They have also said that there is still a lack of knowledge within public service broadcasting about Meänkieli being a language in its own right and that it therefore should not be defined as Finnish. The Roma group would also like more space in different types of media, for example radio, television and the printed press.