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REGERINGSKANSLIET  
Government Offices of Sweden

# Sweden's report to the Council of Europe on the European Charter for Regional or Minority Languages

presented in accordance with Article 15 of the  
Charter, fourth Periodical Report



## Foreword

During 2009 Sweden adopted a new strategy for minority policy in order to attain the minority policy objectives in a more efficient manner and to secure the possibility for national minorities to retain their individuality, culture and language. The strategy was presented in the government bill *From Recognition to Empowerment – the Government’s Strategy for the National Minorities* (bill 2008/09:158). It was established in the bill that the measures which were taken in conjunction with Sweden’s ratification of the Council of Europe minority conventions need to be supplemented and the level of ambition must be increased. Consequently the commitments towards the national minorities have been expressed in concrete terms and the special position of the national minorities in the Swedish society has been clarified so that decision-makers and officials at various levels within society can acquire deeper knowledge and understanding of Sweden’s international obligations and to ensure that the decisions which are taken fulfil these obligations. The government’s overall strategy for minority policy also highlights the preservation perspective and the need to increase the participation of national minorities. The national minorities need to be equipped with better tools which allow them to assimilate, develop, preserve and reclaim their languages.

A great deal of work remains at a central and local level before the strategy for minority policy achieves its full impact. I hope that the work which is now underway will strengthen the empowerment of the national minorities and thereby provide them with better conditions to shape their own future.

Sweden hereby submits its fourth report on the measures which have been taken up until 1 September 2010 in order to fulfil the commitments in accordance with the Council of Europe’s Charter for Regional or Minority Languages. The report has been set out and the answers given in accordance with the instructions specified by the Council of Europe in its guidelines. The report discusses the measures implemented and the changes that have occurred since Sweden submitted its last report, but also tries to reply to the comments made and questions asked by the Council of Europe in its reports about Sweden. An account of the measures implemented is given article by article.

Stockholm, September 2010

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# Table of contents

<b>PART I</b> .....	<b>5</b>
<b>PART II</b> .....	<b>26</b>
<b>PART III</b> .....	<b>41</b>
Languages: SAMI, FINNISH and MEÄNKIELI.....	41
<b>Article 8 – Education</b> .....	42
<b>Article 9 – The legal system</b> .....	55
<b>Article 10 – Administrative authorities and public services</b> .....	59
<b>Article 11 – Media</b> .....	62
<b>Article 12 – Cultural activities and facilities</b> .....	65
<b>Article 13 – Economic and social life</b> .....	69
<b>Article 14 – Transfrontier exchange</b> .....	69
<b>APPENDICES</b> .....	<b>70</b>
Appendix 1 – Ratified Articles in the Charter.....	70
Appendix 2 – National Legislation .....	72
Act (2009:724) on National Minorities and National Minority Languages.....	72
Language Act (2009:600).....	77
Discrimination Act (2008:567) .....	79
Social Services Act (2001:453).....	103
Law on System of Choice in the Public Sector (2008:962) .....	104
Heritage Conservation Act (1988:950) etc.....	111
Sami Parliament Act (1992:1433).....	112
Compulsory School Ordinance (1994:1194).....	112
Education Act (2010:800) .....	114
The Health and Medical Service Act (1982:763).....	115

# PART I

## Introductory comments

Sweden's fourth report to the Council of Europe on the European Charter for Regional or Minority Languages, submitted in accordance with Article 15 of the Charter, adheres to the revised outline for periodical reports which was adopted by the Committee of Ministers during the 1056<sup>th</sup> meeting on 6 May 2009. Special attention has been given to the issues highlighted by the Committee of Experts in its third evaluation report ECRML (2009) 3. The government has chosen presentation option B for presenting part IIT.

In order to avoid repeating information provided in previous reports, the government has chosen to refer to the third report for obligations which have not witnessed any relevant changes. The same applies to the obligations which in its report the Committee of Experts did not consider to require a revised assessment or another account on the implementation.

## A new strategy for minority policy

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

The strategy contains measures for:

- ensuring stricter adherence to the Council of Europe's charter on minorities,
- improved follow-up of the implementation of minority policy,
- combating discrimination against and the vulnerability of the national minorities,
- strengthening the empowerment and influence of national minorities, as well as
- supporting the preservation of the national minority languages.

The judicial regulation of the rights of the national minorities has been clarified by means of the new Act (2009:724) on National Minorities and National Minority Languages. The Act entered into force on 1 January 2010 and applies nationwide. Further information on the Act can be found below.

Based on experience it can be stated that the recognition of the national minorities, which was determined by the Riksdag in December 1999 has not been accompanied by sufficient resolute measures in order to allow the national minorities to derive maximum benefit of their rights. Several areas warrant improvement. According to the Government, the goals of the Swedish minority policy must be increased considerably. It involves, inter

alia, creating a structure which allows the minority policy to be realised in a more efficient manner. An important premise concerning the reformation efforts has been the strengthening of the empowerment of the national minorities and the prerequisites which are necessary to preserve and revitalise their language and culture.

As of 2010 the budget for minority policy has been increased to approximately SEK 80 million per year. The previous budget was set at SEK 10 million per year.

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

The new Discrimination Act (2008:567), which replaced the previous seven Discrimination Acts, provides the Equality Ombudsman (DO) with the necessary prerequisites to continue to promote equal rights and opportunities for national minorities, by among other things increasing the awareness of discriminatory issues among these groups. In the strategy for minority policy the government has stated that the work initiated by the Equality Ombudsman to support national minorities should continue.

The strategy has also established that the methodological work managed by the Delegation for Roma Issues aimed at improving the situation of the Roma and combating their vulnerability in the Swedish society needs to continue after the Delegation has concluded its work. The County Administrative Board in the County of Stockholm is working on the issue while the Government Offices of Sweden prepare the proposal. The delegation presented its commission on 30 July 2010 via the report *Romers rätt – en strategi för romer i Sverige (The Rights of the Roma – a Strategy for the Roma in Sweden)*, Swedish Government Official Reports Series No. 2010:55). While the County Administrative Board in the County of Stockholm waits for the Government Offices of Sweden to prepare the delegation's proposal, the Board shall support the municipalities which have initiated development work with regard to the Roma minority and strengthen communication between the Roma minority and authorities.

The work which commenced in 2008 within the area of equality in order to strengthen the position and empowerment of women from national minorities will also continue during 2010. Funds amounting to SEK 5 million have been allocated for 2010.

### **Monitoring and management of minority policy**

The lack of commitment and willingness to take responsibility impedes the implementation of obligations for minorities and the management and implementation needs to be improved at a national and local level. Therefore, a state monitoring system has been introduced in order to monitor

adherence to the Act (2009:724) on National Minorities and National Minority Languages as well as the effects of the minority policy.

The monitoring system is comprised of the following parts:

*The minority policy objectives will be expressed in concrete terms and divided into a number of separate areas*

The effects of the minority policy should be monitored within each separate area for the continued work. The minority policy objectives also need to be integrated in a clearer manner in other policy areas which concern the national minorities and the prerequisites which allow them to retain their culture and language.

*The responsibility for monitoring is introduced*

The responsibility of authorities in terms of the minority policy needs to be clarified. The County Administrative Board in the County of Stockholm and the Sami Parliament (Sametinget) have been commissioned the responsibility for monitoring the implementation of the minority policy on a national level. Moreover, through consultation, information and similar operations these authorities shall support other public authorities in their application of the Act (2009:724) on National Minorities and National Minority Languages. The aim is to facilitate the work at a municipal level.

*Improved coordination between authorities*

The County Administrative Board in the County of Stockholm and the Sami Parliament have been commissioned with the coordination responsibility for the objectives of the minority policy. During a three-year period a number of authorities will monitor, analyse and present their initiatives based on the objectives of minority policy. These authorities include the National Police Board, the National Board of Health and Welfare, the Swedish National Institute of Public Health, the Swedish National Agency for Education, the Swedish Schools Inspectorate, the Swedish National Agency for Higher Education, Lantmäteriet (the Swedish mapping, cadastral and land registration authority), the Equality Ombudsman, the Swedish National Board for Youth Affairs, the Election Authority and the Swedish Arts Council. The County Administrative Board in the County of Stockholm and the Sami Parliament have been assigned the responsibility of submitting an overall assessment of the adherence to the Act (2009:724) on National Minorities and National Minority Languages.

*Measures aimed at increasing awareness*

Knowledge and awareness of the international obligations, the national minorities and the rights of minorities needs to be increased in order to ensure stricter compliance. The County Administrative Board in the County of Stockholm and the Sami Parliament have been assigned the responsibility of implementing measures aimed at increasing awareness. The Sami Parliament has been commissioned to create and manage a website

concerning the national minorities. The new website ([www.minoritet.se](http://www.minoritet.se)) was launched in December 2009.

### **A new Act on National Minorities and National Minority Languages**

The judicial regulation of the rights of the national minorities has been clarified by means of the new coherent Act which applies on a national level, rather than just in certain parts of the country. The new Act (2009:724) on National Minorities and National Minority Languages replaces the previous Acts on the right to use Sami, Finnish and Meänkieli. The Act entered into force on 1 January 2010.

All the national minorities are addressed in the new Act (by referring to the Language Act, see below).

The general provisions have been introduced with the aim of clarifying the responsibilities of society. The new judicial regulation also clarifies the unique position of the national minorities in Sweden partly in relation to the obligations in the Framework Convention and partly part II of the Charter for Regional and Minority Languages. These obligations should be implemented and complied with throughout the country for all national minorities. These obligations have not been closely regulated by Swedish law in the past. General provisions have been introduced with regard to the information obligation for all state and municipal public authorities, the responsibility of public institutions to promote the opportunity for national minorities to retain and develop their languages and culture and the obligation to consult the national minorities.

The obligation to provide information on the rights has been introduced. Administrative authorities shall, when this is needed, provide information to the national minorities in an appropriate manner on their rights in accordance with the new Act (2009:724) on National Minorities and National Minority Languages.

An obligation to promote the language and culture of the national minorities has been introduced. The public institutions have a specific responsibility to protect and promote the opportunity for the national minorities to maintain and develop their culture in Sweden. The development of a cultural identity for children and their own minority language should be promoted in particular.

### **The influence of the national minorities is strengthened and regulated by law**

The improved possibilities for the national minorities to achieve enhanced influence are essential in order to highlight the groups' importance in society and is a prerequisite for Sweden to be able to fulfil the obligations in the



Charter for Regional and Minority Languages. The government has reached the conclusion that the measures which have been taken to date are not sufficient to secure influence and therefore a number of measures have been taken in order to strengthen the influence of the minorities.

The administrative authorities should provide the national minorities the opportunity to exert influence on issues which concern them and as far as possible consult with the representatives of the minorities on such issues (Section 5 of the Act (2009:724) on National Minorities and National Minority Languages). It is particularly important to initiate efficient communication in the municipalities as many of the important decisions concerning the national minorities are taken at a local level.

Financial aid for the organisations which represent the national minorities has been increased by an additional SEK 2 million to SEK 6 million per year in order to strengthen the empowerment of the national minorities. According to the government, at this stage it is essential to particularly prioritise the prerequisites for national minorities which allow them to create well-functioning consultation models within the administrative area in which strengthened minority rights apply concerning Sami, Finnish and Meänkieli respectively.

The government intends to initiate a dialogue with the youth associations for the national minorities at a national level with the purpose of improving opportunities for youth associations to exert greater influence.

The role of the Sami Parliament has been clarified. The Sami Parliament shall determine the objectives, rather than simply manage the Sami language work. The increased responsibility of the Sami Parliament will be expressed by changes in the Sami Parliament Act (1992:1433). The Riksdag and the government can formulate overall objectives for the national language policy but according to the government the responsibility of conveying the objectives for the internal work on the Sami language lies with the Sami Parliament, as an organ elected by popular vote. The objectives for promoting, maintaining and developing the Sami language requires a democratic foundation in the group which an organ elected by popular vote can provide.

### **The strengthened minority protection is extended**

In accordance with part III of the Charter for Regional and Minority Languages strengthened protection is now provided within the administrative areas, except for the right to mother tongue tuition which applies nationwide. A greater number of individuals benefit from access to strengthened minority protection by the administrative areas for Finnish and the Sami languages being extended to cover additional municipalities. The minority strategy has ascertained that in the areas which require

strengthened protection the opportunity for individuals to derive benefits from their rights needs to be improved.

Consequently, government subsidies to municipalities and county councils within the administrative areas have increased for 2010 to approximately SEK 50 million (the previous amount was SEK 6 million for seven municipalities).

The administrative area for the Finnish language were extended on 1 January 2010 to include 18 municipalities – Botkyrka, Eskilstuna, Hallstahammar, Haninge, Huddinge, Håbo, Köping, Sigtuna, Solna, Stockholm, Södertälje, Tierp, Upplands Väsby, Upplands-Bro, Uppsala, Älvkarleby, Österåker and Östhammar. The municipalities of Gällivare, Haparanda, Kiruna, Pajala and Övertorneå were previously included.

The administrative areas for the Sami language were extended on 1 January 2010 to include 13 municipalities – Arvidsjaur, Berg, Härjedalen, Lycksele, Malå, Sorsele, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Älvdalen and Östersund. The municipalities Arjeplog, Gällivare, Jokkmokk and Kiruna were previously included.

The administrative areas for Meänkieli have not been extended. The administrative areas include the municipalities Gällivare, Haparanda, Kiruna, Pajala and Övertorneå.

There are reasons to take advantage of the commitment of the municipalities and consequently the opportunity for municipalities to voluntarily join an administrative areas has been introduced. Such a municipal commitment can also be pursued by the national minorities' own local efforts and by well-functioning communication being initiated between the municipal representatives and the national minorities. The decision on whether a municipality may join an administrative areas is taken by the government. Additional municipalities are also entitled to government subsidies, i.e. government aid for additional costs incurred by the strengthened minority protection. Following an application the administrative areas for Finnish have been extended on 1 May 2010 to include the municipalities Borås, Surahammar and Västerås and the Sami administrative areas have been extended to include the municipality of Krokomb. Discussions on voluntary inclusion are currently underway in a number of municipalities and the government has received applications from additional municipalities.

Measures to facilitate the extension of the administrative areas have been taken. The County Administrative Board in the County of Stockholm and the Sami Parliament have been commissioned to support and coordinate the implementation of the strengthened minority protection in the new municipalities within the administrative areas. During 2010 these authorities have received specific funds to attain these objectives and for initiatives

aimed at increasing awareness as well as information. The experiences and competency from the municipalities in the original administrative areas should also be used in the continued work.

In conclusion, the administrative areas for Finnish include the following municipalities: Borås, Botkyrka, Eskilstuna, Gällivare, Hallstahammar, Haninge, Haparanda, Huddinge, Håbo, Kiruna, Köping, Pajala, Sigtuna, Solna, Stockholm, Surahammar, Södertälje, Tierp, Västerås, Upplands Väsby, Upplands-Bro, Uppsala, Älvkarleby, Österåker, Östhammar and Övertorneå.

The administrative areas for Sami include the following municipalities: Arjeplog, Arvidsjaur, Berg, Härjedalen, Gällivare, Jokkmokk, Kiruna, Krokom, Lycksele, Malå, Sorsele, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Älvdalen and Östersund.

The administrative areas for Meänkieli include the following municipalities: Gällivare, Haparanda, Kiruna, Pajala and Övertorneå.

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

Within administrative areas individuals have the right to use minority languages in their oral and written communication with a public authority with a geographical operational area which is completely or partly covered by the administrative area, in cases which an individual is a party or represents a party, given that the case is linked to the area. If the individual uses Sami, Finnish or Meänkieli in such a case, the authority is required to provide an oral reply in the same language. Individuals who do not have a legal representative are also entitled, upon a request, to receive a written translation of the ruling in the case in Sami, Finnish and Meänkieli respectively. In line with previous practice, authorities shall in general strive to communicate with individuals in the language of their choice. Individuals now have the right to written translation.

Individuals have the right to use Finnish, Meänkieli and Sami outside the administrative areas during their oral and written communication with cases in public authorities, in which an individual is a party or represents a party, if the case is administered by personnel who are proficient in the minority language. This is a new provision.

Individuals always have the right to use Finnish and Sami in their written communication with representatives of the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Social Insurance Office, the Swedish Tax Agency and the Equality Ombudsman in cases in which an individual is a party or represents a party. This is a new provision.

An obligation to drive the recruitment of multilingual personnel has been introduced: the public authorities should ensure that staff with knowledge of Finnish, Meänkieli and Sami respectively are available when needed during communication with the authority. This is a new provision.

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

With regard to the right to use Finnish, Meänkieli and Sami respectively the right is not extended to cover additional courts, as this is not deemed to be a priority at this stage. However, this entitlement will continue to remain in the original administrative area (i.e. seven municipalities in Norrbotten). A recent development is the entitlement for a party or representative of a party who lacks legal representation to, upon request, receive a written translation of the court's judgement and grounds for the judgement, or ruling and reasons for the ruling to any of the current languages.

### **Pre-school activities**

Children have the right to pre-school activities being conducted entirely or partly in Sami, Finnish or Meänkieli respectively within the administrative areas. The extension of the administrative areas for Finnish and Sami means that a greater number of children can benefit from such pre-school activities.

### **Elderly care**

The elderly are entitled to elderly care being conducted entirely or partly in Sami, Finnish or Meänkieli respectively within the administrative areas. The extension of the administrative areas to Finnish and Sami means that a greater number of the elderly can benefit from such elderly care.

The same applies for municipalities which lie outside an administrative areas, if the municipality has access to personnel who are proficient Finnish, Meänkieli or Sami. The municipality should ensure that personnel with knowledge of Finnish, Meänkieli or Sami are available within elderly care in areas where this is needed. This has involved an amendment to the Social Services Act (Chapter 5, Section 6) as of 1 January 2010.

### **The education sector**

In order to strengthen the survival of the Sami language the access to integrated Sami education should be improved. Consequently, an additional SEK 1 million has been provided.

### **Strong revitalisation initiatives**

The ongoing language shift needs to be reversed if the national minority languages are to be preserved as living languages. Some of the minority

languages, such as South Sami, are under such a severe threat that immediate measures are required.

On 23 March 2010 the government decided to appoint a special reference group within the Government Offices of Sweden in order to provide competence and experience on issues which concern the revitalisation of the national minority languages. Comprehensive communication with the various stakeholders in society also needs to be initiated in order to strengthen the revitalisation of the national minority languages. The reference group members were appointed in May 2010 and the reference group will present the final report of its commission in June 2012.

Strong revitalisation initiatives are needed to strengthen the survival of the national minority languages. Funds have been allocated for specific revitalisation initiatives for the national minority languages. The funds will be distributed by the Swedish Institute for Language and Folklore following applications from organisations. SEK 3.4 million will be distributed between the various revitalisation projects during 2010. There has been a great deal of interest in applying for such funds.

Two Sami language centres will be established in the South Sami area, in Östersund and Tärnaby respectively. Sami in this context refers to all the varieties of the language within the Swedish part of Sápmi. The aim is to strengthen the revitalisation of the Sami language. The Sami Parliament is the authority in charge of these language centres. They shall actively promote and stimulate the increased use of Sami in society, provide competence, develop methods for strengthening the conditions for individuals to converse in Sami and reclaim the language, as well as spread knowledge on revitalisation. As of 2010, SEK 6 million is annually allocated for these language centres. During 2010 the Sami Parliament has initiated the efforts for the establishment of these language centres.

Knowledge of revitalisation among the national minorities needs to be increased and in order to facilitate the preservation of the national minority languages individuals belonging to the national minorities should be provided with improved information on additive bilingualism and revitalisation. According to the government the new website concerning national minorities, which relates to this should be used in an innovative manner to disseminate knowledge which supports the preservation of the national minority languages.

The government has also sanctioned a grant to Uppsala University in order to provide youths from national minorities the opportunity to participate in an international research conference in October 2010 concerning revitalisation. The goal is to encourage youth associations to actively participate in the revitalisation efforts and to increase awareness on active revitalisation among youths.

An additional SEK 700, 000 has been allocated for increased language cultivation (language planning) for the national minority languages. Measures concerning Meänkieli have been specifically prioritised at this stage.

### **Active visibility of the national minorities**

The current and historical presence of the national minorities and their language and culture requires them to be actively visible in the Swedish society as a part of the common Swedish cultural heritage.

The place names in minority languages are a valuable part of the cultural heritage which should be strongly upheld by the representatives of society. In order to emphasise this cultural heritage the work involving signs displaying the place names in minority languages is being intensified. As a part of their operations state and municipal authorities should safeguard the place names in minority languages and emphasise the presence of minority languages by means of signs and other markings. Where appropriate, established place names in minority languages should be adopted.

### **Initiatives concerning equality among the national minorities**

From 2008-2010 the government is undertaking special initiatives in order to strengthen the position of women from national minorities in society.

### **A new Language Act**

A new Language Act (2009:600) was adopted by the Riksdag during 2009 and the Act entered into force on 1 July 2009. The Act states that the minority languages include Finnish, Yiddish, Meänkieli, Romani Chib and Sami. Moreover, it states that public institutions have a specific responsibility to promote and protect the national minority languages. Individuals from national minorities should be given the opportunity to learn, develop and use the minority languages. The Swedish Institute for Language and Folklore monitors the application of the Act through its department the Language Council. The Sami Parliament has also been commissioned to monitor the Language Act with regard to Sami.

### **A reformed Constitution**

In December 2009 the government submitted the bill, *A reformed Constitution* (bill 2009/10:80) to the Riksdag. It has been proposed that the provisions in Chapter 1, Section 2 of the Instrument of Government on protection for certain minorities are amended in order to allow specific reference to be made to the Sami people. Moreover, it has been proposed that the provisions are determined as being an obligatory objective,

i.e., the opportunity to preserve and develop a cultural and social life of their own. Thus, the word “ought” is replaced by “shall”. It has been proposed that the amendments should enter into force on 1 January 2011. Amendments to the Constitutions require that the Riksdag takes two identical decisions with elections to the Riksdag in between these.

### **Measures which have been taken in order to fulfil the recommendations of the Committee of Ministers.**

It is implicit that detailed information on the measures which have been taken in order to execute the recommendations of the Committee of Ministers with regard to the adherence to the Charter for Regional or Minority Languages will be included in the report. Despite this a summary of the measures for each recommendation follows.

*1. To in collaboration with speakers of minority languages define the areas in which Finnish and Sami are covered by part III of the charter and apply the relevant provisions of the charter in those areas.*

As mentioned above, strengthened protection in accordance with part III of the Charter for Regional or Minority Languages is currently provided within the administrative areas. The administrative areas for the Finnish and Sami languages were extended on 1 January 2010 to include an additional 18 and 13 municipalities respectively, and the opportunity to voluntarily join an administrative area has been introduced. Government Inquiry and the Government Offices of Sweden have communicated with the relevant authorities during the reformation work. Proposals submitted by the Inquiry have also been forwarded to the Sami Parliament and organisations which represent the national minorities. Following a decision in 2010 by the government to approve four applications for voluntary enrollment, the Finnish administrative area has been extended by an additional three municipalities and the Sami administrative areas includes one additional municipality.

Government subsidies to municipalities and county councils within the administrative areas have been increased in 2010 to approximately SEK 50 million (the previous figure was SEK 6 million for seven municipalities).

The County Administrative Board in the County of Stockholm and the Sami Parliament have been commissioned to support and coordinate the implementation of the new municipalities within the administrative areas. These authorities have been provided specific funds in 2010 in order to carry out this objective and for undertaking measures aimed at increasing awareness and to disseminate information.

*2. To actively strengthen teaching in the minority languages, partly through adapting the mother tongue tuition to the provisions in Article 8 of the charter*

*and in temporary cases arranging bilingual teaching, partly through developing appropriate basic and further training for teachers.*

Equal entitlement to teaching in all national minority languages was introduced on 1 July 2008. In contrast to mother tongue tuition in other languages, there is no longer the requirement for at least five pupils in a municipality requesting teaching in a minority language. The requirement for the language to represent daily means of interaction (dagligt umgängesspråk) in the home has also been removed. Moreover, the limitation of teaching being conducted for a maximum of seven years has also been eradicated for all minority languages.

There have been two measures to support publishing books and other teaching material written in and about the national minority languages. In 2008 the Swedish National Agency for Education was assigned the task of investigating the requirement and supporting the development and production of books and other teaching material for the national minorities. A total of SEK 10 million was allocated for the commission. The Swedish National Agency for Education initiated the commission by contacting the target groups and dividing the resources of the different minorities. The division has, inter alia, been based on the number of pupils in each language group. The Sami Education Board received an additional SEK 1 million for developing teaching material in Sami. The current year 2010 will witness SEK 1 million being allocated to the devising of teaching material in Romani Chib and Sami.

Since 2007 the government has carried out various initiatives aimed at devising teaching in the national minority languages. The government has commissioned Linköping University the responsibility of teaching in Romani Chib, whereas Lund University is responsible for teaching in Yiddish, Uppsala University and Stockholm University are in charge of the teaching in Finnish and Umeå University for teaching in Meänkieli and Sami. In addition, Luleå University of Technology has been commissioned to provide teacher training specialising in Finnish, Meänkieli and Sami. Prior to 2010 the government commissioned Luleå University of Technology to report on the work which is being carried out in order to increase the number of applicants for teacher training.

The government has also commissioned the Swedish National Agency for Higher Education (reference number U2010/3886/UH) to propose measures on how the number of teachers who can teach in and about the national minority languages can be increased. Furthermore, the commission entails that the Swedish National Agency for Higher Education shall, if deemed to be necessary, after communication with the relevant higher education institutions, propose changes for the current allocation of responsibilities between the higher education institutions which organise teaching in the national minority languages. The Swedish National Agency



for Higher Education will present the the proposals no later than 30 April 2011.

*3. To establish a structured policy for promoting university education or other forms of higher education to be conducted in Sami, Finnish and Meänkieli.*

Refer to the answer under recommendation 2 above.

*4. To as a priority, undertake flexible and innovative measures to preserve South Sami.*

The Sami language centres in Östersund and Tärnaby shall actively promote and stimulate the increased use of Sami in society. The language centres are located in the South Sami areas. The language centres shall undertake work aimed at changing attitudes and increasing the status, and also support municipalities, authorities, the educational system and society in general with initiatives which promote the development of languages. It is not intended that the language centres should take over the assignments of the municipalities and authorities, but instead the language centres should assist with knowledge and resources which allow the public authorities to integrate Sami in an efficient manner, one which is adapted to the relevant and cultural conditions.

The government's strengthening of the integrated Sami teaching is also deemed to be beneficial for the preservation of the smaller Sami varieties.

South Sami is taught at four of the five Sami schools and in four municipalities within the integrated teaching. Teaching material in South Sami has been devised and a Sami school has participated in a South Sami immersion project. The mother tongue theme website Tema Modersmål ([www.modersmal.net](http://www.modersmal.net)) has a specific page dedicated to South Sami.

*5. To devise a structured policy and undertake organisational measures to promote the use of Sami, Finnish, and Meänkieli, in oral and written communication with the judicial system and public authorities within the defined administrative areas.*

The County Administrative Board in the County of Stockholm and the Sami Parliament being commissioned the responsibility for monitoring the implementation of the Act (2009:724) on National Minorities and National Minority Languages on a national level has meant an improvement in the conditions which support the municipal work on promoting the right to use Sami, Finnish and Meänkieli. Within their administrative areas the municipalities should be capable of providing service in minority languages. The government has allocated specific resources so that through coordination, efforts aimed at increasing awareness, measures for information and training purposes, these authorities shall assist the

municipalities and county councils within the administrative areas. The purpose is to increase knowledge and awareness of the minorities policy objectives in this manner. It also provides an opportunity to specifically work towards providing assistance by sharing competence, concerning for instance pre-school activities and elderly care in minority languages. These authorities have had the opportunity to submit suggestions on specific measures which they could derive benefit from at the conferences organised by the County Administrative Board and the Sami Parliament for municipalities and county councils in 2009 and 2010.

With regard to the right to use Finnish, Meänkieli and Sami respectively the right is not extended to cover additional courts, as this is not deemed to be a priority at this stage. However, this entitlement will continue to remain in the original administrative areas. The right to use Sami, Finnish and Meänkieli in courts is regulated in the new Act (2009:724) on National Minorities and National Minority Languages.

#### *6. To facilitate the establishment of newspapers in Sami and Meänkieli.*

The terms and conditions governing public press subsidies include special rules on the allocation of funds to newspapers that address minorities in their own languages. In December 2008 the government decided on amendments to the press subsidies which are based on proposals which Presskommittén (the Swedish Press Committee) of 2004 submitted in January 2006 in the report *Diversity and Scope* (Swedish Government Official Reports Series No. 2006:8). One of the amendments constitutes that the limit for a newspaper subscription to be granted financial support was decreased from 2000 to 1500 copies, an important step which facilitates the establishment of newspapers in minority languages.

On 2 June 2010, the Riksdag decided on the new terms and conditions for aid to the daily press in view of the government bill *Nya villkor för stödet till dagspressen* (*New terms and conditions for aid to the daily press*, bill 2009/10:199). In the bill the government has established that an initiative should be taken for cooperation with the relevant authorities and stakeholders in Finland and Norway in order to facilitate the publication of transnational newspapers in Meänkieli and Sami. Such a collaboration may include an investigation into the prerequisites for transnational newspaper cooperation in the current languages.

The Swedish Press Committee of 2004 has also proposed that a specific provision be introduced in the Press Subsidies Act in order to facilitate the publication of newspapers in Sami and Meänkieli. However, similar to the representatives of the relevant language groups, in the bill *New terms and conditions for aid to the daily press* (bill 2009/10:199) the government has made the assessment that it is uncertain whether the proposal will lead to the

establishment of new newspapers, and therefore the government is of the opinion that the proposal should not be carried through.

### **The questions and recommendations of the Committee of Experts with regard to the general provisions (part I) in the Minority Languages Charter**

*10. State which measures have been taken to, in cooperation with speakers of minority languages, obtain reliable information on the number of speakers of the various minority languages and their geographical distribution.*

As stated in the previous report, Sweden does not compile official statistics on people's ethnic grouping, apart from their citizenship and country of birth, since there are no methods of calculating ethnic grouping that are both ethically acceptable and scientifically reliable. There are hence no official statistics on ethnic, linguistic or cultural background.

Please refer to the previous report for estimates on the number of speakers of minority languages and how they are geographically distributed.

*14. (box) Which measures have been taken to, in cooperation with speakers of minority languages, define all the areas where Lule Sami, North Sami and South Sami are traditionally spoken in Sweden and to apply the charter in these areas?*

The issue of the geographical scope of the administrative areas has been partly investigated in *Utredningen om finska och sydsamiska språken* (The Inquiry on the Finnish and South Sami languages), the reports *Rätten till mitt språk* (The right to my language, Swedish Government Official Reports Series No. 2005:40) and *Att återta mitt språk* (Reclaiming my language, Swedish Government Official Reports Series No. 2006:19), partly at the Ministry of Integration and Gender Equality, the Ministry memorandum *Nationella minoritetsspråk vid domstolar och myndigheter – ett alternativ* (Ds 2008:26, *National minority languages in courts and authorities – an alternative*, Ministry Publication Series 2008:26)]. Both investigations initiated communication between the relevant national minorities. The investigative work forms the basis of the government's strategy for minority policy which, inter alia, involves an extension of the Sami administrative area in the traditional South Sami area.

*17. State additional information on the development with regard to the handbooks which have been produced and whether similar handbooks are planned for the other minority languages.*

The handbook "Mänskliga rättigheter..? Jag vet att dom finns och jag tror att Sverige är bra på dom – Handbok i mänskliga rättigheter på kommunal nivå" (Human rights..? I know that they exist and I believe that Sweden is good at recognising them – Handbook of human rights at a municipal level) was

published in 2008. The handbook was devised by the University of Gothenburg under the direction of the Government Offices of Sweden and contains a section concerning national minorities.

In 2008 the Sami Parliament, under the authority of the Government Offices of Sweden, also published "*Språkhandbok för att bevara samiskan*" (*Language Handbook for preserving Sami*). The handbook contains concrete proposals on how to efficiently work at a municipal level towards strengthening Sami in the municipal operations.

There are no plans at present for additional handbooks.

*18. Provide additional information on how persons who speak Sami, Finnish and Meänkieli can derive benefit from the entitlement to pre-school education and elderly care, completely or partially in their languages, and the right to use their language during communication with authorities and courts.*

#### *Pre-school education*

It has been regulated in the pre-school curriculum (Lpfö4) that pre-schools should participate in ensuring that children who have a mother tongue other than Swedish be given the opportunity to develop their fluency of both the Swedish language and their mother tongue. Awareness of your cultural heritage and participation in the culture of others should contribute to children developing their ability to understand and adapt to the values and conditions of others. The pre-school should contribute to ensuring that children from national minorities and foreign backgrounds are supported to develop a sense of multicultural belonging. One of the objectives includes the pre-school striving to ensure that every child whose mother tongue is not Swedish develops his/her cultural identity and is capable of communicating both in Swedish and his/her mother tongue.

The Swedish National Agency for Education, under the authority of the government, works towards promoting the access to teaching material which is intended to be used as support for mother tongue tuition in the pre-school. During 2009, the Swedish National Agency for Education has successively gathered material on the website Tema Modersmål ([www.modersmal.net](http://www.modersmal.net)) within the framework of the commission. The website includes recommendations for books, translations, audio books and brochures of varying degrees of difficulty which are useful in the daily activities of pre-schools.

The Swedish National Agency for Education has devised material for reference and methodology purposes titled *Flerspråkighet i förskolan* (Multilingualism in the pre-school). This material contains examples of what can be done and which resources can be linked to the pre-school in order to

support the growth of the various languages of all the children. The aim is to allow the material to be used in all the pre-schools.

The new Education Act (2010:800) which enters into force on 1 July 2011 covers rules for supporting mother tongue tuition in the pre-schools and it also covers the pre-school classes, which is a recent development. The Act stipulates that children who have a mother tongue other than Swedish should have the opportunity to develop both the Swedish language and their mother tongue.

It has been established in the revised pre-school curriculum, which enters into force on 1 July 2011, that the pre-school can contribute towards providing support for children of national minorities to develop a sense of multicultural belonging. (SKOLFS 1998:16).

Children have the right to pre-school activities being conducted entirely or partly in Sami, Finnish or Meänkieli respectively within the administrative areas.

#### *Elderly care*

As mentioned previously, in the new strategy for the national minorities the government has highlighted the need for elderly care to be provided in the national minority languages.

An amendment was made on 1 January 2010 in the Social Services Act (2001:453) which involves municipalities striving towards ensuring that personnel with knowledge of Finnish, Meänkieli or Sami are available for the care of the elderly when this is deemed to be necessary (Chapter 5 Section 6 of the Social Services Act).

Section 18 of the Act (2009:724) on National Minorities and National Minority Languages states that a municipality in an administrative area shall, upon request by an individual, offer the opportunity to receive the entire or parts of the service and care offered within the framework for elderly care by making use of personnel who are proficient Finnish, Meänkieli or Sami respectively. The same applies to municipalities which lie outside an administrative area, if the municipality has access to personnel who are proficient in the language.

In accordance with the new Act on National Minorities and National Minority Languages, additional municipalities may also apply to the government for voluntary inclusion to an administrative area and thereby be granted targeted government subsidies. It also provides new opportunities for municipalities to work with these issues.

On 1 January 2009 municipalities were granted the right to use the system of choice in the public sector in accordance with the Act on System of Choice in the Public Sector (2008:962). The Act involves a type of procurement in which the municipality sets a fixed level of quality and price and the executors who are willing to provide the service at the fixed price and quality compete for the customers/users. Thus, the purpose is for the executors to compete based on the highest quality instead of the lowest price. An important purpose of the Act is to promote diversity among the executors. On 1 June 2010 the National Board of Health and Welfare presented a report which establishes that in municipalities where the system of choice in the public sector has been introduced, every other respondent states that executors with a specific specialisation are operational within the municipality. The most common scenario is for executors to promote themselves by providing personnel who speak Finnish or other European or non-European languages.

A provision will be introduced in the Social Services Act (2001:453) on 1 January 2011 which stipulates that elderly care provided by the social services should be tailored towards providing the elderly the opportunity of leading a dignified life and experience well-being. It is evident from the government bill *Värdigt liv i äldreomsorgen (Dignified life within elderly care)* which was adopted by the Riksdag in May 2010 that among other things the amendment to the law entails that the social services should be attentive to the unique conditions and requirements of every individual. Care which is adapted to each individual may involve, inter alia, taking into consideration the various cultural and ethical conditions, which can for instance involve providing care in a language which an elderly individual comprehends or which is associated with the elderly person's identity.

#### *The right to use your language in communication with public authorities*

Within administrative areas individuals have the right to use Sami, Finnish and Meänkieli in their oral and written communication with a public authority with a geographical operational area which is completely or partly covered by the administrative area, in cases which an individual is a party or represents a party, given that the case is linked to the area. If the individual uses Finnish, Meänkieli or Sami in such a case, the authority is required to provide an oral reply in the same language. Individuals who do not have a legal representative are also entitled, upon a request, to receive a written translation of the ruling in the case in Finnish, Meänkieli and Sami respectively. In line with previous practice, authorities shall in general strive to communicate with individuals in the language of their choice. Individuals now have the right to written translation.

Individuals have the right to use Finnish, Meänkieli and Sami respectively outside the administrative areas during their oral and written communication with cases in public authorities, in which an individual is a party or

represents a party if the case is administered by personnel who are proficient in the minority language. This is a new provision.

Individuals always have the right to use Finnish and Sami in their written communication with representatives of the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Social Insurance Office, the Swedish Tax Agency and the Equality Ombudsman in cases in which an individual is a party or represents a party. This is a new provision.

An obligation to drive the recruitment of multilingual personnel has been introduced. The public authorities should ensure that staff with knowledge of Finnish, Meänkieli and Sami respectively are available when necessary during communication with the authority. This is a new provision.

#### *The right to use your language during communication with courts*

The Act (2009:724) on National Minorities and National Minority Languages also regulates the right to use Sami, Finnish and Meänkieli in courts.

Sami, Finnish and Meänkieli may be used in administrative courts, a District/City Court, an environmental and land court, a maritime law court or a rent and tenancy tribunal which has a court district which is completely or partially covered by the municipalities Arjeplog, Gällivare, Haparanda, Jokkmokk, Kiruna, Pajala or Övertorneå if the case or matter is linked to any of these municipalities. The Swedish National Courts Administration has made the assessment that in this context the rent and tenancy tribunal ought to be covered by what is stated in the law about courts. Sami, Finnish and Meänkieli may also be used in those courts in which a judgement or ruling in a case or matter where these languages could have been used is appealed.

In order for it to be possible to use Sami, Finnish and Meänkieli it is necessary that the case or matter is linked to the municipalities Arjeplog, Gällivare, Haparanda, Jokkmokk, Kiruna, Pajala or Övertorneå. In this case, the link refers to, for instance, that the party lives or resides within, or that the case or matter concerns a property situated in, any of these municipalities.

A party or representative of a party in a case or matter in a court or rent and tenancy tribunal is entitled to use Sami, Finnish and Meänkieli during the processing of the case or matter. Representative in this context refers to, for example, the custodian of a child, a trustee or an individual who represents a legal person, however not counsel.

The right to use Sami, Finnish and Meänkieli covers the right to provide documentation and written evidence in Sami, the right to receive the

documentation pertaining to the matter or case verbally translated to Sami, Finnish and Meänkieli and the right to speak Sami, Finnish and Meänkieli during oral proceedings or a session in a court or the rent and tenancy tribunal. Unless it is clearly unnecessary, the courts and rent and tenancy tribunal should translate the documentation which has been submitted to Swedish. These authorities should also, in general, strive to communicate with parties or representatives of parties who speak Sami, Finnish and Meänkieli in their language. Compensation for interpreters and translation is paid by public funds.

It is important that courts and the rent and tenancy tribunal are able to make plans for appointing interpreters and translators. Therefore, a request to use Sami, Finnish and Meänkieli should be submitted in conjunction with the initiation of the case or matter or the first time a party presents its statement. A request which is presented at a later stage or which clearly has an inappropriate purpose may be rejected.

*20. (box) Provide information about the development with regard to clarifying Elfdalian's position and whether authorities have intensified their communication with regard to this with the speakers of Elfdalian.*

Advocates of Elfdalian – representatives of the organisation Ulum Dalska (an association for the preservation of Elfdalian) and representatives of the municipality of Älvdalen – have on several occasions requested to the government and expressed a desire for Elfdalian to be recognised as a minority language in Sweden. In conjunction with the reformation work in February 2008 the Government Offices of Sweden have communicated with the representatives of the organisation Ulum Dalska and representatives of the municipality of Älvdalen. Thereafter, the issue of the status of Elfdalian was addressed in the government bill 2008/09:158 page 61. At this stage the government finds no reason to draw a different conclusion concerning the number of recognised minority languages than that conclusion reached in conjunction with the ratification of the Council of Europe's Framework Convention and Charter for Regional and Minority Languages.

Experience shows that the measures which have been taken to date to preserve the recognised minority languages and to protect the recognised minorities have not been sufficient to fulfil the intentions of the legislators and additional measures will be needed. Consequently, the ongoing and planned initiatives for minority policy must therefore focus on actively preserving the recognised minority languages and protecting the recognised minorities so that Sweden fulfils its pledged international commitments. However, the government is of the opinion that it is extremely valuable for Elfdalian, irrespective of whether it is considered to be a language or a dialect, to be preserved as a part of the Swedish cultural heritage and that it is desirable for Elfdalian to be transferred to younger generations. Thus, the work which the Swedish Institute for Language and Folklore is already



undertaking to preserve the Swedish dialects and local dialects should continue. As is already the case, the municipality of Älvdalen may support the preservation of Elfdalian in numerous ways as part of the standard operations of the municipality and provide children with the opportunity of learning Elfdalian. The framework of adult education should also cover the prerequisites for preserving Elfdalian.

*21. Provide information on the position and promotion of Ume Sami.*

Ume Sami faces a strong threat and the number of speakers has diminished. At present the Ume Sami group is actively pursuing initiatives to preserve their language and they have, among other things, formed a new organisation *Álguogåhtie* to attain this goal.

Sweden's ratification of the Charter for Regional and Minority Languages concerns Sami. This obligation also includes the Ume Sami variety. The measures which have been taken as part of the new minority strategy also cover Ume Sami.

The administrative area for Sami also covers the districts where Ume Sami is still spoken, including Storuman, Lycksele, Sorsele, Arjeplog, Arvidsjaur, Malå and Umeå. Within the administrative areas individuals are, inter alia, entitled to pre-school activities being conducted entirely or partially in Sami. Support for Sami in pre-schools is considered to be an important measure for the preservation of Sami. Municipalities within the administrative areas may even strengthen and increase the visibility of Sami in other ways. As a part of this work the municipality of Umeå has initiated cooperation with the organisation *Álguogåhtie*.

The Sami language centres which are currently being established in Östersund and Tärnaby shall meet the requirements of the Sami – both the youths and the elderly – to reclaim their language. The language centres shall work with all varieties of the language. They shall actively promote and stimulate the increased use of Sami in society, provide competence, develop methods to strengthen the prerequisites for individuals to use and reclaim the Sami language and spread knowledge of the revitalisation. Efforts which focus on children and the youths shall particularly be prioritised. The language centre in Tärnaby has recruited Ume Sami competence.

The Ume Sami group also has the opportunity to apply for new government resources for the revitalisation initiatives from the Swedish Institute for Language and Folklore. During 2010 SEK 3.4 million will be allocated to the various language projects.

## PART II

### Article 7 Objectives and principles

#### **Article 7.1.a – Recognition of regional or minority languages as an expression of cultural wealth**

As mentioned earlier in part I, in June 2009 the Riksdag adopted the government bill, *From Recognition to Empowerment – the Government’s Strategy for the National Minorities* (bill 2008/09:158). The new strategy was implemented in January 2010.

The strategy contains measures for:

- ensuring stricter adherence to the Council of Europe’s charter on minorities,
- improved follow-up of the implementation of minority policy,
- combating discrimination against and the vulnerability of the national minorities,
- strengthening the empowerment and influence of national minorities, as well as
- supporting the preservation of the national minority languages.

The judicial regulation of the rights of the national minorities has been clarified by means of the new Act (2009:724) on National Minorities and National Minority Languages. The Act entered into force on 1 January 2010 and applies nationwide. The new judicial regulation also clarifies the unique position of the national minorities in Sweden partly in relation to the obligations in the Framework Convention and partly part II of the Charter for Regional and Minority Languages. These obligations should be implemented and complied with throughout the country for all national minorities. These obligations have not been closely regulated by Swedish law.

Refer to part I above for further information on the new strategy for minority policy and the new Act.

As mentioned earlier under part I, a new Language Act (2009:600) was determined by the Riksdag during 2009 and the Act entered into force on 1 July 2009. The Act states that the minority languages include Finnish, Yiddish, Meänkieli, Romani Chib and Sami. Moreover, it states that public institutions have a specific responsibility to promote and protect the national minority languages. Individuals from national minorities should be given the opportunity to learn, develop and use the minority languages. The Swedish Institute for Language and Folklore monitors the application of the

Act through its department, the Language Council. The Sami Parliament has also been commissioned to monitor the Language Act with regard to Sami.

The new strategy for minority policy, Act (2009:724) on National Minorities and National Minority Languages and the Language Act (2009:600) are an additional recognition of the national minority languages as an important part of Sweden's cultural heritage and thereby an expression of cultural wealth.

### **Article 7.1.b – Respect for the geographical region of every regional or minority language**

Please refer to the previous report for information on this obligation.

### **Article 7.1.c – Measures to promote regional or minority languages**

*26. Provide information on the plans to increase support for protection and promotion of minority languages in Sweden annually up until 2012.*

#### *Minority policy*

The budget for minority policy described earlier under part I is approximately SEK 80 million per year. The budget was previously SEK 10 million per year. The estimated appropriations for 2011 and 2012 are also estimated as approximately SEK 80 million per year.

#### *State subsidies*

Among other things, in 2010 SEK 8 million will be allocated by the Swedish Arts Council for promoting national minority languages and culture.

#### *Language cultivation*

The Swedish Institute for Language and Folklore (SOFI) has been commissioned to develop and promote the cultivation (corpus planning) of national minority languages. The Institute also gathers, preserves and undertakes research on dialects, place names and personal names as well as folklore.

As mentioned above, the new Language Act entered into force on 1 July 2009. The Swedish Institute for Language and Folklore monitors the application of the Act through its department, the Language Council, in addition to Sami, which the Sami Parliament is commissioned to monitor. In 2010 the Swedish Institute for Language and Folklore is allocating SEK 0.9 million for language conservation activities for the national minority languages in order to, inter alia, manage language cultivation activities for the national minority languages Finnish, Meänkieli, Romani Chib and Yiddish as well as the revitalisation of the national minority languages.

*28. Information is requested on the distribution of funds to the Swedish-Finnish Language Council and on the structural problems with regard to youth organisations for Finnish speakers who must compete for support with youth organisations in society in general. Comments are also requested on the allegation that associations of Finnish speakers have witnessed a decrease in support by the Swedish authorities and consequently these associations are experiencing financial problems.*

With regard to the Swedish-Finnish Language Council it has been amalgamated with the unit Language Council within the Swedish Institute for Language and Folklore. The funds have not been subject to a special allocation for definite language groups. Since 2008 four employees have been involved with language conservation for Finnish. The work includes advisory services via e-mail, telephone and the website, work with dictionaries, documentation of Finnish in Swedish and monitoring how the situation of Finnish has changed in Sweden. In 2008 a Finnish language source was added to the website. In 2009 it received approximately 1,130 searches. Information on the website is submitted in Finnish. The language conservation journal Kieliviesti publishes four editions per year.

There is no information to suggest that Finnish associations have received relatively less support, nor is there information on the structural problems with regard to youth organisations for Finnish speakers. By means of the minority policy reform, government assistance for organisations which represent national minorities has been increased (see part I above), among other things the National Association of Finns has thereby benefited from the increased support.

#### **Article 7.1.d – Facilitating and/or encouraging use of regional or minority languages in public and private life**

*38. Which developments can be reported with regard to the opportunities to provide radio broadcast in Yiddish?*

The preliminary work for the formulation of the broadcasting licenses to Sveriges Radio AB (SR), Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB (UR) on operations for linguistic and ethnic minorities with regard to Yiddish states that there are too few speakers of Yiddish in Sweden to justify the group being given a special place in the public service companies' range of programmes. However, public service companies should take into consideration that Yiddish has the status of representing a minority language in Sweden.

Pursuant to the broadcasting licenses SR, SVT and UR may divide the responsibility of various types of operations for linguistic and ethnic minorities among themselves. The public service companies' agreement on the operations for 2009 states that SR has an extended commission to

highlight Yiddish. In accordance with SR's public service report for 2009, SR's strategy is to, as far as possible, address issues related to Yiddish as a natural part of the daily running of programmes. During the year SR has, among other things, reflected the Muslim Yiddish culture. In 2009 UR also broadcast programmes about Yiddish.

*33. State which measures have been taken to improve the situation with regard to health and medical care in Meänkieli/Romani Chib/Sami/Yiddish.*

The Health and Medical Service Act (1982:763) stipulates that the objective of health and medical care is good health and care for the entire population on equal terms. Care on equal terms for the entire population means that it should be possible for all – irrespective of where they reside in the country – to when necessary and on equal terms receive the services of health and medical care. The opportunity to receive care should not be affected by such conditions as age, gender, the ability to take initiative, education, capacity to pay, nationality or cultural differences. In accordance with the Health and Medical Service Act the patient should be provided with information, which has been adapted to him/her, on his/her medical condition and the methods for examination, care and treatment which are available. The Act also states that the site which manages health and medical care should be equipped with the necessary personnel, premises and equipment to allow for the provision of a good standard of care. The Health and Medical Service Act is formulated in such a manner that it covers all patient groups without referring to any specific patient group based on, for instance, language. As the legislation is formulated in this manner, all groups in the population are guaranteed the same good level of care without the risk of any group particularly being referred to or excluded.

The National Board of Health and Welfare has devised an information sheet on what the new Act (2009:724) on National Minorities and National Minority Languages will entail for health and medical care and the social services (5/2010 new Act on National Minorities and National Minority Languages). The information sheet will serve to provide support within the profession. The National Board of Health and Welfare also has plans to devise an information folder on the Act which will be tailored towards persons from national minorities. The aim is to provide information to these persons on their rights and the folder shall also facilitate their communication with authorities, health and medical care etc.

The Swedish National Institute of Public Health has been commissioned, in consultation with the National Board of Health and Welfare and representatives of the national minorities as well as the Delegation for Roma Issues, to investigate the health situation among the national minorities and submit proposals for how the health promotion and preventative public health work concerning the national minorities should be managed. The

Government Offices of Sweden are currently preparing the results of the investigation.

*34. State which steps have been taken to investigate whether the obligations with regard to the use of minority languages within health and medical care and elderly care shall be included in an extended ratification instrument.*

There is no news to report in this respect.

#### **Article 7.1.e – cooperation between speakers of the same language and other languages**

*40. State whether SWEBLUL (the Swedish Bureau for Lesser Used Languages) is still financed by the Swedish authorities and what developments have taken place with regard to other commitments between groups which use different minority languages in Sweden.*

Within the framework of the government commission concerning equality among the national minorities, the government has encouraged cooperation and exchange of knowledge between the national minorities.

SWEBLUL does not receive state subsidies at present.

#### **Article 7.1.f – Education in and studies of regional or minority languages at all appropriate levels**

*42. State whether mother tongue tuition has increased and provide up-to-date statistics on the number of pupils who attend mother tongue tuition.*

The number of pupils entitled to participate in mother tongue tuition for each language:

Nine-year compulsory school:	2007/08	2008/09
	eligible/participants	eligible/participants
Finnish	8 229 / 3 033	8 603 / 3 576
Yiddish	13 / 0	16 / 10
Sami	570 / 384	485 / 301
Romani Chib	1 241 / 360	1 448 / 345
Meänkieli	1 043 / 153	978 / 71

*43. State which measures have been taken to increase the scope of teaching in Sami and Sami as a subject and to prevent negative consequences for South Sami.*

Teaching in government Sami schools is conducted based on the Sami variety which the children belong to, i.e., South Sami as well. Pupils in the Sami schools in Karesuando, Kiruna, Gällivare and Tärnaby are taught in South Sami.

Teaching is conducted in South Sami in the schools in the municipality of Vilhelmina and Härjedalen, which provide integrated Sami teaching. Since the autumn of 2009 South Sami has also been taught in the municipalities of Berg and Krokoms.

The government has commissioned the Swedish National Agency for Education to devise books and other teaching material in the national minority languages. With regard to Sami this commission has been executed in cooperation with the Sami Education Board. A great deal of teaching material in South Sami has been devised.

In collaboration with the County Governor in Nordland, Norway the Sami school in Tärnaby has participated in a language immersion project for pupils in South Sami.

The website Tema Modersmål ([www.modersmal.net](http://www.modersmal.net)) has been updated and improved and now includes a page for Sami, including all three varieties thereof.

Umeå University has been commissioned by the government to provide education in Sami. In its annual report for 2009 the University reported that the entire language range in the Sami language and Sami studies constitutes distance learning with online support or purely online courses. Recent years have witnessed a sharp rise in the number of full-time pupils. In 2009 the number of applicants was roughly 300 for approximately 300 seats. Beginner and advanced courses in both South and North Sami were offered at the University. During the spring of 2010 the course Examensarbete för magisterexamen (Thesis for Master's degree) in the Sami language was offered.

Luleå University of Technology has been commissioned to offer teacher training specialising in Sami, Meänkieli and Finnish. In its annual report for 2009 the University reported that practising teachers and others who are interested in languages may also apply for the course. The number of applicants in 2009 for Finnish was at the same level as previous years (approximately 15 applicants). The courses in Sami and Meänkieli were cancelled as no applications were received for these courses. Prior to 2010 the government commissioned Luleå University of Technology to report on the work which is being carried out to increase the number of applicants for the course.

The government has also commissioned the Swedish National Agency for Higher Education (reference number U2010/3886/UH) to propose measures on how the number of teachers who can teach in and about the national minority languages can be increased. Furthermore, the commission entails that the Swedish National Agency for Higher Education shall, if deemed to be necessary, after communication with the relevant higher education institutions, propose changes for the current allocation of responsibilities between the higher education institutions which organise teaching in the national minority languages. The Swedish National Agency for Higher Education will present the commission no later than 30 April 2011.

*44. Provide information on teaching in Sami, Finnish and Meänkieli at the level of pre-school classes.*

Currently there is no regulation of mother tongue support at the pre-school level and consequently there are not either any national statistics or summary. However, there has been voluntary mother tongue support in several pre-school classes, both within the state Sami schools, municipal schools and independent schools. This primarily applies to schools which provide bilingual teaching in nine-year compulsory schools. The new Education Act which enters into force on 1 July 2011 covers rules for mother tongue support in the pre-school classes.

*45. State how large the support is for mother tongue tuition in Sami, Finnish, Meänkieli and Romani Chib at pre-school level.*

The available statistics on support for mother tongue support at pre-school level have not been divided based on the various languages, for example minority languages. The Swedish Schools Inspectorate monitors and reviews that the children's requirements of mother tongue support adhere to the national guidelines in place.

All state Sami schools have pre-schools where children receive mother tongue support in their Sami variety. Furthermore, there are Finnish pre-schools in several municipalities, for example in Haninge, Stockholm and Örebro. There are also municipalities which have, or intend to open, Sami and Finnish pre-schools after the extension of the Sami and Finnish administrative areas.

The extension of the administrative areas appears to have increased the interest in pre-school activities in a large number of the new municipalities.

For information on the Roma pre-school Musikanten, refer to the article under question 49 below.



*47. State which measures have been taken, in collaboration with speakers of Romani, to find innovative solutions for the lack of Romani teachers.*

The government has carried out several investments in education and the allocation of responsibilities for education between the various higher education institutions with regard to the so-called small languages and national minority languages. For instance, the government has assigned the responsibility of teaching in Romani Chib to Linköping University. At present, there is no other teaching in Romani Chib at university level in Sweden. However, there are folk high schools which offer Roma specialisms.

In its annual report for 2009, Linköping University has stated that the course in Romani Chib has few applicants. According to information provided by the University, it invited several Roma representatives to meetings at an early stage, namely when the planning for the first course was initiated. According to the information received at that stage it became apparent that one of the problems for the Roma is that they generally have a low level of schooling, which is why there are very few Roma with sufficient qualifications for university studies. Thus, an explanatory factor for the low number of applicants may be that there are few Roma individuals who qualify for university studies. The course has been publicised in various ways for the different target groups but there has been a weak response. In addition to the usual communication channels, the University has also targeted Roma associations, etc. with information on the courses. The University is satisfied with the structure of the course and has not received any negative feedback on the course. The course will be evaluated by the Faculty in 2010.

With regard to localisation and forms of work, there has been a discussion in the University regarding the option of offering distance learning. However, the University has reached the conclusion that this option should not be made available because if the pupils do not have a good level of previous knowledge then it will probably be difficult to study distance courses at university level.

*49. Provide supplementary information with regard to the work which is being managed by the Swedish Institute for Language and Folklore (SOFI) concerning the standardisation and codification of Romani and proposals for future language policies for Romani. Also provide information on pre-school education for Romani speaking children in Malmö.*

In February 2008 Swedish Institute for Language and Folklore ,SOFI presented a commission on the situation of the Romani Chib language, with a review of the varieties of Romani Chib which are spoken in Sweden and the prerequisites for them being preserved in the future, and which language conservation initiatives are important. Among others, a reference group including representatives of Roma participated in the work. The report

illustrated that promising language cultivation work had been initiated through the appointment of two Romani Chib speaking language consultants on 1 July 2007. The results were used in the government bill, *From Recognition to Empowerment – the Government’s Strategy for the National Minorities* (2008/09:158), and led to among other things, the decision on the revitalisation of initiatives and on the national minority languages in the Language Act of 2009.

In accordance with the report’s proposal, the Language Council’s operations within language advisory services in Romani Chib cover communication with mother tongue teachers and representatives of the various Romani Chib varieties, by, among other things, holding regular meetings with reference groups for Romani Chib and devising glossaries which are gradually added to the authority’s website. The Swedish National Agency for Education has commissioned the initiation of two projects in Romani Chib, involving the inventorying of teaching material in Romani Chib and the formulating of basic school grammar in Romani Chib as resources for mother tongue teachers. In collaboration with the Swedish National Agency for Education, the Institute arranged a seminar on language cultivation in Romani Chib in May 2009 and another in November 2009 focusing on work involving terminology in Romani Chib. A specific reference group with representatives of various Romani Chib varieties has been formed. The work has been structured in progressive stages and has focused on information on the website and work involving glossaries and dictionaries.

In 2006 the Roma Youth Center opened the country’s first Roma pre-school. The pre-school Musikanten primarily caters for children whose parents, for various reasons, are reluctant to register their children in traditional pre-schools. The pre-school Musikanten aims to provide Roma children with the opportunity to develop and receive the important basic knowledge which is necessary for starting school without any major obstacles. The pre-school Musikanten offers Roma children and parents the opportunity to choose pre-school activities which are adapted to the children’s requirements and conditions. The staff includes Roma and Swedes who together pave the way for new objectives and development. Children have the opportunity to strengthen their knowledge of the Swedish language whilst simultaneously developing the Romani Chib language. The pre-school Musikanten has a total of 15 seats, full-time or half-time, depending on the requirements of the parents. The pre-school Musikanten can, as an independent pre-school, offer places to children residing all over the Skåne region.

*51. (box) State which measures have been taken to increase the accessibility of teaching in Yiddish or Yiddish as a subject, particularly in Göteborg, Stockholm and Malmö.*

The opportunities for mother tongue tuition in Yiddish have improved as a result of the new rules for mother tongue tuition introduced in 2008. In the academic year 2008/2009 it was estimated that 16 pupils were entitled to mother tongue tuition in Yiddish, and of these 10 pupils have participated. There are three schools in Sweden which offer Jewish as a specialism, one in Göteborg and two in Stockholm. All three schools have chosen to offer Hebrew as a language rather than Yiddish. One of the schools in Stockholm has recently introduced teaching in Yiddish. Malmö does not have any schools with Jewish as a specialism. Stockholm, Malmö and Göteborg have pre-schools with Jewish as a specialism.

Lund University is responsible for offering teaching in Yiddish at university level, for further information refer to Article 7.1.h below.

**Article 7.1.g – Opportunities for those who do not speak a regional or minority language, and who live in the region where the regional or minority language in question is used, to learn that language if they so wish;**

The Sami Education Centre manages language teaching for all three varieties of part-time (50 per cent) distance courses. Part-time (25 per cent) web-based courses have also been offered for the past two years. Sami and Finnish for beginners can also be studied at folk high schools and adult educational associations across the country.

**Article 7.1.h – Promotion of studies and research in regional or minority languages at universities or corresponding educational establishments**

*55. State which measures have been taken to, in cooperation with the speakers, create structured policies for higher education in Finnish, Meänkieli and Sami.*

Since 2007 the government has carried out several investments in education and the allocation of responsibilities for education between the various higher education institutions with regard to the so-called small languages and national minority languages. For example, the government has assigned the responsibility of teaching in Finnish to Uppsala University and Stockholm University. Umeå University is responsible for teaching in Meänkieli and Sami. Luleå University of Technology has been commissioned to provide teacher training specialising in the national minority languages Finnish, Meänkieli and Sami.

The government is of the opinion that it is essential that the higher education institutions which have been commissioned to organise teaching in the national minority languages actively work towards attaining a good influx of pupils for these courses. The division of the languages has taken place based on written communication to the government (2006) from the

University of Gothenburg, Linköping University, Lund University, Stockholm University, Umeå University and Uppsala University. The proposals in the written communication were devised by the Association of Swedish Higher Education.

One specific obligation entails that a higher education institution *must* offer teaching in this language, but not that other higher education institutions may *not* offer equivalent teaching. Every higher education institution is entitled to initiate any teaching it prefers, as long as it lies within the framework of the areas it is entitled to award a degree in. For example, both Umeå University and Mälardalen University offer teaching in Finnish - without specifically being commissioned by the government to do so.

Many language courses, including Finnish, can also be taken as distance courses. Thus, the fact that a large number of higher education institutions offer a certain course is not an end in itself. Naturally, Finnish can also be studied in Finland.

As mentioned earlier, the government has commissioned the Swedish National Agency for Higher Education (reference number U2010/3886/UH) to propose measures on how the access to teachers who can teach in and about the national minority languages can be increased. Furthermore, the commission entails that the Swedish National Agency for Higher Education shall, if deemed to be necessary, after communication with the relevant higher education institutions, propose changes for the current allocation of responsibilities between the higher education institutions which organise teaching in the national minority languages. The Swedish National Agency for Higher Education shall present the proposals no later than 30 April 2011.

*57. State which measures have been taken to safeguard the future of the study and research programme in Romani at Linköping University.*

Since 2007 the government has commissioned Linköping University every year to offer teaching in Romani Chib. The structure of the teaching is at the discretion of the University. There was no teaching in Romani Chib at university level in Sweden prior to 2007 and it takes time to build up the environments for teaching and research. In Sweden the higher education institutions are entitled to allocate the basic grant for research as they see fit and they are free to choose which subject areas should undergo development by way of research programmes. The higher education institutions and sites may also apply for research funds from external financiers, both nationally and internationally.

Refer to Article 7.1.f above.

59. *State which measures have been taken to safeguard the future of the study and research programme in Yiddish at Lund University.*

Every year the government commissions Lund University to offer teaching in Yiddish. In the annual report for 2009 Lund University stated that for the six newly started courses in Yiddish in 2009 there were a total of 159 applicants for the 120 seats which were planned. As mentioned earlier, in Sweden the higher education institutions are entitled to allocate the basic grant for research as they see fit and thus they are free to choose which subject areas should undergo development by way of research programmes.

#### **Article 7.1.i – Promotion of transnational exchanges**

Please refer to the previous report for information on this obligation.

#### **Article 7.2 – Prohibitions, unjustified distinctions, exclusions, restrictions or preferences applying to the use of regional or minority languages**

Please refer to the previous report for information on this obligation.

#### **Article 7.3 – Promote mutual understanding between all linguistic groups in the country**

61. *(box) State which measures have been taken to improve awareness and understanding of minority languages in the general teacher training, in teaching at nine-year compulsory schools, upper secondary schools and in Swedish society in general.*

##### *Nine-year compulsory schools and upper secondary schools*

An anthology – “*10 pinnar i luften*” (“*10 sticks in the air*”) – has been published by the Swedish National Agency for Education for children in Finnish, Yiddish, Meänkieli, Romani Chib and Sami. It is primarily intended for use in nine-year compulsory school in order to provide all pupils increased knowledge of the national minorities and their languages. Another new teaching material includes “*Miritza & Sebastian*”, which caters both for the Romani and Swedish personnel in three languages, namely Kale Romani, Finnish and Swedish.

The curricula for nine-year compulsory school are currently under review.

The curricula for Swedish B in upper secondary school states that one of the grading criteria for a pass mark on a course is the pupil being able to make observations and reflect on the situation of minority languages in Sweden. In order to attain a pass mark with distinction on the same course the pupil must be capable of presenting the minority languages and their situation in

Sweden. Swedish B is referred to as a core subject, one which is compulsory for all pupils in upper secondary school.

#### *Teacher training specialising in minority languages*

Luleå University of Technology has been commissioned by the government to provide teacher training every academic year specialising in Sami, Finnish and Meänkieli. The University should also report on the work which is being carried out in order to increase the number of applicants for teacher training.

The government intends to reform the current teacher training. The new teacher training will be launched in the autumn of 2011. In the government bill, *Top of the class - new teacher education programmes* (bill 2009/10:89), which was adopted by the Riksdag (reference 2009/10:UbU16, Government Communication 2009/10:248), the government states that in order for it to be possible to provide teacher training in minority languages the opportunity of studying national minority languages as subjects within the framework of teacher-training programmes for upper-secondary school teachers should exist and it should be possible to validate real knowledge in the languages.

As mentioned earlier, on 23 June 2010 the government commissioned the Swedish National Agency for Higher Education (reference number U2010/3886/UH) to propose measures on how the access to teachers who can teach in and about the national minority languages can be increased. Furthermore, the commission entails that the Swedish National Agency for Higher Education shall, if deemed to be necessary, after communication with the relevant higher education institutions, propose changes for the current allocation of responsibilities between the higher education institutions which organise teaching in the national minority languages. The Swedish National Agency for Higher Education shall present the commission no later than 30 April 2011.

#### *Teacher training in general*

The degree description for a teaching degree, the Higher Education Ordinance (1993:100), appendix 2, states that in order for students to obtain a teaching degree they should illustrate the ability to convey and anchor the fundamental values of society and democracy. This requirement should be interpreted as implying that knowledge and understanding of national minority languages is a prerequisite.

#### *Information activities under the new strategy on minority policy*

The new website [www.minoritet.se](http://www.minoritet.se) shall be used to disseminate knowledge on the national minorities and the rights of minorities to these groups, to decision-makers and officials as well as the public in general. The government is of the view that increased knowledge on the national

minorities, their language and culture, in society will increase understanding of these groups. The government has also emphasised that the national minority languages and culture are a part of the Swedish cultural heritage.

#### **Article 7.4 – Participation and influence**

As mentioned above in part I, the new strategy on minority policy involves the rights of the national minorities to exert influence being regulated by law.

The public authorities should provide the national minorities the opportunity to exert influence on issues which concern them and as far as possible consult with the representatives of the minorities on such issues. It is particularly important to initiate efficient communication in the municipalities, as many of the important decisions concerning the national minorities are taken at a local level.

Financial aid for the organisations which represent the national minorities has been increased by an additional SEK 2 million to SEK 6 million per year in order to strengthen the empowerment of the national minorities. According to the government, at this stage it is essential to particularly prioritise the prerequisites for national minorities which allow them to create well-functioning coordination models within the administrative areas.

The government intends to initiate a dialogue with the youth associations for the national minorities at a national level with the purpose of improving opportunities for youth associations to exert greater influence.

The role of the Sami Parliament has been clarified. The Sami Parliament shall determine the objectives, rather than simply manage the Sami language work. The increased responsibility of the Sami Parliament will be expressed by changes in the Sami Parliament Act (1992:1433). The Riksdag and the government can formulate overall objectives for the national language policy, but according to the government the responsibility of conveying the objectives for the internal work on the Sami language lies with the Sami Parliament, as an organ elected by popular vote. The objectives for promoting, maintaining and developing the Sami language require the democratic foundation in the group which an organ elected by popular vote can provide.

*64. State to what extent the Delegation for Roma Issues covers the aspects which concern the promotion of Romani.*

The Delegation for Roma Issues has been commissioned to submit proposals on how the living conditions of the Roma in society should be improved. The Delegation submitted its final report on 30 July 2010 and presented a

model for a strategy intended to safeguard the human rights of the Roma in Sweden. The proposed strategy has three overall objectives:

- to bridge the welfare gap between the Roma and other groups,
- to reverse the disadvantageous situation of the Roma in terms of power, and
- to rebuild the confidence of the Roma in the majority society and bridge the credibility gap.

The Delegation is of the opinion that the objectives can be achieved within 20 years – the equivalent of a generation. The strategy includes, inter alia, a number of proposals which concern Romani Chib.

The report is currently being prepared within the Government Offices of Sweden.

### **Article 7.5 – Non-territorial languages**

By means of the new Language Act (2009:600) and the government's strategy on minority policy, the position of the non-territorial minority languages – Romani Chib and Yiddish – has also been strengthened in Sweden. In accordance with the Language Act, the public sector (i.e., authorities and decision-making bodies) has a particular responsibility to protect and promote the national minority languages (section 8). Persons belonging to a national minority are to be given the opportunity to learn, develop and use the minority language (section 14) and the public institutions is responsible for ensuring that the individual is given access to his/her minority language (section 15). In comparison to the previous Swedish objectives for language policies, the provision in section 14 entails strengthened protection as it includes the term "learn". The objective for language policies has previously only included the term "develop and use".

The general provisions in the new Act (2009:724) on National Minorities and National Minority Languages also cover the non-territorial languages. The protection of these languages has been strengthened by means of section 4. The provisions refer to the Language Act and additionally state that public institutions should also in general promote the opportunities for the national minorities to maintain and develop their cultures in Sweden. The development of children's cultural identity and the use of their minority language should particularly be promoted. This means that the responsibility of society to preserve the national minority languages has been clarified.

The revitalisation tools which have been made available for language projects may also be sought for non-territorial languages.



## PART III

### Languages: SAMI, FINNISH and MEÄNKIELI

#### General question from the Committee of Experts

*198. Provide information on the execution of a language plan for Meänkieli and how the Swedish authorities support initiatives which have been taken by speakers of Meänkieli to standardise their language and for plans for the establishment of a Language Council for Meänkieli.*

With regard to standardisation, in 2010 the Swedish Institute for Language and Folklore (SOFI), similarly to the previous Swedish Arts Council, will provide financial support for an extensive project aimed at devising a large dictionary for Meänkieli which takes into account the different varieties of the language. Stiftelsen Meän Akateemi (Meän Akateemi Foundation) is the initiator and project owner. During the year, the Institute will also formulate a brief informational guide on grammar, which will be published on the Institute's website.

With regard to a Language Board for Meänkieli, in collaboration with the department the Language Council, SOFI is responsible for managing this language conservation. Different reference groups for each minority language have been established within the framework of the operations. In terms of Meänkieli, the current reference group's mandate has expired and the Institute is planning on establishing a new one with a clearer linguistic profile.

Within the administrative area for Meänkieli, in 2010 SOFI has also held a seminar on place names, focusing particularly on Meänkieli and Sami, and is planning on hosting a wide language conference in December in collaboration with Korpilombolo kulturförening (Korpilombolo Cultural Association) and Stiftelsen Meän Akateemi.

In addition to these initiatives, for some years the Institute has had a research archivist for Meänkieli, which among other things works on documenting the language, gathering material about and recordings of the language as well as building a reference library with literature about and in Meänkieli. In the long-run, planning for the establishment of a new service, a pure language consultant for Meänkieli is underway. SOFI is also continuously working to strengthen the communication with the language users, particularly through Svenska Tornedalingars Riksförbund – Tornionlaaksolaiset, STR-T (the Swedish association for Tornedalers).

## Article 8 – Education

### General Article 8

*71. (box) State which measures have been taken within the area of education in order to preserve the South Sami language.*

The education in state Sami schools is based on the Sami variety to which the children belong, i.e., South Sami as well. Teaching in the Sami schools in Karesuando, Kiruna, Gällivare and Tärnaby is conducted in South Sami.

The integrated Sami teaching in the schools in the municipalities of Vilhelmina and Härjedalen is conducted in South Sami. The municipalities of Berg and Krokomb have also had teaching in South Sami since the autumn of 2009.

The government has commissioned the Swedish National Agency for Education to devise teaching material in Sami. This commission has been executed in cooperation with the Sami Education Board. Within the framework of the commission teaching material in South Sami has been devised. In collaboration with the County Governor in Nordland, Norway the Sami school in Tärnaby has participated in a language immersion project for pupils in South Sami.

The website Tema Modersmål ([www.modersmal.net](http://www.modersmal.net)) has been updated and improved, for example, it now includes a page for South Sami.

Distance tuition in nine-year compulsory school is not regulated. Regulations for allowing distance tuition in certain cases are currently being prepared within the Government Offices of Sweden.

SEK 1 million has been provided to the Sami Education Board during the 2010 budgetary year in order to extend the opportunities for integrated Sami teaching. The Sami Education Board has provided support and assistance to additional schools in the municipality of Berg (two locations) and the municipalities of Krokomb and Gällivare.

### Article 8.1.a.iii – Pre-school activities

*74. (box) State which measures have been taken to promote pre-school education in Sami.*

For several years all state Sami schools have also had Sami pre-schools.

Within the administrative area for Sami, children are entitled to pre-school activities being conducted completely or partially in Sami. Within the new municipalities which are now a part of the extended administrative area for Sami, parents have requested that Sami pre-schools be established. The municipalities receive government subsidies so as to allow them to fulfil these wishes.

*138. (box) State which measures have been taken to promote pre-school education in Finnish.*

Within the administrative area for Finnish, children are entitled to pre-school activities being conducted completely or partially in Finnish. Within the new municipalities which are now a part of the extended administrative area for Finnish, parents have requested that Finnish pre-schools be established. The municipalities receive government subsidies so as to allow them to fulfil these requests.

*201. State the number of pupils in pre-schools with mother tongue support in Meänkieli at the five municipalities in question.*

There is no information on the number of pupils in pre-school with mother tongue support in Meänkieli. The statistics which are available for mother tongue support in pre-schools have not been divided according to the various languages, for example minority languages.

*201. (box) What progress can be reported with regard to the provision of pre-school teaching in Meänkieli in the entire area where the language is traditionally spoken?*

The municipalities which are a part of the administrative area for Meänkieli receive government subsidies in order to fulfil the requests for pre-schools in Meänkieli.

#### **Article 8.1.b.iv – Nine-year compulsory school education**

*141. State which concrete measures have been taken in order to provide the teaching material which is specifically adapted to teaching about Finnish or in Finnish as a minority language. State which measures have been taken so as not to solely rely on mother tongue tuition.*

The government has commissioned the Swedish National Agency for Education to devise teaching material in Finnish. This commission has been carried out in cooperation with Sverigefinländarnas' delegation (Delegation of the Sweden Finns), Sveriges finska lärarförbund (the Finnish teachers' association in Sweden) and mother tongue teachers. Between 2008-2010 teaching books in print and on the internet have been published, a conference for Finnish teachers in Sweden has been organised, distance

learning courses for Finnish have been developed and the Finnish webpage of the website Tema Modersmål was launched.

*204. (box) State which concrete measures have been taken for the provision of mother tongue tuition in all the relevant municipalities and in order to develop bilingual tuition in Meänkieli as an alternative to mother tongue tuition.*

Rules on the entitlement to mother tongue tuition are included in the Compulsory School Ordinance (1994:1194). An information brochure pertaining to this has been sent to all municipalities. The Swedish Schools Inspectorate monitors and ensures that the municipalities and schools offer mother tongue tuition to pupils in the national minority languages, for example, Meänkieli. The regular supervision involves an assessment stage for both independent nine-year compulsory schools and upper secondary schools as to whether mother tongue tuition is offered in accordance with the provisions. The municipalities which do not offer mother tongue tuition to pupils are subject to written criticism and are monitored by the Swedish Schools Inspectorate.

In accordance with applicable rules, a school may organise bilingual tuition in grades 1-6. For pupils who have Finnish as a mother tongue, this also applies to grades 7-9. Pre-school activities for grades 7-9 have existed since 2003. Between 2006-2007 a specific incentive allowance was introduced for pre-school activities which, inter alia, focused on increasing awareness of the teaching of subjects in mother tongue and on skills development opportunities for bilingual teachers. In 2008 the Ordinance was extended until 2011.

#### **Article 8.1.c.iv – Upper secondary school education**

*77. (box) State which measures have been taken to introduce Sami in the higher grades in nine-year compulsory schools and upper secondary schools in other municipalities where Sami is used.*

As of 2010 additional funds have been allocated for integrated Sami teaching. SEK 1 million has been provided to the Sami Education Board during the 2010 budgetary year in order to extend the opportunities for integrated Sami teaching. The Sami Education Board has provided support and assistance to additional schools in the municipality of Berg (two locations) and the municipalities of Krokoms and Gällivare.

In Lapplands Kommunalförbund (Lapland's municipal federation) LKF (Kiruna, Pajala, Jokkmokk and Gällivare) collaboration has begun on, among other things, mother tongue tuition by means of distance learning. Several minority languages, including Sami, are covered here. For example, in Kiruna all pupils must have knowledge of the culture, language, religion and history of the national minorities. The municipalities within LKF tend to provide

information on the entitlement to mother tongue tuition. There is a language centre in Kiruna for minority languages.

Bokenskolan is an upper secondary school in the municipality of Jokkmokk with national recruitment and specialises in Sami.

*145. (box) Which measures have been taken, in both nine-year compulsory schools and upper secondary schools, in order to develop bilingual Finnish tuition as an alternative to mother tongue tuition?*

It is possible to manage bilingual tuition in Finnish in all grades in nine-year compulsory school. There are five municipal nine-year compulsory schools and seven independent Swedish-Finnish schools which run tuition in both Swedish and Finnish.

The independent Sverigefinska skolan i Stockholm (Swedish-Finnish school in Stockholm) has run upper secondary education of a Natural Science Programme and mathematics with a Swedish-Finnish specialisation and a Social Science - Arts Programme with a Swedish-Finnish specialisation, as of the “support year”<sup>1</sup> 2007 in accordance with permission granted by the Swedish National Agency for Education in 2006. As a result of the declining number of pupils, Swedish-Finnish teaching is not offered in upper secondary schools as of the autumn term of 2010.

*207. (box) State whether strategies have been devised in order to strengthen the provision of Meänkieli in the upper grades in nine-year compulsory schools and upper secondary schools, including the supply of teaching material.*

The government has commissioned the Swedish National Agency for Education to devise teaching material in Meänkieli, with the purpose of facilitating teaching of Meänkieli. This commission has been carried out in cooperation with the Swedish Tornedalian Association, the Swedish Institute for Language and Folklore, the municipalities of Kiruna and Pajala, and others. Among other things, the commission has resulted in a teaching book for mother tongue tuition, supplemented by digital audio recordings, a communication seminar on Meänkieli, a book on the alphabet for younger children and the digital publication of new texts. The website Tema Modersmål ([www.modersmal.net](http://www.modersmal.net)) covers all minority languages, i.e., Meänkieli as well. The website includes suggestions on how to use the language with the pupils. The website also contains web based teaching material which can be downloaded.

#### **Article 8.1.d.iv – Technical and vocational training**

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<sup>1</sup> A “support year” corresponds to the government’s budgetary year.

80. *State what developments have taken place with regard to strengthening the provision of Sami within technical and vocational training.*

As mentioned earlier, the Sami Education Centre manages, inter alia, vocational training for the Sami individuals and language courses in the Sami language. The school receives an annual government subsidy for its educational activities.

147. *Provide specific information on the structure of and the number of persons studying the programme for technical and vocational training for school recreation leaders and bilingual teaching assistants and to what extent the teaching takes place in Finnish.*

The National Association of Finns in Sweden (SFRF) is the principal for *Axevalla folkhögskola* (Axevalla folk high school) which manages liberal adult education and adult education in Finnish and Swedish. The school represents one of the corner stones of the development of Swedish-Finnish culture. The objective is to increase awareness among Swedish Finns so that those who are active minority members can have an impact on the Swedish-Finnish public debate in order to further the understanding of minorities as a resource in Swedish society.

In addition to the main school in Axevalla with conventional adult education in Swedish, there is a branch in Stockholm with activities in the Finnish language, with approximately 35-40 participants. They offer:

- a bilingual treatment assistant programme, in Finnish and Swedish, which is available in the Stockholm branch, and
- a general programme with a tourism specialism.

*The Swedish-Finnish folk high school in Haparanda* offers courses in Finnish continuously throughout the academic year. A distance learning course is available in Finnish and is organised twice per year. The Folk High School organises summer courses in Finnish every summer and continuously offers commissioned education in Finnish, which is tailor-made to suit the requirements. In addition, different subjects can be studied in Finnish during the academic year. The Folk High School provides study material and computer programs in Finnish for participants. The school also offers:

- assistant tuition/courses in Finnish, and
- courses in interpretation for the visually impaired twice a year.

In addition, courses/tuition in Finnish or partially in Finnish are offered for Sverigefinska synskadades förbund (the Swedish-Finnish Association for the visually impaired), by way of, for example, summer camps every summer for the Swedish Finns senior citizens and the course "Data i vardagen" (IT In everyday life) for various associations in Finnish.

*209. Provide information on technical and vocational training in Meänkieli and on the fulfilment of this commitment.*

Tornedalen Folk High School has courses about and in Meänkieli. They have language courses, preparatory courses and courses within tourism.

#### **Article 8.1.e.iii – University education**

As mentioned earlier, since 2007 the government has carried out several investments in education and the allocation of responsibilities for education between the various higher education institutions with regard to the so-called small languages and national minority languages. The government is of the opinion that it is essential that the higher education institutions which have been commissioned to organise teaching in the national minority languages actively work towards attaining a good influx of pupils for these courses. The division of the languages has taken place based on written communication to the government (2006) from the University of Gothenburg, Linköping University, Lund University, Stockholm University, Umeå University and Uppsala University. The proposals in the written communication were devised by the Association of Swedish Higher Education.

One specific obligation entails that a higher education institution *must* offer teaching in this language, but not that other higher education institutions may *not* offer equivalent teaching. Every higher education institution is entitled to initiate any teaching they prefer, as long as it lies within the framework of the areas it is entitled to award a degree in.

As also mentioned earlier, the government has commissioned the Swedish National Agency for Higher Education to propose measures on how the access to teachers who can teach in and about the national minority languages can be increased. Furthermore, within the framework of the commission, the Swedish National Agency for Higher Education shall, if deemed to be necessary, propose changes for the current allocation of responsibilities for languages between the higher education institutions.

*84. State which measures have been taken to adapt the financing system of higher education based on the tuition requirements for all Sami languages and to provide sufficient earmarked financing.*

All the higher education institutions in the Swedish higher education system are entitled to offer the education they prefer, provided that they have the necessary authorisation to issue the degree.

The higher education institutions receive financing for higher education on a base level, based on the number of full-time students and annual

performance (equivalent). The compensation for students varies depending on their field of study. For instance, the compensation for students studying medicine is higher than that for students studying languages.

The higher education institutions are in charge of deciding:

- How resources shall be allocated within the institutions and how the quality of the activities shall be safeguarded and developed.
- The structure of the education programme and the course content.
- Which courses should be offered at a basic level (provided that the higher education institution has been authorised by the Swedish National Agency for Higher Education to issue the relevant degree).
- The number of seats on each education programme.
- Education on a research level; which subjects should be offered, how the teaching should be organised, etc.

*151. State what developments can be reported with regard to a structured policy for higher education in Finnish.*

Since 2007 Uppsala University has been commissioned, inter alia, to offer education in Finnish every year. In its annual report for 2009 the University reported that all applicants on the Finnish courses were accepted (162 applicants).

Stockholm University has also been commissioned by the government to offer education in Finnish each year. In its annual report for 2009 the University has stated that interest in Finnish studies continues to grow. The number of applicants in 2007 was 178, the number in 2008 was 184 and in 2009 the figure was 244. During 2007 and 2008 the number of seats offered was 320 seats per year and the corresponding figure for 2009 was 480.

*216. Provide information on the development of Meänkieli in higher education.*

As mentioned earlier, the government has assigned the responsibility of offering tuition in Meänkieli to Umeå University. Luleå University of Technology has been commissioned to provide teacher training specialising in the national minority languages Finnish, Meänkieli and Sami.

In its annual report for 2009 Umeå University reports that, after analysing the trend of applications for the courses in Meänkieli, as well as the need for teaching in various levels of the language, the Institution decided in 2008 to reorganise the provision of courses. In the spring of 2009 a web based beginner's course, with a 25 per cent pace of study, which does not require prior knowledge of the language and which focuses on basic language proficiency, was offered. In 2010 the University allocated capital for developing stage 2 of the Meänkieli course, which was offered for the first time in the spring term of 2010.



From Umeå University's annual report for 2009:

	2005	2006	2007	2008	2009
<b>Sami</b>					
- seats offered	171	94	83	211	293
- applicants	171	94	83	211	293
- full-time students	28	32	27	43	55
- annual performance (equivalent)	18	22	23	18	39
<b>Meänkieli</b>					
- seats offered	21	4	24	34	41
- applicants	21	4	24	34	41
- full-time students	4	1	1	3	5
- annual performance (equivalent)	5	1	1	1	2

**Table:** The number of students for Sami and Meänkieli for the years 2005-2009.

In its annual report for 2009, Luleå University of Technology states the following with regard to teacher training specialising in Meänkieli: The minority languages Finnish, Meänkieli and Sami are offered in the form of specialisms within teacher training. Practising teachers and others who are interested in languages may also apply for the course. The number of applicants in 2009 for Finnish was at the same level as previous years. The courses in Sami and Meänkieli were cancelled as no applications were received for these courses. Cooperation with Umeå University is taking place in order to offer advanced Finnish courses.

From Luleå University of Technology's annual report for 2009:

	Teacher training, specialism minority language								
	Finnish			Meänkieli			Sami		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
Number of seats offered	60	60	30	5	15	15	5	15	10
Number of first-choice applicants	12	10	14	1	2	0	1	2	0

Luleå University of Technology has been commissioned by the government to work towards increasing the number of applications for the course.

As also mentioned earlier, the government has commissioned the Swedish National Agency for Higher Education to propose measures on how the access to teachers who can teach in and about the national minority languages can be increased. Furthermore, within the framework of the commission, the Swedish National Agency for Higher Education shall, if

deemed to be necessary, propose changes for the current allocation of responsibilities for languages between the higher education institutions.

#### **Article 8.1.f.iii – Adult and continuing education**

Please refer to the previous report for information on this obligation.

#### **Article 8.1.g – Teaching of history and culture**

The curricula for nine-year compulsory school are currently under review.

The curricula for Swedish B in upper secondary school state that one of the grading criteria for a pass mark on a course is the pupil being able to make observations and reflect on the situation of minority languages in Sweden. In order to attain a pass mark with distinction on the same course the pupil must be capable of presenting the minority languages and their situation in Sweden. Swedish B is referred to as a core subject, one which is compulsory for all pupils in upper secondary school.

*154. Provide additional information on the practical completion of this obligation.*

The Swedish National Agency for Education's commission is to implement the curricula, whilst the Swedish Schools Inspectorate ensures that teaching of the various subjects corresponds to the content of the curricula. The Swedish National Agency for Education has published an anthology, in all minority languages, with the aim of promoting the teaching. It is intended for use as teaching material in nine-year compulsory school in order to provide all pupils increased knowledge of the national minorities and their languages. Another new teaching material includes "*Miritza & Sebastian*" on Roma culture, which caters both for the Romani and Swedish personnel in three languages, Kale Romani, Finnish and Swedish.

*213. State to what extent the execution is taking place in other municipalities in the administrative areas.*

The requirement for teaching the history and culture of the national minorities is the same for the entire country. The Government Offices of Sweden have no information regarding to what extent the municipalities are adhering to the requirement.

#### **Article 8.1.h – Teacher training**

The government intends to reform the current teacher training and has therefore recently presented the bill, *Top of the class – a new teacher education programme* (bill 2009/10:89), which was adopted by the Riksdag (reference 2009/10:UbU16, Government Communication 2009/10:248). The purpose

of the reform is to improve the quality of teacher training. It is likely that this will lead to more individuals pursuing a teaching career. In the bill, the government states that in order for it to be possible to provide teacher training in minority languages, including relevant subject didactic, the opportunity of studying national minority languages as subjects within the framework of teacher-training programmes for upper-secondary school teachers should exist and that it should be possible to validate real knowledge in the languages.

With regard to mother tongue teachers, the government wants to give such teachers the same status and position as other teachers. Therefore, it is likely that, following the teacher training reform, mother tongue teacher training will be integrated in teacher-training programmes for upper-secondary school teachers. In the future it will also be possible, for those who have the requisite subject knowledge in a mother tongue, to quickly study for a degree in the relevant subject by way of a supplementary course lasting 1.5 years. The higher education institutions are responsible for the validation of previous subject knowledge, both in terms of general knowledge and knowledge of languages. If a higher education institution wishes to organise teacher-training programmes for upper-secondary school teachers with the mother tongue as one of the subjects, but lacks the teaching in a certain language, it can cooperate with other higher education institutions in Sweden or abroad.

The Inquiry on Teacher Education (Swedish Government Official Reports Series No. 2008:109), which preceded the bill, proposed that certain higher education institutions be given specific responsibility for teacher training in the national minority languages. In the bill, *Top of the class* (bill 2009/10:89), the government states that further clarification is required before a standpoint can be taken in this respect. As mentioned earlier, the government has therefore commissioned the Swedish National Agency for Higher Education to propose measures on how the access to teachers who can teach in and about the national minority languages can be increased. Within the framework of the commission, the Swedish National Agency for Higher Education shall also, if deemed to be necessary, propose changes for the current allocation of responsibilities for languages between the higher education institutions.

*87. (box) State which measures have been taken to devise a tuition programme for Sami teachers, including bilingual teaching and to provide incentives for studying to become a teacher in Sami.*

Luleå University of Technology has been commissioned to offer teacher training specialising in Sami, Meänkieli and Finnish. In its annual report for 2009 the University reported that practising teachers and others who are interested in languages may also apply for the course. The number of applicants in 2009 for Finnish was at the same level as previous years

(approximately 15 applicants). The courses in Sami and Meänkieli were cancelled as no applications were received for these courses. Prior to 2010, the government commissioned Luleå University of Technology to report on the work which is being carried out to increase the number of applicants for the course.

Also, see under Article 7.1.f above.

*157. State which measures have been taken, in cooperation with Finnish speakers, to create structured policies with respect to teacher training about Finnish and in Finnish as a subject.*

Refer to the answer under this article above.

*219. (box) State which measures have been taken to adopt and implement structured policies for basic and further training for teachers about Meänkieli and in Meänkieli as a subject.*

Refer to the answer under this article above. Also, refer to the answer under Article 8.1.e.iii.

#### **Article 8.1.i – Supervision**

*89/159. Present the results of the revised methods of the Swedish National Agency for Education for gathering statistics which allow it to state the number of minority language speakers who are offered mother tongue tuition. Also state whether the Swedish National Agency for Education has been commissioned to monitor tuition in terms of minority language tuition and collating periodical reports on its experience.*

*221. What developments can be reported with regard to supervision of minority language teachers and collating periodical reports from the supervisory authority?*

At present, there is no legal support or ordinance which allows the Swedish National Agency for Education to process information about a pupil's mother tongue. The reason for this is that such information also indicates a pupil's ethnic background, and in accordance with the Personal Data Act (1998:204) it is, as a general rule, prohibited to process information which reveals ethnic background. Within the Government Offices of Sweden, the issue of how the requirement of improved data collection with regard to pupils' mother tongue and participation in mother tongue tuition should be assessed alongside the risks of violating individuals' integrity is currently under review.

On 1 October 2008 the Swedish Schools Inspectorate was established as an independent authority for providing supervision and quality reviews of pre-

school activities, school-age child care, schools and adult education. Supervision and quality reviews being carried out by a specific authority ensure that reviews of, among other things, the performance of the schools, are carried out. The Swedish Schools Inspectorate has initiated a review of language and skills development of children and pupils with a mother tongue other than Swedish.

The regular supervision by the Swedish Schools Inspectorate involves assessing whether mother tongue tuition is offered in accordance with the provisions. Such an assessment stage applies to both municipal and independent nine-year compulsory schools and to municipal and independent upper secondary schools.

### **Article 8.2 –Education outside the administrative areas**

*92. State which measures have been taken to develop alternative models for teaching in Sami, in addition to online teaching material.*

In collaboration with the County Governor in Nordland, Norway the Sami school has managed a language immersion project. All pupils in grades 5-8 in Sweden who study South Sami as a mother tongue or who have South Sami as a subject at the Sami school may participate, along with all pupils in Norway in grades 6-9 who study South Sami at the school. Approximately 80 pupils have participated in the project in 2010.

Distance tuition in nine-year compulsory school is not regulated. Regulations for allowing distance tuition in certain cases are currently being prepared by the Government Offices of Sweden.

The Sami Education Centre manages language teaching for all three varieties of Sami in the form of distance courses.

#### *Higher education*

Since 2007 Umeå University has been commissioned by the government to provide education in Sami every year. The entire language range at the University in the Sami language and Sami studies constitutes distance courses with online support or purely online courses. Some courses are part-time (50 per cent), which allows students to work or study other subjects simultaneously. The courses can be attended at different locations, for example, Kiruna and Östersund.

Umeå University also organises the Summer University, and in the summer of 2009 a course in practical North Sami and a course in traditional knowledge was organised at the Lannavaara meeting-place.

Umeå University reports that the Sami languages which are offered include North Sami, Lule Sami and South Sami. The studies also cover the history of

the Sami language. North Sami, Lule Sami or South Sami are available as introductory and advanced courses. The Sami language (as a mother tongue) and Sami cultural studies can be selected as the main subject in a Bachelor's/Master's degree.

The courses in Sami studies offered by Umeå University during the autumn 2009/spring 2010 terms include:

- Comparative Sami grammar
- Culture, history and tourism in the Barents Region
- Sami Culture and Religion
- The Sami society and history
- Sami phonology
- Sami cultural studies A
- Sami cultural studies B
- Sami language C
- Sami, Practical Introduction to Lule Sami
- Sami language: Thesis for Master's degree
- Sami language revitalisation study
- Sami study, Traditional Indigenous
- Sami study: Ethnicity and identity
- Sami Studies: Comparative Indigenous Studies
- Sami Studies: Comparative Indigenous Studies II
- Sami: North Sami A
- Sami: North Sami B
- Sami: North Sami, Qualification Course (level 3-4)
- Sami: North Sami for Beginners (level 1-2)
- Sami: Practical Introduction to North Sami
- Sami: South Sami A
- Sami: South Sami B
- Sami: South Sami, Qualification Course (level 3-4)
- South Sami for Beginners (level 1-2)

*163. Provide additional information on the development of a system which allows the entitlement to teaching in Finnish to be executed in practice, and which measures have been taken to fulfil this obligation.*

The newly established authority Swedish Schools Inspectorate monitors and ensures that the children's entitlement to mother tongue tuition adheres to the national guidelines. The municipalities or independent schools which do not fulfil the requirements are subject to written criticism and are monitored by the Swedish Schools Inspectorate.

Also, refer to Article 7.1.h and 8.1.e.iii.

225. *Provide information on which measures have been taken to comply with the request for mother tongue tuition in Meänkieli, as well as the demand for such.*

In accordance with applicable rules, students with a national minority language are entitled to receive mother tongue tuition if they have basic knowledge of the language and wish to pursue such tuition. The Swedish Schools Inspectorate monitors and ensures that the children's entitlement to, inter alia, mother tongue tuition adheres to the national guidelines. The municipalities or independent schools which do not fulfil the requirements are subject to written criticism and are subsequently monitored by the Swedish Schools Inspectorate. A number of schools have received criticism due to deficiencies in their mother tongue tuition.

With regard to higher education, refer to Article 8.1.e.iii.

## **Article 9 – The legal system**

### **Article 9.1 – The right to use Sami in criminal proceedings, civil proceedings and proceedings in the administrative courts**

#### **Article 9.1.a.ii**

The Act (2009:724) on National Minorities and National Minority Languages regulates the right to use Sami, Finnish and Meänkieli in courts.

Sami, Finnish and Meänkieli may be used in administrative courts, a District/City Court, an environmental and land court, a maritime law court or a rent and tenancy tribunal which has a court district which is completely or partially covered by the municipalities of Arjeplog, Gällivare, Haparanda, Jokkmokk, Kiruna, Pajala or Övertorneå provided the case or matter is linked to any of these municipalities. The Swedish National Courts Administration has made the assessment that in this context the rent and tenancy tribunal ought to be covered by what is stated in the law about courts.

Sami, Finnish and Meänkieli may also be used in those courts in which a judgement or ruling in a case or matter where these languages could have been used is appealed.

In order for it to be possible to use Sami, Finnish and Meänkieli it is necessary that the case or matter is linked to the municipalities of Arjeplog, Gällivare, Haparanda, Jokkmokk, Kiruna, Pajala och Övertorneå. In this case, the link refers to, for instance, that the party lives or resides within the municipalities of Arjeplog, Gällivare, Jokkmokk or Kiruna or that the case or matter concerns a property situated in these municipalities.

A party or representative of a party in a case or matter in a court or rent and tenancy tribunal is entitled to use Sami, Finnish and Meänkieli during the processing of the case or matter. Representative in this context refers to, for example, the custodian of a child, a trustee or an individual who represents a legal person, however, not counsel.

The right to use Sami, Finnish and Meänkieli covers the right to provide documentation and written evidence in Sami, the right to receive the documentation pertaining to the matter or case verbally translated to Sami, Finnish and Meänkieli and the right to speak Sami, Finnish and Meänkieli during oral proceedings or a session in a court or the rent and tenancy tribunal. Unless it is clearly unnecessary, the courts and rent and tenancy tribunal should translate the documentation which has been submitted to Swedish. These authorities should also, in general, strive to communicate with parties or representatives of parties who speak Sami, Finnish and Meänkieli in their language. Compensation for interpreters and translation is paid by public funds.

It is important that courts and the rent and tenancy tribunal are able to make plans for appointing interpreters and translators. Therefore, a request to use Sami, Finnish and Meänkieli should be submitted in conjunction with the initiation of the case or matter or the first time a party presents its statement. A request which is presented at a later stage or which clearly has an inappropriate purpose may be rejected.

Pursuant to a commission by the government, the Swedish National Courts Administration has translated informational material on the entitlement to use Sami, Finnish and Meänkieli in courts to these languages. The website of the Swedish courts also contains informational material which has been translated to minority languages. This material covers information about the courts and the procedure for trials.

In accordance with a commission by the government, the Swedish Prosecution Authority has also translated basic information on the prosecution process to Sami, Finnish and Meänkieli. Among other things, information for target groups who are directly affected by the prosecution process, namely crime victims, witnesses and youths, has been translated.

As mentioned in the previous report, the police have devised an information sheet for those who have been subjected to deprivation of liberty due to suspicion of crime. The sheet has been translated to 42 different languages, including the five national minority languages.

*95. Provide statistics on how often interpretation to Sami is provided in criminal proceedings, and what measures have been taken to encourage Sami speakers to use their language in courts.*



There are not any statistics available regarding how often Sami is used in main hearings during criminal proceedings in courts.

*228. (box) Which practical and organisational measures have been taken to ensure that Meänkieli may be used in criminal proceedings and proceedings in the administrative courts?*

Refer to the answer under this article above.

The Public Prosecution Office in Luleå has two local units, one in Haparanda and the other in Gällivare. At present, there are no Meänkieli speaking personnel in the Public Prosecution Office in Luleå. However, this does not prevent communication in Meänkieli, as, when necessary, this occurs via interpreters and translation services. There are Meänkieli speaking personnel within the Swedish Police.

#### **Article 9.1.a.iii**

Refer to the previous report for information on this obligation for Sami, Finnish and Meänkieli.

#### **Article 9.1.a.iv**

*99. State which measures have been taken to provide written documentation in Sami.*

*166. (box) Which measures have been taken to ensure that judicial authorities, upon request, devise documents relating to a specific cases in Finnish.*

*230. State which measures have been taken to devise written documentation in Meänkieli.*

The Act (2009:724) on National Minorities and National Minority Languages regulates the right to use Sami, Finnish and Meänkieli in public authorities and courts. The right to use these languages in courts covers the right to receive the documentation pertaining to the matter or case verbally translated and the right to speak the language during oral proceedings or a session. Unless it is clearly unnecessary, the courts should translate the documentation which has been submitted to Swedish. The courts should also, in general, strive to communicate with parties who speak Sami, Finnish and Meänkieli, or representatives of parties in their language. In courts where the language may be used in accordance with the law, personnel with proficiency in these languages may be available. Compensation for interpreters and translation is paid by public funds.

As mentioned earlier, the website of the Swedish courts also contains informational material which has been translated to minority languages. This material covers information about the courts and the procedure for trials.

#### **Article 9.1.b.ii**

*106. (box) State which measures have been taken to ensure that Sami may be used in criminal proceedings, civil proceedings and proceedings in the administrative courts.*

See under Article 9.1.a.ii above.

#### **Article 9.1.b.iii**

Please refer to the previous report for information in this respect.

#### **Article 9.1.c.ii**

See under Article 9.1.a.ii above.

#### **Article 9.1.c.iii**

See under Article 9.1.a.ii above.

#### **Article 9.1.d**

See under Article 9.1.a.ii above.

#### **Article 9.2.a**

Please refer to the previous report for information in this respect.

#### **Article 9.3 –Important national statutory texts**

*109. (box) State which measures have been taken to ensure that the most important national statutory texts and those which specifically refer to Sami speakers are also provided in Sami.*

*169. (box) State which measures have been taken to ensure that the most important national statutory texts and those which specifically refer to Finnish speakers are also provided in Finnish.*

*240. (box) State which measures have been taken to ensure that the most important national statutory texts and those which specifically refer to Meänkieli speakers are also provided in Meänkieli.*

The Act (2009:724) on National Minorities and National Minority Languages has been translated to Finnish, Meänkieli, Yiddish, Romani Kale, Arli Romani, Kelderash Romani, North Sami, South Sami and Lule Sami. All translations are available on the government's website.

The Language Act (2009:600) has been translated to Finnish, South Sami, North Sami, Lule Sami, Meänkieli, Romani and Yiddish. All translations are available on the government's website.

The Equality Ombudsman has published easy to understand information regarding the Discrimination Act (2008:567) in Finnish, Yiddish, Arli Romani, Romani Kale, Kelderash Romani, Lovari Romani, Lule Sami, North Sami, South Sami and Meänkieli.

The website Tema Modersmål contains information in all minority languages regarding mother tongue and mother tongue tuition. The government is also considering translating a summary of the new Education Act to minority languages.

The government has commissioned the Ombudsman for Children in Sweden to translate the UN's Convention on the Rights of the Child (the Children's Convention) to Finnish, Meänkieli, Samiska, Romani Chib and Yiddish. The Ombudsman for Children in Sweden will also devise a version of the Children's Convention, which has been adapted to suit children and will be translated to the national minority languages. The commission shall be presented on 31 December 2010.

The website of the Swedish courts contains informational material which has been translated to minority languages. This material covers information about the courts and the procedure for trials.

## **Article 10 – Administrative authorities and public services**

### **Article 10.1.a.iii – Use of spoken and written Sami**

By means of the implementation of the Act (2009:724) on National Minorities and National Minority Languages, the legal regulation of the rights of the national minorities has been clarified, as well as the right to use Sami, Finnish and Meänkieli when dealing with authorities.

Within administrative areas, individuals have the right to use minority languages in their oral and written communication with a public authority with a geographical operational area which is completely or partly covered by the administrative area, in cases which an individual is a party or represents a party, given that the case is linked to the area. If the individual uses Finnish, Meänkieli or Sami in such a case, the authority is required to provide an oral

reply in the same language. Individuals who do not have a legal representative are also entitled, upon request, to receive a written translation of the ruling in the case in Finnish, Meänkieli and Sami respectively. In line with previous practice, authorities shall in general strive to communicate with individuals in the language of their choice. Individuals now have the right to written translation.

Individuals have the right to use Finnish, Meänkieli and Sami respectively outside the administrative areas during their oral and written communication with public authorities, in cases to which an individual is a party or represents a party, if the case is administered by personnel who are able to comprehend the minority language. This is a new provision.

Individuals always have the right to use Finnish and Sami in their written communication with representatives of the Parliamentary Ombudsman, the Office of the Chancellor of Justice, the Social Insurance Office, the Swedish Tax Agency and the Equality Ombudsman in cases in which an individual is a party or represents a party. This is a new provision.

*112. (box) State which measures have been taken to increase the share of Sami speaking personnel in the relevant public administration offices, to devise adequate tuition plans, and to equip personnel with incentives to improve their knowledge of Sami.*

Pursuant to the new Act (2009:724) on National Minorities and National Minority Languages, public authorities should ensure that staff with knowledge of Finnish, Meänkieli and Sami respectively are available when necessary during communication with the authority. This is a new provision. It is too early to assess whether the new provision has had the desired effect and the government is aware of the difficulties in recruiting personnel who are proficient in different languages, especially as regards Sami speakers.

*171. Provide information on the use of Finnish, particularly in writing, within state authorities outside of Norrbotten.*

On 1 January 2010 the administrative area for Finnish was extended by 18 municipalities and an additional 3 municipalities were included on 1 May 2010. Within these municipalities, individuals have the right to use Finnish during communication with authorities. Individuals throughout the country have the right to use Finnish in their written communication with certain state authorities, see under Article 10.a.iii above.

It is assessed that, outside the administrative areas, the language is used very rarely during communication with authorities.

*243. State which measures have been taken to ensure that Meänkieli speakers may submit oral or written applications and receive replies in Meänkieli.*

Refer to the answer under this article above.

#### **Article 10.1.a.v**

Refer to the previous report for information on this obligation with regard to Sami, Finnish and Meänkieli.

#### **Article 10.1.c**

See under Article 10.1.a.iii above.

#### **Article 10.2.b/c/d**

*115. (box) State which additional concrete measures have been taken in collaboration with Sami speakers to fulfil the obligations in accordance with 10.2.b, c and d.*

*175 (box) State which measures have been taken to fulfil this obligation with respect to Finnish.*

*245./246. State which additional concrete measures have been taken in collaboration with Meänkieli speakers to fulfil the obligations in accordance with 10.2.b, c and d.*

Refer to information under Article 10.1.a.iii.

#### **Article 10.2.g – Place names**

*118. State how many places or municipalities use place names in minority languages (Sami).*

*177. State how many places or municipalities use place names in minority languages (Finnish).*

There is no statistical information in this respect. The Heritage Conservation Act (1988:950) contains a provision on good practice for place names. The provision states, inter alia, that good practice for place names should be taken into consideration in municipal and state activities. Swedish, Sami and Finnish names should, as far as possible, be used on maps and signs and other marking in multilingual districts. There is an ongoing discussion within the Government Offices of Sweden with regard to the requirement of adding Meänkieli in the provision. There is also a need to increase the awareness of municipalities concerning the significance of place names in minority languages.

As part of the strategy for minority policy, the government has highlighted that place names in minority languages are a valuable part of cultural heritage which should be strongly upheld by the representatives of society. In June 2010 the Swedish Institute for Language and Folklore, Lantmäteriet (the Swedish mapping, cadastral and land registration authority) and the Swedish Transport Administration organised a conference in Kiruna for municipalities concerning place names in minority languages and good practice for place names. The aim was to increase awareness among municipalities on these issues.

#### **Article 10.4.a. – interpreting or translation when necessary**

*120. State which measures have been taken to improve the access to translators and interpreters for Sami in the public authorities.*

See under Article 10.1.a.iii above.

#### **Article 10.5 – Family names**

As stated in the previous report, there is nothing in Swedish legislation that prevents individuals from using or adopting Sami family names or surnames. Please refer to the previous report for additional information on the provisions of the Names Act (1982:670) regarding how surnames are acquired.

#### **Article 11 – Media**

##### **Article 11.1.a.iii –broadcasting licenses for public service companies**

Public service companies have an important responsibility to consider the needs of, among others, the national minorities. Sveriges Radio AB (SR), Sveriges Television AB (SVT) and Sveriges Utbildningsradio AB (UR) have been issued new broadcasting licenses for the period 2010–2013. The same guidelines apply as per the previous license period in terms of linguistic and ethnic minorities. This means that public service companies shall consider the interests of linguistic and ethnic minorities. These activities should be prioritised and access should be improved. The minority languages Sami, Finnish, Meänkieli and Romani Chib should hold a unique position. Furthermore, the public service companies should communicate with the relevant groups.

Within the framework of the general terms of the broadcasting licenses, the public service companies design their programme offerings independently.

SVT broadcasted a total of 106 hours of Sami programmes in 2009, including the news programme Oddasat. In 2009 SR broadcasted a total of 9582 hours of Sami programmes on FM frequency and on web radio. SR Sameradion

(Sami radio) broadcasts programmes in North, South and Lule Sami as well as in Swedish. UR has broadcast Sami TV programmes in 2009.

SVT broadcasts news, society-oriented programmes, children's programmes, documentaries, etc. in Finnish. In 2009 a total of 183 hours of programmes were broadcast in Finnish on SVT. SR Sisuradio broadcast a total of 13 824 hours in Finnish in 2009. UR has broadcast Finnish programmes both on TV and radio in 2009.

In 2009 SVT broadcast a total of 12 hours of programmes in Meänkieli. In 2009 SR broadcast 1048 hours in Meänkieli.

*180. Provide information on Sisuradio's role in broadcasting in Finnish.*

Sisuradio is an internal body of SR, and one which the government does not interfere in.

*249. State which measures have been adopted by the Swedish authorities to resolve the issues which have been highlighted by Meänkieli speakers, for example, the limited broadcasting time and the fact that the programmes in Meänkieli cannot be produced by an editing department which is independent of the Finnish department.*

This is an internal issue for SR which the government does not manage in-depth.

**Article 11.1.c.i – Encourage and/or facilitate the creation of at least one TV channel in the regional or minority languages (*only applies to Finnish*)**

Funds have been allocated in the government budget since the end of the 1980s so as to allow for the broadcasting of Finnish channels in parts of the Swedish terrestrial network. In conjunction with the complete transition of broadcasts in the terrestrial network to digital technology at the start of 2007, the broadcast area for the Finnish channel was extended. The National Association of Finns allocates the state grants and concludes agreements for distribution and copyright clearance of the channels. TV Finland is now broadcast in the entire Mälardalen region, including Stockholm, Västerås and Uppsala, as a free channel in the terrestrial network. An agreement between the largest cable operator in the area, ComHem, and the National Association of Finns has ensured that the channel can be accessed easily on the cable network in the same area.

**Article 11.1.d – Encouragement and/or facilitation of production and distribution**

124/186/252. *State which measures have been taken to encourage and/or facilitate production and distribution of audio and audio-visual works in Sami/Finnish/Meänkieli.*

See under Article 11.1.a.iii above.

#### **Article 11.1.e.i –Encourage and/or facilitate conditions for newspapers**

127. *(box) State which concrete measures have been taken to encourage and/or facilitate the establishment of a newspaper in Sami.*

255. *(box) State which measures have been taken to encourage and/or facilitate the establishment of a newspaper in Meänkieli.*

There is at present no Sami newspaper in Sweden. However, parts of the journal Samefolket, ten editions of which are published annually, are in Sami.

There is at present no Meänkieli newspaper in Sweden. However, parts of the journal MET-avisi, which is distributed with the newspaper Haparandabladet once monthly, are in Meänkieli.

As the Committee of Experts noted in its second report, there are two papers in Sweden with Finnish content, namely Ruotsin Suomalainen, which is published once a week and Haparandabladet, which is published three times a week.

The terms and conditions governing public press subsidies include special rules on the allocation of funds to newspapers that address minorities in their own languages. In December 2008 the government decided on amendments to the press subsidies which are based on proposals which Presskommittén (the Swedish Press Committee) of 2004 submitted in January 2006 in the report Diversity and Scope (Official Government Report 2006:8). One of the amendments constitutes that the limit for a newspaper subscription to be granted financial support was decreased from 2000 to 1500 copies, an important step which facilitates the establishment of newspapers in minority languages.

On 2 June 2010, the Riksdag decided on the new terms and conditions for aid to the daily press in view of the government bill Nya villkor för stödet till dagspressen [*New terms and conditions for aid to the daily press*] (bill 2009/10:199). In the bill, the government has established that an initiative should be taken for cooperation with the relevant authorities and stakeholders in Finland and Norway in order to facilitate the publication of transnational newspapers in Meänkieli and Sami. Such collaboration may include an investigation into the prerequisites for transnational newspaper cooperation in the current languages.



The Swedish Press Committee of 2004 has also proposed that a specific provision be introduced in the Press Subsidies Act to facilitate the publication of newspapers in Sami and Meänkieli. However, similar to the representatives of the relevant language groups, in the bill 2009/10:199 the government has made the assessment that it is unclear whether the proposal will lead to the establishment of new newspapers, and is thus of the opinion that the proposal should not be carried through.

#### **Article 11.1.f.ii – Financial support to TV programmes in Sami**

*192. State how or whether Finnish is considered in the existing measures for financial support to audio-visual productions.*

*257. Provide examples of financial support for the production of TV programmes in Meänkieli.*

No special government support for the production of TV programmes, regardless of language, has been given.

#### **Article 11.2 – Right to reception of radio and TV broadcasts from other countries**

There are no restrictions, either on the freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, or on the rebroadcasting of radio and television programmes from neighbouring countries in such a language.

#### **Article 12 – Cultural activities and facilities**

##### **Article 12.1.a – Encouragement of cultural activities**

The five national minorities in Sweden receive subsidies to strengthen and promote their structures. There is a specific reference group for assessing the applications received.

Support has, inter alia, been allocated to Finnish speaking theatre activities, including a new Finnish Theatre (Uusi teatteri/Nya finska teatern), Stiftelsen Finlands kulturinstitut (the Foundation Finland's Culture Institute), the Swedish-Finnish library in Stockholm and the National Association of Finns, which have been granted funds for Finnish amateur activities, as well as Västmanlands Finska Kulturarrangörösförening (Västmanland's Finnish Culture Organiser's Association) and the Jewish Library in Stockholm. The Swedish Arts Council has, in general, continued to prioritise support for the two Roma cultural centres located in Stockholm and Malmö respectively, as well as approximately twenty projects of a more

independent nature. In addition to the specific grants for the promotion of the national minority languages and culture, as in previous years support was provided for issuing literature and the production of cultural journals. In 2009 a total of SEK 7.8 million was provided as support for activities concerning the national minorities.

Between 2008-2010 the Swedish Arts Council has an extended commission to strengthen international and intercultural perspective within the cultural sector. In terms of the allocation of subsidies, the Swedish Arts Council prioritises applications which contribute towards increasing cultural diversity in a qualitative manner. The Swedish Arts Council has supported the long-term strategic development work aimed at increasing cultural diversity, and grants subsidies for specific measures which relate to the development and increased participation of the audience, and the presentation of artistic expression outside the traditional arenas. The Tornedal Theatre is an active amateur theatre that performs plays in Meänkieli and Swedish. Since the financial year of 2002, the Tornedal Theatre has received financial support from the Swedish Arts Council every year, and in 2009 this amounted to SEK 2 million in aid.

The Sami Parliament decides on the distribution of state subsidies to the Sami culture and Sami organisations in accordance with the provisions in the Sami Parliament Act (1992:1433) and the cultural policies action programme. The subsidies are intended as general support for the Sami and the Sami organisations, for Sami research and/or research education, Sami media, Sami activities relating to theatre and handicraft, library operations and Sami farms, as well as for project grants for cultural purposes.

The Swedish Institute for Language and Folklore (SOFI) annually arranges regular seminars Språkrådsdagen (Language Advisory Services Day) and Språkpolitikens dag (Language Policies Day) and participates in the celebration of Märkesåret 1809 (1809 Memorable Year) by means of specific websites, both in Swedish and Finnish, seminars on the language links between Sweden and Finland and about Sweden and Finland – languages and society in the past and present. SOFI collaborates with the Sami Parliament on reviews of Sami place names and has even trained municipal administrators who deal with issues concerning place names. In 2008, among other things, a review of the place names in Meänkieli was conducted; refer to article 10.2.g. above. The Swedish Institute for Language and Folklore holds meetings with the reference groups for Meänkieli, communicates with organisations and the public on revitalisation issues and language conservation, provides specific information about Meänkieli on the website and conducts quality assurance of the collections and register. Under the authority of the Ministry of Integration and Gender Equality, the Institute has carried out an investigation on the situation for Meänkieli in Sweden and has made proposals which the authority considers would strengthen the preservation and development of Meänkieli, partly in order to serve as

reference material for language conservation corpus work and partly to monitor the varieties, fluctuations and characteristics of the development, as well as providing a foundation for the standardisation work.

SOFI, which includes the Language Council, has language consultants for Finnish, Romani Chib and Swedish sign language, Meänkieli speaking personnel and language consultants in Meänkieli, as well as research archivists specialising in Meänkieli and the culture of Tornedalen and Sami cultural manifestations.

The activities in Romani Chib cover language advisory services, communication with mother tongue teachers and representatives of the various Romani Chib varieties, by way of, among other things, holding regular meetings with reference groups for Romani Chib and devising glossaries which are gradually added to the authority's website.

The work with supplementing the stock of books in the department in Umeå with literature on Meänkieli and the culture of Tornedalen has continued. In 2009 measures were taken for the excerption of words and expressions in Meänkieli, as well as collection of literature in Meänkieli and expressions of the culture of Tornedalen. Extensive communication networking work with municipalities and organisations, primarily in the five municipalities of Tornedalen - Haparanda, Övertorneå, Pajala, Kiruna and Gällivare - Svenska Tornedalingars Riksförbund Tornionlaaksolaiset, STR-T (the Swedish association for Tornedalers) and Meän Akateemi -Academia Tornedaliensis - is ongoing.

#### **Article 12.1.b – Foster access in other languages to works produced in regional or minority languages**

*260. Provide information about activities, other than support for publications, which are relevant within this obligation, such as dubbing, post-synchronisation and block writing (Meänkieli).*

As mentioned earlier, public service companies have an important responsibility to consider the needs of the national minorities. The section pertaining to Article 11.1.a.iii reveals how many hours of programmes were broadcast in Sami, Finnish and Meänkieli in 2009. However, the companies do not report in detail about whether the programmes have been broadcast in the original language or whether they have been dubbed to the current language.

The Swedish Film Institute provides support for interpretation for the visually impaired and block writing for films produced in Sweden in the Swedish language for cinemas and DVDs. The Swedish language also covers the national minority languages Sami, Finnish, Meänkieli, Romani Chib and Yiddish. Furthermore, the Swedish Film Institute provides support for the

launch of imported quality films, which includes block writing to Swedish or, in the case of children's films, dubbing.

**Article 12.1.c – Foster access in regional or minority languages to works produced in other languages**

Refer to the previous report in this regard.

**Article 12.1.d – Allowance for incorporating knowledge and use of regional or minority languages and cultures in productions**

Refer to the previous report in this regard.

**Article 12.1.e – Staff who have a full command of the regional or minority languages concerned**

Refer to the previous report in this regard.

**Article 12.1.f – Participation of regional or minority language speakers**

Refer to the previous report in this regard.

**Article 12.1.g – Archives**

Refer to the previous report in this regard.

*195. State whether the Swedish authorities have provided the Swedish-Finns archives with sufficient financial support to allow them to carry out their assignments.*

Sweden-Finns have had their own archive, the Sweden-Finns Archive (Sverigefinländarnas arkiv) for several years. The Archive, which has been in existence since 1977 and has its own premises and depositories at the National Archives, receives financial support every year from the National Archives' Private Archives Committee. In 2010 the support amounted to SEK 250 000.

Swedish public libraries have extensive collections of Finnish literature.

*264. Provide information on how the work at the centre for Meänkieli at the North Scandinavian Library (Nordkalottbiblioteket) is progressing.*

The collection of literature published in Meänkieli is kept at the National Library of Sweden. Furthermore, books in Meänkieli are also available in the current area for Meänkieli and the collection at the Swedish Institute for Language and Folklore is important for the national minority languages. Support from the Swedish Arts Council to the North Scandinavian Library

(Nordkalottbiblioteket) in Övertorneå is disbursed annually to aid in developing a centre for Meänkieli containing both archives and printed material.

**Article 12.1.h –Language conservation**

Refer to the previous report in this regard.

**Article 12.2 –Cultural activities outside the administrative areas**

Refer to the previous report in this regard.

**Article 13 – Economic and social life**

Refer to the previous report in this regard.

**Article 14 – Transfrontier exchange**

Refer to the previous report in this regard.

## APPENDICES

### Appendix 1 – Ratified Articles in the Charter

Sweden has ratified the following articles in part III of the Charter for Regional and Minority Languages concerning the following languages

Sami	Finnish	Meänkieli	
8.1.a.iii)	8.1.a.iii)	8.1.a.iii)	<i>education</i>
8.1.b.iv)	8.1.b.iv)	8.1.b.iv)	
8.1.c.iv)	8.1.c.iv)	8.1.c.iv)	
8.1.d.iv)	8.1.d.iv)	8.1.d.iv)	
8.1.e.iii)	8.1.e.iii)	8.1.e.iii)	
8.1.f.iii)	8.1.f.iii)	8.1.f.iii)	
8.1.g	8.1.g	8.1.g	
8.1.h	8.1.h	8.1.h	
8.1.i	8.1.i	8.1.i	
8.2	8.2	8.2	
9.1.a.ii)	9.1.a.ii)	9.1.a.ii)	<i>judicial authorities</i>
9.1.a.iii)	9.1.a.iii)	9.1.a.iii)	
9.1.a.iv)	9.1.a.iv)	9.1.a.iv)	
9.1.b.ii)	9.1.b.ii)	9.1.b.ii)	
9.1.b.iii)	9.1.b.iii)	9.1.b.iii)	
9.1.c.ii)	9.1.c.ii)	9.1.c.ii)	
9.1.c.iii)	9.1.c.iii)	9.1.c.iii)	
9.1.d	9.1.d	9.1.d	
9.2	9.2	9.2	
9.3	9.3	9.3	
10.1.a.iii)	10.1.a.iii)	10.1.a.iii)	<i>administrative authorities and public service</i>
10.1.a.v)	10.1.a.v)	10.1.a.v)	
10.1.c	10.1.c	10.1.c	
10.2.b	10.2.b	10.2.b	
10.2.c	10.2.c	10.2.c	
10.2.d	10.2.d	10.2.d	
10.2.g	10.2.g	10.2.g	
10.4.a	10.4.a	10.4.a	
10.5	10.5	10.5	
11.1.a.iii)	11.1.a.iii)	1.1.a.iii)	<i>media</i>
	11.1.c.i)		
11.1.d	11.1.d	11.1.d	
11.1.e.i)	11.1.e.i)	11.1.e.i)	
11.1.f.ii)	11.1.f.ii)	11.1.f.ii)	
11.2	11.2	11.2	
12.1.a	12.1.a	12.1.a	<i>cultural activities and facilities</i>
12.1.b	12.1.b	12.1.b	

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12.1.c	12.1.c		
12.1.d	12.1.d	12.1.d	
12.1.e			
12.1.f	12.1.f	12.1.f	
12.1.g	12.1.g	12.1.g	
12.1.h	12.1.h		
12.2	12.2	12.2	
13.1.a	13.1.a	13.1.a	<i>economic and social life</i>
14.a	14.a	14.a	<i>transfrontier exchange</i>
14.b	14.b	14.b	

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## **Appendix 2 – National Legislation**

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

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

#### **General provisions**

Section 1 /Ceases to apply: 1 July 2011/

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

Section 1 /Enters into force: 1 July 2011/

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

Section 2

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

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

Section 3

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

Section 4

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



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

#### Section 5

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

### **Administrative areas**

#### Section 6

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

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

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

#### Section 7

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

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

#### Section 8

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

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

a written translation into Finnish, Meänkieli or the Sami language of the decision and rationale for the decision in the matter.

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

#### Section 9

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

#### Section 10

An individual always has the right to use Finnish or Sami in written dealings with a Parliamentary Ombudsman. The same applies to any written contact which an individual may have with the Chancellor of Justice, the Social Insurance Office, the Swedish National Tax Board or the Discrimination Ombudsman in matters in which the individual is a party or the representative of a party.

#### Section 11

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

#### Section 12

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

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

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

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

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

Section 13 /Enters into force: 2 May 2011/

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

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

Section 14

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

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

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

Section 15

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

The request to receive a translation in accordance with section 14 third paragraph shall be brought forward within one week from the day when the

judgment or decision was pronounced, if such a request has not been made earlier in the handling of the case or matter.

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

#### Section 16

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

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

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

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

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

#### Section 17 /Enters into force: 1 July 2011/

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

#### Section 18

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

#### **Exceptions**

#### Section 19

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

#### **Follow-up etc**

#### Section 20

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

#### Section 21

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

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Enters into force on 1 January 2010

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

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

#### Section 1

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

#### Section 2

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

#### Section 3

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

## **The Swedish language**

### Section 4

Swedish is the principal language in Sweden.

### Section 5

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

### Section 6

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

## **The national minority languages**

### Section 7

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

### Section 8

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

## **Swedish sign language**

### Section 9

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

## **The use of language in the public sector**

### Section 10

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

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

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

### Section 11

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

### Section 12

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

### **Swedish in international contexts**

#### Section 13

Swedish is the official language of Sweden in international contexts.

The status of Swedish as an official EU language is to be safeguarded.

### **Individuals' access to language**

#### Section 14

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

1. persons belonging to a national minority are to be given the opportunity to learn, develop and use the minority language, and
2. persons who are deaf or hard of hearing, and persons who, for other reasons, require sign language, are to be given the opportunity to learn, develop and use Swedish sign language.

Persons whose mother tongue is not one of the languages specified in the first paragraph are to be given the opportunity to develop and use their mother tongue.

#### Section 15

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

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Enters into force on 1 July 2009.

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

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

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

##### Section 1

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

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

## Section 2

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

## **The Act is binding**

### Section 3

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

## **Discrimination**

### Section 4

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

1. Direct discrimination: that someone is disadvantaged by being treated less favourably than someone else is treated, has been treated or would have been treated in a comparable situation, if this disadvantaging is associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

2. Indirect discrimination: that someone is disadvantaged by the application of a provision, a criterion or a procedure that appears neutral but that may put people of a certain sex, a certain transgender identity or expression, a certain ethnicity, a certain religion or other belief, a certain disability, a certain sexual orientation or a certain age at a particular disadvantage, unless the provision, criterion or procedure has a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

3. Harassment: conduct that violates a person's dignity and that is associated with one of the grounds of discrimination sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

4. Sexual harassment: conduct of a sexual nature that violates someone's dignity.

5. Instructions to discriminate: orders or instructions to discriminate against someone in a manner referred to in points 1–4 that are given to someone who is in a subordinate or dependent position relative to the person who gives the orders or instructions or to someone who has committed herself or himself to performing an assignment for that person.

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

### Section 5

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



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

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

## **Chapter 2. Prohibition of discrimination and reprisals**

### **Working life**

#### **Prohibition of discrimination**

##### Section 1

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

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

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

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

##### Section 2

The prohibition in Section 1 does not prevent

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

requirement that has a legitimate purpose and the requirement is appropriate and necessary to achieve that purpose,

2. measures that contribute to efforts to promote equality between women and men and that concern matters other than pay or other terms of employment,

3. the application of age limits with regard to the right to pension, survivor's or invalidity benefits in individual contracts or collective agreements, or

4. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

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

#### **Section 3**

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

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

### **Information about qualifications**

#### **Section 4**

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

### **Education**

#### **Prohibition of discrimination**

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

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

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

Section 5 /Enters into force: 1 July 2011/

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

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

Section 6 / Ceases to apply: 1 July 2011/

The prohibition in Section 5 does not prevent

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

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

Section 6 /Enters into force: 1 July 2011/

The prohibition in Section 5 does not prevent:

1. measures that contribute to efforts to promote equality between women and men in admissions to education other than that referred to in the Education Act (2010:800),

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

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

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

#### **Section 7**

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

### **Information about qualifications**

#### **Section 8**

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

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

#### **Section 9**

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

However, this prohibition does not prevent

1. measures that contribute to efforts to promote equality between women and men or equal rights and opportunities regardless of ethnicity, or

2. differential treatment on grounds of age, if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.

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

#### Section 10

Discrimination is prohibited with regard to

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

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

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

### **Membership of certain organisations**

#### Section 11

Discrimination is prohibited with regard to

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

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

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

#### Section 12

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

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

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

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

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

#### Section 13

Discrimination is prohibited with regard to

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

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

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

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

#### Section 14

Discrimination is prohibited with regard to

1. social insurance and related benefit systems,
2. unemployment insurance, and
3. state financial aid for studies.

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

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

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

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

## **Prohibition of discrimination**

Section 15 /Ceases to apply: 1 July 2011/

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

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

Nor does the prohibition prevent the application of provisions concerning

1. the obligation for men only to report for enrolment inspection and service, or that a person liable for national total defence service shall not be called for enrolment inspection or called up for national military service or civilian service if he or she refers to her or his membership of a certain religious association, or

2. the opportunity for women to perform national military service or civilian service provided in the Act concerning Opportunities for Women to perform National Military Service or Civilian Service involving extended Basic Training (1994:1810).

Section 15 /Enters into force: 1 July 2010/

Discrimination is prohibited

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

2. in connection with admission test for and during the performance of other equivalent military training within the Swedish Armed Forces.

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

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

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

Section 16/ Ceases to apply: 1 July 2011/

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

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

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

Section 16 /Enters into force: 1 July 2010/

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

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

### **Public employment**

Section 17

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

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

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

### **Prohibition of reprisals**

Section 18

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



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

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

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

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

#### Section 19

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

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

### **Chapter 3. Active measures**

#### **Working life**

##### **Cooperation between employers and employees**

###### Section 1

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

###### Section 2

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

Work is to be regarded as of equal value to other work if, on an overall assessment of the requirements and nature of the work, it can be deemed to

be equal in value to the other work. The assessment of the requirements of the work is to take into account criteria such as knowledge and skills, responsibility and effort. In assessing the nature of the work, particular account is to be taken of working conditions.

### **Goal-oriented work**

#### Section 3

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

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

### **Working conditions**

#### Section 4

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

#### Section 5

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

#### Section 6

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

### **Recruitment**

#### Section 7

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

#### Section 8

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

#### Section 9

When the distribution of women and men is not more or less equal in a certain type of work or in a certain employee category at a place of work, the employer is to make a special effort when recruiting new employees to

attract applicants of the under-represented sex. The employer is to attempt to see to it that the proportion of employees from the under-represented sex gradually increases.

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

## **Matters of pay**

### **Section 10**

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

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

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

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

### **Section 11**

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

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

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

### **Section 12**

Employers are to provide employees' organisations with respect to which they are bound by a collective agreement with the information needed for

the organisations to be able to cooperate in the survey, analysis and drawing up of an action plan for equal pay.

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

## **Gender equality plan**

### **Section 13**

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

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

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

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

## **Education**

### **Goal-oriented work**

#### **Section 14 /Ceases to apply 1 July 2010/**

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

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

#### **Section 14 /Enters into force: 1 July 2011/**

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

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

### **Preventing and hindering harassment**

#### **Section 15**

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

### **Equal treatment plan**

#### **Section 16**

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

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

## **Chapter 4. Supervision**

### **The Equality Ombudsman**

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

##### **Section 1**

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

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

#### Section 2

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

### **Obligation to provide information**

#### Section 3

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

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

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

### **Financial penalty**

#### Section 4

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

#### Section 5

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

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

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

### **Prohibition against appeals**

#### Section 6

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

### **Board against Discrimination**

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

#### Section 7

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

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

#### Section 8

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

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

#### Section 9

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

#### Section 10

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

#### Section 11

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

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

#### Section 12

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

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

#### Section 13

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

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

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

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

#### Section 14

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

#### Section 15

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

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

### **Prohibition against appeals**

#### Section 16

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

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



#### Section 17

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

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

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

#### Section 18

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

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

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

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

#### Section 19

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

### **Chapter 5. Compensation and invalidity**

#### **Compensation**

### Section 1

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

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

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

### Section 2

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

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

## **Invalidity**

### Section 3

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

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

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

## **Chapter 6. Legal proceedings**

### **Applicable rules**

#### **Section 1**

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

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

### **Right to bring an action**

#### **Section 2**

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

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

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

### **Burden of proof**

### Section 3

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

## Statute of limitations

### Working life

#### Section 4

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

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

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

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

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

#### Section 5

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

A statute of limitations cannot be tolled more than once.

### **Other areas of society**

#### Section 6

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

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

### **Litigation costs**

#### Section 7

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

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

### **Other provisions**

#### Section 8

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

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

#### Section 9

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

## Section 10

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

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

## Section 11

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

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

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1. This Act enters into force on 1 January 2009.
  2. This Act supersedes
    - the Equal Opportunities Act (1991:433),
    - the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or other Belief (1999:130),
    - the Prohibition of Discrimination in Working Life on Grounds of Disability Act (1999:132),
    - the Prohibition of Discrimination in Working Life because of Sexual Orientation Act (1999:133),
    - the Equal Treatment of Students at Universities Act (2001:1286),
    - the Prohibition of Discrimination Act (2003:307), and
    - the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils (2006:67).
  3. The superseded acts continue to apply with regard to discrimination and reprisals that have taken place before this Act entered into force. After this Act enters into force, the duties incumbent on an ombudsman under the superseded acts shall be fulfilled by the Equality Ombudsman. After this Act has entered into force, the duties incumbent under the superseded acts on the Equal Opportunities Commission or the Board against Discrimination shall be fulfilled by the Board against Discrimination.

4. The obligation of the employer under Chapter 3, Section 10 shall be performed for the first time in 2009 or the year in which the provision first becomes applicable.
5. The obligations of the employer under Chapter 3, Sections 11 and 13 shall be performed for the first time in the year immediately following the start of the calendar year when the employer employed at least 25 employees or the year after that, if the obligation under Chapter 3, Section 10 is to be performed that year.

2010:861

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

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

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

#### **Older persons**

Section 4 /Enters into force: 1 Jan 2011/

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

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

#### Section 6

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

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

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

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

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

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

##### **Section 1**

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

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

#### **Principles for system of choice**

##### **Section 2**

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

#### **Application of the Administrative Procedure Act**

##### **Section 3**

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

### **Chapter 2 Definitions**

##### **Section 1**

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

##### **Section 2**

‘Contract’ means a written agreement with financial conditions that



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

The contract may also contain conditions other than financial conditions.

#### Section 3

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

#### Section 4

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

#### Section 5

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

1. which is for the greatest part funded by a municipality, a county council or a contracting authority,
2. whose operations are subject to the control of a municipality, a county council or a contracting authority, or
3. on whose board or corresponding management body more than half of the number of members are appointed by a municipality, a county council or a contracting authority.

#### Section 6

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

#### Section 7

‘Contracting authority’ means a local government authority.

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

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

### **Chapter 3 Publication**

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

##### Section 1

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

### **Continuous publication**

#### Section 2

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

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

### **Financial remuneration**

#### Section 1

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

### **Special conditions of contract**

#### Section 2

The contracting authority may lay down special social, environmental and other conditions relating to the performance of a contract. All conditions shall be stated in the notice about the system of choice or in the contract documents.

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

#### Section 3

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

#### Section 4

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

#### Section 5

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

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

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

### Section 1

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

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

#### Section 2

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

## **Chapter 6 Communication**

### **Communication by electronic means**

#### Section 1

When communicating by electronic means, the means must be non-discriminatory, generally available and possible to use together with such equipment and software as is generally used.

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

#### Section 2

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

## **Chapter 7 Exclusion of applicants**

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

#### Section 1

The contracting authority may exclude an applicant that

1. is bankrupt or is being wound up, is under compulsory administration or is the subject of a composition or has indefinitely stopped their payments or is subject to a prohibition on conducting business,
2. is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or composition or any other similar proceedings,

3. has been convicted by a judgment which has the force of res judicata for an offence relating to professional practice,
4. has been guilty of grave professional misconduct and the contracting authority can prove this,
5. has not fulfilled their obligations relating to social insurance charges or tax in their country of origin or other State within the EEA area, or
6. in some essential respect has failed to provide information requested or provided incorrect information required pursuant to this provision.

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

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

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

#### **Section 2**

The contracting authority shall, as evidence for there not being grounds for excluding an applicant, accept an extract from an official register of other equivalent document as regards a circumstance as referred to in Section 1, first paragraph, item 1, 2 or 3 and a certificate from a competent authority as regards a circumstance as referred to in Section 1, first paragraph, item 5.

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

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

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

### **Decision on approval**

#### **Section 1**

The contracting authority shall approve all applicants satisfying the requirements referred to in the contract notice and contract documents

and which have not been excluded pursuant to Chapter 7, Section 1.

### **Notification of decision**

#### **Section 2**

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

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

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

### **Concluding the contract**

#### **Section 3**

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

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

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

#### **Section 1**

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

### **No-choice alternative**

#### **Section 2**

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

## **Chapter 10 Remedies, etc.**

### **Rectification**

#### **Section 1**

A supplier, who claims that a contracting authority has breached

a provision of this Act, may apply for rectification to a general administrative court.

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

An application for rectification shall be submitted in writing.

#### Section 2

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

### **Competent court**

#### Section 3

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

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

### **Prohibition of appeal**

#### Section 4

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

### **Damages**

#### Section 5

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

Actions for damages shall be instituted at a general court.

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

## Exemptions from rectification and damages

### Section 6

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

## Supervision

### Section 7

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

### Section 8

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

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

### Section 9

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

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Enters into force 1 Jan 2009

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

### Good place names practice

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

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

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

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

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

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

Section 1 /Ceases to apply: 1 Jan 2011/

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

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

Section 1 /Enters into force: 1 Jan 2011/

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

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

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



## **Bilingual tuition**

### **Section 7**

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

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

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

## **Mother tongue tuition**

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

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

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

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

### **Section 10**

Mother tongue tuition can be offered

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

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

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

#### Section 11

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

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

#### Section 12

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

#### Section 13

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

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

## **Education Act (2010:800)**

### **Chapter 8 The pre-school**

#### **Mother tongue**

##### Section 10

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

### **Chapter 9 The pre-school class**

#### **Mother tongue**

#### Section 10

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

### **Chapter 10 Nine-year compulsory school**

#### **Mother tongue tuition**

##### Section 7

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

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

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

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Enters into force 1 July 2011

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

#### Section 2

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

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

#### Section 2 b /Ceases to apply: 1 Jan 2011

The patient should be given individualised information concerning

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

If this information cannot be supplied to the patient, it shall be supplied to a close relative instead. Information may not be supplied to the patient or any relative of the patient, however, insofar as this is contrary to Chapter 25,

Section 6 or 7 of the Secrecy Act (2009:400) or Chapter 2, Section 8 second paragraph or Section 9 first paragraph of the Health and Medical Services (Professional Activity) Act (1998:531). Act (2010:243).

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

The patient should be given individualised information concerning

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

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

Section 2 e

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

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