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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SWEDEN

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Sweden**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. For this purpose a Committee of Experts is established in accordance with Article 17 of the Charter. Its principal task is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of the regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment. The Committee of Ministers considers and adopts any recommendation it deems necessary in relation to a given Party, based on suggestions for recommendations from the Committee of Experts.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for the initial periodical report that a Party is required to submit to the Secretary General. The report shall be made public by the State in accordance with Article 15.2. The outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the initial periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee shall evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a just and fair overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee submits, if necessary, a number of questions to each Party to procure supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" by a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee to better evaluate the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter could decide to address to one or more Parties as may be required.

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A. Report of the Committee of Experts on the application of the Charter in Sweden

adopted by the Committee of Experts on 6 December 2002
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1. Background information

1. Sweden ratified the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 9 February 2000. The Charter entered into force for Sweden on 1 June 2000. During the preparation for ratification of the Charter, two separate legal acts were adopted to facilitate the implementation of the Charter: the Act on the Right to use Sami in Administrative Authorities and Courts of Law (SFS: 1999:1175) and the Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS: 1999:1176). The Acts entered into force on 1 April 2000.

2. In accordance with Article 15.1 of the Charter, the Swedish authorities presented their initial periodical report to the Secretary General of the Council of Europe in June 2001. This report has been made public on the official internet website of the Ministry of Industry, Employment and Communication (<http://www.naring.regeringen.se>). A hard copy of the report can be obtained upon request from the Ministry.

3. The instrument of ratification of Sweden is set out in Appendix I to this report. The instrument specifies the languages covered by Part III of the Charter, namely the Sami, Finnish and Meänkieli languages. The instrument furthermore specifies Romani Chib and the Yiddish as non-territorial languages used on the territory of Sweden.

4. This report was adopted by the Committee of Experts on 6 December 2002.

1.1. The Work of the Committee of Experts

5. After the Committee of Experts had made its preliminary examination of the initial periodical report, a questionnaire was drawn up and addressed to the Swedish authorities. The Committee organised its "on-the-spot visit" to Sweden in April 2002. It met the authorities responsible for and/or concerned by the implementation of the Charter. This included the following authorities:

- The Inter-Ministerial Working Group on Issues Related to National Minorities
- Ministry of Education
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Industry, Employment and Communication
- Ombudsman Against Discrimination
- Representatives of the state media
- The Swedish Association of Local Authorities
- The Swedish Federation of County Councils

6. The delegation of the Committee also met representatives of the speakers of the various languages in Sweden. This included the Sami languages, Sweden Finnish language, the Meänkieli language, Romani Chib, and finally representatives of the organisation "The Foundation for the Future of Scanian". The Committee had invited representatives of the Yiddish language but they unfortunately did not attend the meeting. On the basis of the information gathered from the initial periodical report, the questionnaire and the "on-the-spot visit", the Committee of Experts was better able to prepare its evaluation of the application of the Charter in Sweden.

7. The Committee has established a list of proposals for the preparation of recommendations of the Committee of Ministers to Sweden, as required by Article 16.4 of the Charter (see Chapter 3.2 of this report). Furthermore, in the body of the report, where necessary, the Committee has made more detailed

observations which it encourages the authorities of Sweden to take into consideration when developing and implementing their policy with regard to regional or minority languages.

8. This report is based on the political and legal situation at the time the Charter entered into force in Sweden (June 2000) and when the latter presented its initial periodical report to the Council of Europe (June 2001). It is based on the information the Committee was able to obtain through the sources mentioned above.

1.2. Presentation of the regional or minority language situation in Sweden

9. Before Sweden ratified the Charter, a governmental committee, established by governmental directive No. 1995:84, looked into how the treaty could be ratified. This committee evaluated possible financial implications of ratification, which languages should be covered under Part II and Part III and made proposals as to which paragraphs and sub-paragraphs could be chosen for each language. The conclusions at the time were that several legal provisions, ordinances and other specific measures already provided protection and support for regional or minority languages. The committee pointed out that in order to ratify the Charter, Sweden would need to adopt a co-ordinated approach for a new minority language policy and harmonise the existing measures with the requirements in the Charter.

10. According to the information gathered by the Committee of Experts, the languages covered by the Charter on the territory of Sweden are the Sami language (North Sami, Lule Sami and South Sami), Finnish, Meänkieli, Romani Chib and Yiddish.

11. All these languages are covered under Part II of the Charter, while the Sami, Finnish and Meänkieli languages have also been granted protection under Part III with paragraphs and sub-paragraphs chosen for each language separately as indicated in the instrument of ratification. The territorial application of Part III of the Charter for these three languages is restricted to the Norrbotten County.

12. The Sami live mainly in areas in the north of Sweden. These territories stretch from Idre, in the region of Dalarna to Kiruna in the county of Norrbotten. Nowadays many Sami live also in the coastal regions in northern and central Sweden as well as in the Stockholm area. Most of the users of the Sami language are situated in Northern Sweden, in specific administrative districts made up of the following municipalities: Arjeplog, Gällivare, Jokkmokk and Kiruna. According to the information provided by the authorities, the Swedish Sami population consists of approximately 15 000 – 20 000 persons. Out of these, approximately 9 000-10 000 speak one of the Sami languages. Most of them speak North Sami but there are also 600-800 Lule Sami speakers and 400-500 South Sami speakers.

13. Finnish is a minority language used on the whole of the territory of Sweden, and in particular in the greater Stockholm area, the Mälardalen area, the greater Gothenburg area and in Norrbotten. The administrative districts for Finnish are the five northernmost municipalities in Sweden, all situated in the Norrbotten County, namely – Gällivare, Haparanda, Kiruna, Pajala and Övertorneå, where approximately 5% of the estimated 400 000 Sweden Finns live. The number of speakers has been estimated at 250 000 by the state authorities.

14. The Meänkieli language is mainly used in the northern region of Sweden, namely in Tornedalen. The administrative districts for Meänkieli are the municipalities of Gällivare, Haparanda, Kiruna, Pajala and Övertorneå. According to the information provided by the authorities, Meänkieli is used to some extent by 40 000 speakers, while the total size of the Tornedalian population is estimated at 70 000. It is not until recently that Meänkieli has been recognised as a separate language from the Finnish language. The Meänkieli language derives from the same roots as Finnish but has evolved mainly as a spoken vernacular and still lacks a standardised written code although it has been used in writing since the early 20th century. Through the years the Tornedalians have been stigmatised but today they are recognised by the government and the general population as having a culture and a language of their own.

15. In Sweden, there is a variety of Romani languages (referred to as Romani Chib in the Initial Report): Kalderash, Kalé, Lovari, Arli, Tjurari, Sinto, Bungurji and Gurbet. The speakers of Romani languages are not confined to any particular territory. Their number increased recently due to the refugee movements from the former Yugoslavia. The number of speakers of the Romani languages according to the authorities is estimated at 20 000.

16. According to official information, the Yiddish language is used by about 3.000 speakers. The use of the Yiddish language is not confined to a specific territory in Sweden and it is therefore identified as a non-territorial language. The Jewish community itself consists of 20 000 – 30 000 persons.

17. It was brought to the attention of the Committee that there seems to be a dispute regarding the status of Scanian, i.e. whether it is a dialect of Swedish or a separate language. Before ratifying the Charter, the authorities concluded that for the purpose of the Charter Scanian was considered a dialect of Swedish. The Committee will elaborate further on this matter in chapter 2.1 of this report.

18. The general legal framework governing the use of regional or minority languages in Sweden is as follows:

- a. The Act on the Use of Sami in Administrative Authorities and Courts of Law (SFS 1999:1175)
- b. The Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS: 1999:1176)

19. Specific measures were provided for in the framework of the Swedish Minority Policies Document, presented in the Government Bill 1998/99:143 (National Minorities in Sweden). The proposals made in this bill were adopted by the Riksdag in December 1999 (Committee Report 1999/2000/KU6, Government Communication 1999/2000:69). Subsequently the two legal acts mentioned above were adopted, followed by the ratification of the Charter.

1.3. Particular issues arising in the evaluation of the application of the Charter in Sweden

20. The instrument of ratification submitted by Sweden to the Council of Europe provides an extensive and detailed presentation of the protection granted to the Sami, Finnish and Meänkieli languages. For these languages protected under Part III, separate paragraphs and sub-paragraphs were identified as being applicable.

21. The regional or minority language policy in Sweden is quite recent, and as pointed out by the Minority Language Committee, the government needed to take initiatives to implement the Charter. The main initiative taken to meet this need was the adoption of the two laws on the use of the minority languages in administrative authorities and courts of law. The Committee of Experts has therefore recognised, as the authorities have also done, that these two laws still need to be put effectively into practice. The authorities are in the process of fine-tuning the overall regional or minority language policy and need to evaluate how the laws and other regulations can be efficiently used by the minority language communities. The language laws have clearly given the minority languages a different and more official status, but it was clear from the discussions held by the Committee of Experts during its "on-the-spot visit", that in some cases previous favourable practice had been terminated. Also, on the basis of the information received, there appears to have been a negative development in Sweden during the years leading up to the ratification of the Charter in respect of teaching in and of minority languages. It is to be hoped that the new laws and the ratification of the Charter will lead to a reversal of this negative trend.

22. It was interesting to note that due to the increased attention languages have had during recent years in Sweden, the authorities had taken the initiative to establish a governmental committee to evaluate the situation of the Swedish language and to propose measures to strengthen it. These measures are considered necessary against the influence of English on the Swedish language as well as the predominant use of English in specific fields of public and private life. At the same time, it was recognised in the conclusions of this committee that regional or minority languages should have their place in public life and measures undertaken in respect of Swedish should not diminish the existing protection provided for the minority languages.

23. A particular issue of importance for the scope of protection of minority languages is also the territorial limitation of certain statutory regimes of protection. Sweden has restricted the territorial scope of application of its Acts concerning the right to use, respectively, Sami and Finnish or Meänkieli in dealings with public authorities and courts (SFS 1999:1175 and SFS 1999:1176) to certain administrative districts in Northern Sweden. This kind of territorial limitation is in total conformity with the wording and spirit of the Charter as long as the state is simply identifying as relevant territory the (limited) area where a language is traditionally spoken to a significant extent, like in the case of Meänkieli and two of the three Sami languages (North and

Lule Sami). The Committee acknowledges that the drafters of the Charter wanted to reserve a considerable margin of appreciation to the States Parties as concerns the definition of the territory of a minority language (see paragraph 34 of the Explanatory Report). However, the territorial definition of the rights under Part III becomes problematic, if the territorial scope of application of the statutory regime is limited to some 5% of the speakers of a given language. This is the case for Finnish in Sweden as 95 % of the speakers are left outside the protection in Part III of the Charter even if in part they reside in territories where, historically, the language has also been used to a significant extent. The Committee understands that the rather recent statutory regime is the first step in a gradual process of improving the status and protection of minority languages in Sweden. The Committee acknowledges that there is a serious debate on the issue going on in Sweden and expresses its hope that this process will lead to a gradual inclusion of other areas where Finnish is traditionally used to a significant extent.

24. Sweden has a very long tradition of local and regional democracy. The local authorities in Sweden are mainly responsible for the practical implementation of the Charter, especially in the field of education. Local and regional self-government is of course a positive element in a democratic society. However, the disadvantage encountered by the Committee of Experts is that the organisation of many public services in minority languages in Sweden largely depends on the political will of the elected representatives of the municipalities. Having ratified the Charter, Sweden undertook serious obligations to organise services in these languages and at present this is not being done in municipalities where there is a lack of political support. The authorities do not feel responsible for this lacuna, as they consider the implementation of certain obligations to be the responsibility of the local authority. The local authorities on the other hand do not feel responsible because they consider that there is no demand for the use of the languages in plurilingual areas and also they do not feel bound by the undertakings of the Charter.

25. As a result of this division of responsibilities between the local and regional governments and the central state, the situation of the Swedish regional or minority languages differs considerably from one municipality to the other. There does not appear to be a coherent policy among municipalities, with the result that it is possible for residents in some municipalities to have substantial services in public life in their language, whereas in other municipalities the situation is very poor. This is particularly true for the Finnish and Meänkieli languages. Each municipality in the Norrbotten County is invited by the government to propose a plan of action for the minority languages. To the knowledge of the Committee of Experts, Pajala is the only municipality to have adopted such an action plan.

26. It is necessary to emphasise the particular structure of the Swedish education system as it has had an effect on the way in which representatives of regional or minority languages can organise their own education. The role of private schools was limited in Sweden up to the end of the 20th century, but since 1991 both the public and the former private schools have received competition from the so-called independent schools (friskolor) funded by the municipalities and supervised by representatives of the public education system. Beginning with a handful of schools in 1991, the numbers are increasing rapidly and independent schools are today competing with public schools in many municipalities, especially in the big cities. Today, 5% of all schools in Sweden are independent schools. The independent schools offer specific profiles and some of them have adopted ethnic/linguistic profiles. Part of them are run by teachers, parents or interested private persons. The establishment of language-oriented independent schools has been triggered by the extensive withdrawal of the previous bilingual or "home language" classes in municipal schools. Municipal schools provide so-called mother-tongue teaching (modersmålsundervisning) which comprises 1-2 weekly hours of instruction of the mother-tongue as a subject. This form of instruction has also been subject to severe cuts lately.

Chapter 2. The Committee's evaluation in respect of Part II and Part III of the Charter

27. The text of the Charter, when read in conjunction with the instrument of ratification, indicates in some detail the exact undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee has therefore evaluated how Sweden has fulfilled each undertaking in Article 7 for Part II and in Articles 8-14 in Part III, using the paragraphs and sub-paragraphs specified in the instrument of acceptance.

2.1. The evaluation in respect of Part II of the Charter

28. Part II of the Charter (Article 7) sets out a number of general objectives and principles that a State Party is obliged to apply to all the regional or minority languages on its territory. In its instrument of ratification, Sweden declares that Sami, Finnish and Meänkieli (Tornedal Finnish) are regional or minority languages. Romani Chib and Yiddish are regarded as non-territorial languages for the purposes of the Charter.

29. One of the issues observed by the Committee is the fact that there are substantial parts of the South Sami and Finnish speaking population outside of the administrative area of Norrbotten county, leaving them thus outside the protection provided under Part III of the Charter. These languages are of course protected under Part II in these areas. The Committee is especially concerned with South Sami because of its precarious state and because the whole traditional area of this language is excluded from Part III of the Charter. The Committee hopes that the Swedish authorities will look carefully into the situation of South Sami with a view to securing its protection and promotion.

30. During its "on-the-spot visit" to Sweden the delegation of the Committee met representatives of the speakers of Scanian. The organisation "The Foundation for the Future of Scanian" also communicated a written comment to the Committee of Experts in accordance with paragraph 2 of article 16 of the Charter. During the meeting, the Scanian representatives made it clear that their aim was not to secure protection under the Charter for Scanian as a living regional or minority language, but to put an end to what they regarded as the unjustified neglect by the Swedish Government and Academia of the history and traditions of Scanian. They felt that a stigma was attached to the use of Scanian because of a lack of respect for these matters.

31. Where there exists a linguistic continuum with persons in adjacent territories speaking variants similar to one another, the distinction between a language and a dialect can be a difficult question. It involves not only the linguistic criterion, but also often political, social, cultural and historical criteria. The Committee understands that there is an on-going debate in Sweden on the status of Scanian.

32. The Committee is nevertheless concerned by any suggestions of prejudice used against a specific dialect or language, independent of the official definition of this idiom. The Committee notes with approval the proposals in the report of the Committee on the Swedish Language to ensure respect for local varieties of Swedish. It is hoped that this will go some way towards redressing the feelings of resentment, which the representatives of Scanian organisations expressed.

Article 7 - Objectives and principles

Paragraph 1

“ In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a. the recognition of the regional or minority languages as an expression of cultural wealth;”***

33. The ratification of the Charter and especially the adoption of the legal acts on the use of Sami, Finnish and Meänkieli in administrative authorities and courts of law (SFS1999:1175 and SFS 1999:1176) have created a platform where it is clear that the Swedish authorities recognise these three languages as an expression of

cultural wealth. The new national minorities and minority language policy has also recognised the Yiddish and the Romani languages as being integral elements of Swedish cultural wealth.

“b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;”

34. Sweden is divided into counties, county councils and municipalities. Counties are mostly a central government administrative division at the regional level. The county council regions usually coincide with the counties. The Act on the Prerequisites for changes in the divisions in municipalities and county councils (1979:11 reprinted as 1988:198) defines the boundaries of regional and local authorities. It contains provisions on the manner in which municipal boundaries may be changed. The central government decides on these matters leaving only minor changes to be decided by the county administrative board. Changes may take place if they are considered to be of lasting importance and an advantage to a municipality (as a whole or partly). The wish of the municipality must be taken into consideration. Should the municipality object, very strong reasons must exist in order to disregard the wish of the municipality. The government must also take into account the wishes of the inhabitants. The municipalities have no veto on the decision of the government. Since Sweden ratified the Charter, it also has to take into account the minority languages when administrative changes are prepared and discussed.

“c. the need for resolute action to promote regional or minority languages in order to safeguard them;”

35. The Committee of Experts considers that the Swedish authorities are developing a positive practice to promote and enhance the situation of the regional or minority languages in Sweden. Over the past years, the authorities have tried to establish a legal structure guaranteeing a certain use of Finnish, Meänkieli and the Sami languages in courts and before administrative authorities. These laws, however, are not being applied to their fullest extent, partly because the likely users of the language, whether they be from the central, regional or local authorities, or from the general public, lack information. It can nevertheless be stated that for these three languages the state is initiating a policy for resolute action to be taken.

The Committee encourages the continuation of this work and looks forward to seeing the results reflected in Sweden’s next periodic report.

36. With respect to Finnish spoken outside the Norrbotten County the Committee was informed of an information campaign when the legislation had been introduced.

37. In 2001, an inter-ministerial working group on minorities was established, composed of the various ministries involved in establishing and implementing the language laws and the general minority policy. This group serves as a co-ordinating body, fixing the goals and evaluating the impact of the policy adopted. The work of the group consists of consultation meetings with governmental and non-governmental organisations, ministries and representatives of the minorities. Due to the recent establishment of this working group it is difficult to evaluate its concrete results. However, this kind of action can be considered as positive in the sense that it is supporting the implementation of the laws and assisting in developing a general policy towards minority languages in Sweden.

38. For the Romani languages, the government has not yet developed a structured policy that could be understood as resolute action, but there is co-operation going on between the government and the representatives of the languages. A special Roma working group has been established by the Ministry of Industry and has been active since 1996. Work to raise the awareness of the cultural needs and wishes of the Roma community is being carried out. Recently the ministry has encouraged the municipalities to work more closely with the Roma communities. During its “on-the-spot visit” the delegation noted that the representatives of the Romani languages underlined their interest in protecting their languages, and expressed the need for constructive assistance by the authorities.

The Committee of Experts encourages the authorities to take resolute action in co-operation with the representatives of the Romani languages with a view to assisting in the preservation and promotion of the respective languages.

39. Very little information has been provided on the situation of Yiddish.

“d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;”

40. For the Sami, Finnish and Meänkieli languages, the laws on their use in courts and in administration provide for a legal right to use the languages in public life at least as far as the territorial scope of the statutory regime of protection reaches. There are however shortcomings to the real implementation of these laws, which the Committee will specify in more detail below.

41. Finnish and Sami may not be used outside the administrative districts circumscribed by statutory law, which leaves most Finnish speakers and all speakers of South Sami without any right to use their language in dealings with the authorities.

42. The Romani language is not present in public life. Romani is used in radio. The national radio broadcasts a 30-minute radio programme on Friday mornings in two Romani varieties (Kelderash and Lovari). There is a clear need for interpreters in the Romani languages. This is often a real social need for elderly people especially in health care. In the field of justice, there is a real need for interpreters and translators in courts.

43. There is one news magazine printed 6 times a year for the Roma population, but it is produced in Swedish.

“e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different language;”

44. In 1997, the Swedish government established a special Council on Ethnic Equality and Immigrant Integration. Among the participants in this council are representatives of the regional or minority languages covered by the Charter. The Council meets four times a year and provides advice to the government on matters relating to ethnic equality and immigrant integration. Even though the Sami and Meänkieli languages are not represented on this board, the Committee considers this a good initiative.

45. The Swedish Bureau for Lesser Used Languages (SWEBLUL) has also been identified by the authorities as an organisation having the object of developing and co-ordinating links between the regional or minority languages in Sweden. Regrettably the functioning of this organisation has so far not been very successful in Sweden. It is clear that an organisation such as SWEBLUL could be of help to the authorities in the maintenance and development of links between regional or minority languages

The Committee encourages the Swedish authorities to promote a dialogue between speakers of the various minority languages in Sweden.

“f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”

46. In general terms, children speaking the minority languages in Sweden have a statutory right to mother-tongue instruction in school. There are several ways of including the teaching of mother-tongues in the school schedule. The usual practice is that the school offers 1-2 lessons of some mother-tongues outside the regular curriculum but it can also offer them as optional subjects included as a “language choice” (språkval), “pupil’s choice” (elevens val) or the “school’s choice” (skolans val). Mother-tongue instruction concerns all the languages covered by the Charter’s protection mechanism. According to the information gathered by the Committee, the speakers of Sami, Meänkieli and Romani have a particular right to mother-tongue instruction, even if the number of pupils is less than the minimum required number of five. This right does not extend to Finnish or Yiddish. In connection with Finnish, the issue has been raised repeatedly by the representatives of the speakers of Finnish as well as by the National Agency for Education. The effective fulfilment of the statutory right to mother-tongue instruction is hampered in practice for several other reasons that will be developed later in the report.

47. In addition to teaching of the mother-tongue, minority languages are sometimes used as media of instruction. According to the School Ordinance, the percentage of instruction through the medium of minority

languages may not exceed 50% and should diminish when pupils advance to higher classes. In 2001, the National Agency for Education published a report on the situation of national minority languages in the Swedish school system, and according to the information in this report, mother-tongue medium instruction is carried out within the Sami schools, the Sweden Finnish independent schools and the few still existing bilingual classes. Some theme-based instruction in Meänkieli is also taking place in the Meänkieli profile independent school in Pajala municipality. Remedial mother-tongue medium education for pupils in need of extra support in specific subjects is according to the report especially important for Roma pupils.

48. For the Romani language there are quite serious difficulties. In education, there is a serious lack of teachers and teaching materials and even if the situation has improved over the last years, there is still a real need for financial and technical support from both local and national government. It is common in Europe that the Roma populations are sometimes reluctant to have their language taught by people coming from outside their communities. This seems to be changing in Sweden, as communicated by the representative of the Kale language who acknowledged the fact that if the language is not taught in schools to Roma children it will certainly disappear and stated that they no longer want to keep it a "secret" language. According to the report published by the National Agency for Education in 2001, the number of pupils participating in mother-tongue instruction in Romani in the school year 1999/2000 in seven municipalities was 181 (of 576 pupils entitled to this instruction), with Stockholm and Malmö being the biggest concentrations (100 of 203 and 32 of 163 respectively). Presently, there are 25 Roma students taking teacher-training courses. The Committee considers training of minority language teachers essential for the promotion of the Romani languages and underlines the necessity to strengthen efforts in this field.

49. The various Roma groups are quite dispersed over the whole of the territory of Sweden. There is therefore a need to take resolute action at local level where these groups are situated. The groups informed the delegation that they would appreciate having one adult education centre in the north and one in the southern part of Sweden, both focusing on matters that concern the Roma population and culture. There is no Romani language study at university level.

The Committee encourages the Swedish authorities to improve the teaching of and in the Romani languages, and especially to develop teaching materials as well as teacher-training.

50. The general legal provisions presently existing for the teaching of the Yiddish language are the same as for other minority languages. However, the Committee has been informed that presently there is no teaching of Yiddish in schools. The Committee is aware that the authorities are looking into the matter.

51. The Sweden Finns residing outside the Norrbotten County do not benefit from the protection granted by the Finnish/Meänkieli language laws. As far as school education is concerned, the only means for Sweden Finns to arrange for teaching of Finnish to their children is through the Education Act and the mother-tongue programme. In addition, interested parents have the possibility of starting their own independent schools with a minority language profile. Eight such schools with a Sweden Finnish profile and one with a Meänkieli profile exist at the moment. As municipal bilingual schools do not exist today and the bilingual classes with Swedish and a regional or minority language have almost disappeared, currently the independent schools are the only models offering a strong bilingual education. According to the information gathered by the Committee, independent schools and municipal schools are often seen as competitors and some municipalities actively oppose independent schools, which has resulted in several ethnic/linguistic schools having been shut down. There appears to be little effort directed towards promoting bilingual education outside the independent sector thereby finding a method of implementing the Charter which coincides with the political trends in Sweden. There is a danger that this will leave a vacuum, as there is no bilingual education in the municipal school system. If it is not feasible to support independent schools providing bilingual education, then provisions need to be made for the possibility of bilingual education in the municipal school system.

The Committee encourages the Swedish authorities to take into consideration in a more active manner the needs of the Sweden Finnish speaking population outside Norrbotten County especially in the field of education and in particular explore means of ensuring bilingual education provision within the municipal schools.

“g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;”

52. Various adult education institutions and universities offer the teaching of Finnish and the Sami languages. Some of these institutions are situated within Norrbotten County. This element will be further developed in the chapter on the Finnish language.

“h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;”

53. Various universities offer courses of Finnish and the three Sami languages. Finnish is taught at Stockholm, Uppsala, Lund and Umeå University, and Sami at Uppsala and Umeå University. Some courses of Finnish, Meänkieli and Sami have also been offered within the pedagogical faculty at the Luleå Institute of Technology.

54. There is no promotion for study and research of Romani or Yiddish in Sweden at university level.

The Committee encourages the Swedish authorities to take steps to promote study and research on Romani and Yiddish at university level.

“i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.”

55. Regarding the Sami, Finnish and Meänkieli languages, the Committee refers to its evaluation on Article 14 in Part III for each language.

56. The authorities support contacts between speakers of Romani languages in Sweden and in other Nordic countries as well as in other parts of Europe.

57. The Committee has also been informed of regular contacts of users of Yiddish in Sweden with users of the same language elsewhere, especially in Finland.

“Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.”

58. The recent language legislation in Sweden laid foundations for a better and a more equal treatment of the Sami, Finnish and Meänkieli languages. The Committee has the impression that the authorities continue working on the improvement of the status of these languages and introducing further measures in their favour. The Committee has noticed some improvement also with respect to Romani, although it requires further attention.

“Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.”

59. According to the Government Bill 1996:97:3 and Government Communication 1996/97:129, it is vital that all pupils in the Swedish school, from children to adult students, learn the history of the country's national

minorities, their culture, language and religion. The school curricula (Lpo 94 and Lpf 94) have therefore been amended to include instruction on national minorities and minority languages. National minorities and minority languages have also been taken into account in the recent revision of school syllabi.

60. The licences of the public sector broadcasters Swedish Television (SVT), Swedish Broadcasting Corporation (SR) and Swedish Educational Broadcasting Company (UR) prescribe that they must take into account the needs of minority languages and ethnic minorities and it is understood that there are programmes about minority language groups.

“Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”

61. Before Sweden ratified the Charter, a special Minority Language Committee was established to look into the situation of the languages in Sweden. The work of this committee was also to evaluate how the Charter could be ratified. Since the Committee presented its conclusions, special conferences have been organised with the participation of representatives of regional or minority languages. These have been occasions for them to express their needs and wishes. The Committee of Experts considers this way of finding out the real needs of the minority language speakers to be a good practice, provided such contacts are regular and rigorous.

“Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups that use the languages concerned. ”

62. In the case of Sweden, the Romani and Yiddish languages are considered as non-territorial languages. In its appreciation of their situation vis-à-vis paragraphs 1 to 4 of article 7, the Committee has kept in mind that those principles should be applied *mutatis mutandis*.

2.2. The evaluation in respect of Part III of the Charter

63. The Committee of Experts examined in more detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter. The languages in question are Sami, Finnish and Meänkieli in the Norrbotten County. The territory of each language is confined to certain municipalities as stated in the two language acts.

64. The paragraphs and sub-paragraphs quoted in bold italics are the actual obligations chosen by Sweden.

2.2.1. The Sami language

Article 8 - Education

65. The central state, in co-operation with the National Agency for Education defines the goals for all the schools in Sweden in the national school curriculum. The National Agency for Education also has the role of monitoring the school activities and establishing the school syllabus. The municipalities, however, have the main responsibility for organising the schools in accordance with the goals established by the state. This applies to pre-school education, primary and secondary education. The municipality presents a school plan, which can define the way in which the subjects will be taught in accordance with the school curriculum and the syllabus. The municipalities are allocated a certain budget to organise education in their local authority.

There is no earmarked funding for the teaching of minority languages, in contrast to the period from the 1970s until the 1990s when there was in fact a special budget for the minority languages. The teaching of minority languages is therefore primarily dependent on the policy of the local authority in question and also on the teachers and headmasters in the individual schools.

66. According to the School Ordinance, mother-tongue teaching in a regional or minority language medium must not exceed 50%, and the share of Swedish should increase as the pupils advance to higher grades. The speakers of the minority languages have criticised the limit of 50%. The Committee is concerned as to the possible negative effects this might have on the protection and promotion of regional or minority languages in Sweden.

67. For the Sami language, a special authority, the Sami School Board, is responsible for organising education in all the Sami languages. This board is an administrative authority regulated by the Sami School Ordinance. The board is responsible for organising pre-school, primary and integrated Sami education. According to the Education Act, Sami children are permitted to have education of and in the Sami language in both pre-school and primary schools.

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:”

Pre-school Education

“a. i. to make available pre-school education in the relevant regional or minority languages;

a.ii. to make available a substantial part of pre-school education in the relevant regional or minority languages;

a. iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient”

68. According to the Sami School Ordinance and in agreement with local authorities, the Sami School Board can fulfil municipal obligations for pre-school and recreational activities for Sami children. In order to do this the Sami School Board is always obliged to make a specific agreement with the relevant municipality but the latter is required to finance the schools. The decision to organise this education depends predominantly on the political will of the respective local authority. The Sami pre-schools are required to follow the state policy for pre-schools, but they have the right to focus on the protection and strengthening of the Sami culture, language and traditions. The use of the Sami language has increased over the last few years in the Sami pre-schools. Sami pre-school education is presently found in Kiruna, Gällivare and Jokkmokk. According to the report published in 2001 by the National Agency for Education, the total number of children in the Sami pre-schools in 2000/2001 was 51.

69. The conclusion of the Committee is that the Swedish legal structure provides for the possibility of receiving pre-school education in the minority languages. The existence of a specific administrative authority responsible for organising mother-tongue instruction, such as the Sami School Board, is good. It is however important that this authority be given sufficient competences in fulfilling its role of informing the parents of the possibility of receiving mother-tongue instruction, and also to be able to put into practice the use of the Sami languages at pre-school level. At present this is not always the case. The Committee has been informed of the case of Karesuando where the wishes of Sami parents to have Sami medium pre-school activities are opposed by the local authorities. It is necessary for mother-tongue education to be supported by the municipalities, both in making the users of the languages feel at ease in requesting such education and also in taking pro-active steps to encourage the organisation of such education. Municipalities are responsible from a financial point of view and they should be made aware of their obligation to facilitate the work of the Sami School Board in a more structured manner.

70. The Committee has not received any information as to what number of pupils is considered sufficient regarding the right to receive pre-school education in Sami and there seems to be a structural problem in that it is up to each local authority to decide whether or not pre-school education is offered. The Committee must conclude that the obligation is partly fulfilled.

The Committee finds that the Swedish authorities in co-operation with the respective municipalities should raise awareness of the right to mother-tongue instruction in Sami and furthermore that they should facilitate the work of the Sami School Board by providing it with better means to make available pre-school education in the Sami languages.

Primary Education

- b. i. to make available primary education in the relevant regional or minority languages; or*
- b. ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
- b.iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- b. iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient”***

71. In Sweden, the Sami School Board is responsible for education in and of Sami at primary school level. There are three possibilities.

72. The first option is the six so-called Sami schools. The schools follow the national curriculum but have a special emphasis on Sami language and culture. The Swedish Education Board has determined a curriculum in the Sami language. These curriculum goals are to be fulfilled in the Sami language and education is organised for pupils who have Sami as their first language (mother-tongue) and for those who have Sami as their second language. In the Sami schools pupils may complete their primary school compulsory education (grades 1-6). Only limited use of the Sami language as medium of instruction was made in teaching until the beginning of the 1990s. After a research project aimed at developing a model for language instruction in the Sami schools was finished in 1994, instruction in Sami has increased in these schools, although Swedish-medium instruction is still predominant. Sami is used most during the years 1-3, while Swedish is used almost exclusively during the years 4-6. Today Sami schools are situated in Karesuando (North Sami), Kiruna (North Sami), Lannavaara (North Sami), Gällivare (North and Lule Sami), Jokkmokk (North and Lule Sami), and Tärnaby (North, Lule and South Sami). The total number of students in the Sami schools in the academic year 2000-2001 was 164.

73. The second possibility is the integrated Sami education in municipal schools. Integrated education is organised by the local municipality in co-operation with the Sami School Board and is specifically aimed at Sami children who do not attend Sami schools in grades 1-6 as well as at pupils in grades 7-9 in the municipal school. The children enrolled in this education receive the instruction within the regular timetable, but thereby omitting other subjects. Integrated Sami instruction implies teaching of Sami as a compulsory subject, and for example social studies, handicrafts, home economics, art and music with a special Sami profile. Integrated education is organised in the following municipalities: Kiruna, Gällivare, Jokkmokk, Storuman, Vilhelmina, Krokomb, Härjedalen and Älvdalen. In the school year 2000/2001, the number of students participating in integrated Sami education was 181.

74. The third possibility is to receive Sami mother-tongue instruction in accordance with the national curriculum. The organisation of these classes is the responsibility of the respective local municipality. Parents wishing their child to receive instruction in Sami inside this system would have to request this from the municipality.

75. There is a lack of adequate teaching materials in Sami, especially in the Lule and South Sami languages. The Sami School Board has periodically engaged a Sami teaching materials consultant but today there is none. During the 1990s, a small number of titles used as teaching materials were produced in Sweden. Most part of the materials available are produced in Norway, but in any case they are not sufficient.

76. According to the information gathered by the Committee, some Sami schools have developed their own websites on the internet. This is seen as a very efficient way of developing language skills among the students and of spreading locally produced teaching materials.

77. The conclusion of the Committee of Experts is that these undertakings are, on the whole, considered fulfilled.

Secondary Education

- “c.i. to make available secondary education in the relevant regional or minority languages; or*
- c.ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- c.iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- c. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient”***

78. According to the information gathered by the Committee, availability of mother-tongue teaching of Sami in secondary education depends on the will of the municipality, which decides if this teaching is made available on the basis of the number of students, and the resources available. The authorities informed the Committee of one secondary school where teaching of Sami is available. This is the Bokenskolan in Jokkmokk, which among its national programmes also has an economic and social sciences programme with a particular Sami profile. Teaching of North, South and Lule Sami is offered as well as Sami crafts. In the school year 2000/2001, 30 students were admitted to the school, while 15 of them participated in Sami instruction given two hours a week in each Sami language. The Committee has received no information of secondary education elsewhere. The Committee would welcome more comprehensive information on Sami in secondary education.

79. Teaching materials for secondary level instruction in the Sami languages and for Sami-related subjects are lacking in Sweden. The materials used in the schools are produced in Norway.

80. The Committee considers the undertaking formally fulfilled but improvements could be made for the availability of secondary education.

The Committee encourages the Swedish authorities to promote and enhance the teaching of Sami at secondary school level, by encouraging the municipalities to implement the undertaking and developing teaching materials.

Technical and vocational education

- “d.i. to make available technical and vocational education in the relevant regional or minority languages; or*
- d. ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- d. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient”***

81. In Sweden, secondary schools also offer programmes that have a vocational focus. Bokenskolan in Jokkmokk offers technical and vocational education with a Sami specialisation. However, this line of education, in contrast to the rest of the Sami profile programmes, does not include instruction in the Sami languages.

82. The Sami Education Centre in Jokkmokk, the former Sami folk high school (folkehogskola), in Jokkmokk organises vocational education within a Sami business programme framework. It includes reindeer herding, Sami crafts and tourism. This 34-week programme contains 2-4 hours a week of Sami language instruction. Courses are arranged in all three Sami languages. According to the report from the National Agency for Education in 2001, the Sami Education Centre was in 2001 planning a preparatory course for Sami interpreters.

83. The Committee considers the undertaking formally fulfilled but improvements could be made for the availability of technical and vocational education.

University and Higher Education

- “e.i. to make available university and other higher education in regional or minority languages; or*
- e.ii. to provide facilities for the study of these languages as university and higher education subjects;*
or
- e. iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects”*

84. Most of the higher education provided in and of Sami is available outside the Sami administrative area.

85. Sami education up to Ph. D level is offered at Umeå University and Uppsala University. Both universities have offered courses in South, North and Lule Sami. Umeå University has also offered special undergraduate and graduate programmes in Sami studies. Special summer programmes have been offered and long distance learning. Some courses in Sami have also been offered at the Luleå Institute of Technology, which is situated in Norrbotten. The Committee considers this undertaking fulfilled.

Adult and continuing education

- “f. iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education”*

86. The Sami Education Centre in Jokkmokk has offered adult and continuing education in Sami language, handicrafts, entrepreneurship, tourism and culture. The target group for these courses are adult Sami who have a compulsory school education. The education programme in this Centre takes 1-2 years to complete. Some folk high schools (folkhögskolor), such as Storuman folk high school, Tärna folk high school and Mälmsfålen folk high school, have occasionally offered Sami profile courses for adults.

87. It has been pointed out to the Committee that the Swedish education system in support of adult and continuing education often offers special study grants to organise courses for adults. These study grants are focused on improving the possibility of attaining the objectives in education and especially on improving participation in education, thus increasing social justice. The actual situation is that adults of Sami origin have not had the opportunity during their education to learn the Sami language. Many of them therefore lack skills in Sami, especially in its written form, even if they are attached to the Sami culture and tradition. The Sami Parliament has applied for funding to provide Sami adults with the possibility of participating in Sami language courses.

88. The Committee considers the undertaking fulfilled.

Teaching of history and culture

- “g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language”*

89. The national school curriculum has been amended to include the teaching of the history and culture of the Sami. The same applies to the school syllabi. The National Board on Education is presently developing material to use for history teaching, including the history and culture of the minority languages. According to the information received by the Committee, a deeper involvement on the part of the Sami Parliament in providing teachers with teaching materials on the Sami history, language and culture would be welcome.

90. The Committee was informed that sometimes this teaching depends on the will of the teachers or headmasters. The Committee feels that there should be a stronger structured commitment within the curriculum to ensure the teaching of the history and the culture which is reflected by the Sami language.

91. The Committee considers, nevertheless, the undertaking fulfilled.

Basic and further training of teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party”

92. The government has stated that the Technical University of Luleå should offer teacher training for Sami teachers. Previously, in the 1980's, teacher trainees with a command of Sami were selected into the teacher training courses in a quota system. Even if the scheme in itself can be considered to have been good and encouraging for those applying for teacher training, the scheme did not function properly because the school did not have at its disposal teachers that were competent in the Sami language and culture. The quota system was abolished in 1992. Today there is only an optional system, but it is not clear whether the teachers at the school are competent in the Sami language. During its visit to Sweden, the Committee of Experts was informed by the authorities that no application for teacher training in Sami had been received and that therefore no courses had been organised lately. In the replies from the government it was stated that in the academic year 2000 – 2001 only one pupil followed the proposed courses. This is a clear sign that there is a real need to promote the Sami language and encourage its teaching, as was emphasised to the Committee by representatives of Sami speakers. This, combined with the fact that, according to the Sami speakers, there is a great demand for teachers educated in Sami, is a clear sign that there is a real need to promote the basic and further training of teachers in the Sami language and encourage its teaching.

93. The National Agency for Higher Education is initiating a new programme for teacher-training. This entails in-service training on how to teach minority languages. This will be financed by the state and the municipality that appoints the teachers. The second phase in this training is to have continuous training for those who have completed the first step.

94. The Ministry of Education has recently given more attention and funding to the training of teaching in immigrant and minority languages. About 4 000 teachers will have the opportunity to receive this training in the near future.

95. On the basis of the information received, the Committee must conclude that the obligation is not fulfilled. However, the Committee looks forward to receiving information about the results of these new initiatives mentioned, in the next Swedish periodical report.

The Committee encourages the Swedish authorities to promote and enhance teacher training for all levels of education.

Monitoring

“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public”

96. According to the information available to the Committee there are various levels of monitoring bodies in the field of education. Firstly, the Sami School Board has the responsibility of organising education in Sami. The County of Norrbotten has also established a special working group responsible for evaluating the implementation of the language laws that cover pre-school education. Finally, the National Education Agency has a certain responsibility for monitoring minority language education. In 2001, this agency published a report on the situation of minority languages in the Swedish educational system and included a section on Sami. It is not clear from the information received, whether this report is part of the periodical monitoring and reporting, as required by this undertaking. The Committee has received no information regarding the regular monitoring and the production of periodical reports which is envisaged in the Charter. On the basis of the information made available, the Committee is not in a position to conclude whether the undertaking is fulfilled.

“Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

97. The general mother-tongue instruction programme includes the Sami language in the Swedish school system irrespective of the region where the pupils live. In practice, a shortage of teachers in the three Sami languages as well as a shortage of teaching materials often render the realisation of the commitment difficult.

98. Uppsala University and Umeå University, both outside Norrbotten, offer teaching and research in the Sami language. Various adult education associations, such as folk high schools, and Sami associations offer courses in the Sami language outside the area where it is traditionally spoken in Norrbotten. As in the County of Norrbotten, difficulties arise due to the lack of trained teachers and the lack of teaching materials.

99. The Committee considers the undertaking formally fulfilled, but there seem to be practical obstacles regarding its implementation at various stages of education.

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:”

In criminal proceedings:

"a.ii. to guarantee the accused the right to use his/her regional or minority language -if necessary by the use of interpreters and translations involving no extra expense for the persons concerned

a. iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language- if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.”

100. The right to use Sami in criminal proceedings is guaranteed by the Act on the right to use Sami in administrative authorities and courts of law (SFS 1999:1175) which entered into force on 1 April 2000. It applies to county administrative courts, district courts, land tribunals, environmental courts or maritime courts within the administrative area for Sami. This area includes Arjeplog, Gällivare, Jokkmokk and Kiruna municipalities. It also applies to appeal proceedings in these cases.

101. According to Section 4 of the Act, any person who is a party to or a representative of a party to a case or a matter at a court of law is entitled to use Sami during the hearing of the case. Section 6 of the same Act requires persons who wish to use this right to request so at the opening of the case or at his or her opening statement. The judge is entitled to reject this request when it is made later or for improper purposes. This includes the right to speak Sami and to submit documents and written evidence in Sami. The use of the right incurs no additional costs for the party.

102. The Committee has been informed that in practice this right has rarely been used and that the majority of the relevant courts had no contacts with persons wanting to speak Sami. The Committee has observed that in Sweden the implementation of this undertaking is facing similar problems as those already observed by the Committee in other countries. The principal problems are the lack of competence in the minority language by the authorities, fear by the speakers of being seen as troublemakers, fear of delay in the proceedings and lack of legal terminology. Many of these obstacles may be overcome through information to the courts and to the general public on the possibility to use the Sami language combined with the strengthening of linguistic competence within the courts. For instance, very seldom is it mentioned in job announcements that knowledge of the minority language is considered a merit. The Committee has also been informed that no particular steps have been taken to make the courts more aware of their obligations in

accordance with the Act. Furthermore, the speakers are in no way encouraged to use Sami in courts, while at the same time, their competence in Swedish is adequate.

103. It is unclear to the Committee how the term “improper purposes” as stipulated in paragraph 2 of Article 6 of the Sami language act is to be interpreted. The Committee is concerned that the wording of the act might give a more insecure position for people wanting to use Sami than what is envisaged in the Charter itself. It has asked the Swedish authorities for clarification on this point.

104. In addition, the Committee has been informed of the problem that the South Sami language area is not included in the Sami administrative area and, consequently, not covered by the Act.

105. The Committee considers this commitment to be only formally fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure that Sami can be used in criminal proceedings.

“a. iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language”

106. According to Section 5 of the Act, the right to use Sami also includes the right to have documents pertaining to the case or matter orally translated. There is no obligation for the authorities to produce written documents. The Committee considers this obligation not to be fulfilled.

The authorities are encouraged to produce, on request, documents connected with legal proceedings in Sami.

In civil proceedings

“b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;” - if necessary by the use of interpreters and translations;

b..iii. to allow documents and evidence to be produced in the regional or minority languages - if necessary by the use of interpreters and translations;”

In proceedings before courts concerning administrative matters:

“c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

c. iii. to allow documents and evidence to be produced in the regional or minority languages, - if necessary by the use of interpreters and translations;”

107. The right to use Sami in civil proceedings, as well as in proceedings before courts concerning administrative matters is guaranteed by the same sections of the Act on the right to use Sami in administrative authorities and courts of law. However, the Committee has observed the same problems in their implementation as above. Accordingly, the Committee considers these obligations only formally fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure that the Sami can be used in civil proceedings and in proceedings in courts concerning administrative matters.

“d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.”

108. Translation and interpretation involves no extra expense for the persons concerned. Costs relating to translation and interpretation are paid by the court. To cover translation as pursuant to Acts 1999:1175 and 1176, the Government has provided one million Swedish kronor to the courts' administration. The Committee considers the undertaking fulfilled.

“Paragraph 2

The Parties undertake:

- a. *not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;”***

109. There are no provisions in Swedish law denying the validity of legal documents solely on the ground that they are drafted in Sami. The Committee considers that this undertaking is fulfilled.

“Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”

110. The Act on the right to use Sami in administrative authorities and courts of law has been translated into North, Lule and South Sami and made available to the public free of charge. The Committee has not been informed of any other statutory text being translated into these languages. According to the information received by the Committee the undertaking is partly fulfilled.

The Committee encourages the authorities to make available the most important statutory texts in Sami, and especially those relating particularly to the Sami population.

Article 10 - Administrative authorities and public services

“Paragraph 1

“Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a. iii. *to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages***
- a. v. *to ensure that users of regional or minority languages may validly submit a document in these languages;***
- c. *to allow the administrative authorities to draft documents in a regional or minority language.”***

111. Section 2 of the Act on the right to use Sami in administrative authorities and courts of law provides for the right of a private individual to use the Sami language in his/her oral or written dealings with a public authority within the Sami administrative area. This right applies to dealings with local and regional State authorities. Whenever a person uses Sami, the authorities are obliged to reply orally in the Sami language. However, a written administrative decision has to contain information in Sami that the decision can be translated orally into Sami by the authorities upon request. The Act also states that authorities should strive to use the Sami language with the Sami speakers.

112. In practice, the Sami language is rarely used in dealings with the State administration, partly because the legislation is still rather recent. The Norrbotten County Administrative Board has also made information available to the public on the language legislation in Sami. However, the Committee has also been informed of some substantial practical obstacles to the successful implementation of these undertakings, such as the lack of staff with an adequate command of the Sami language. According to the

available information, language competence is very rarely seen as a merit or a special qualification in job announcements.

113. The Committee considers undertaking a.v) fulfilled.

114. The Committee acknowledges the efforts made by the authorities to comply with the undertakings under subparagraphs a.iii) and c). The Committee has observed that there is a serious lack of competence in producing written documents.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure that Sami can be used in administration.

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”***

115. According to the information available to the Committee, the demand for the use of the Sami language in public is very low. In most cases local and regional authorities have made the Language Act in Sami available to the public. However, most local and regional authorities do not translate their official documents and information about their operations into Sami.

116. In addition to the problems observed with regard to the State administration, i. e. lack of staff and competent interpreters, the Committee has sometimes observed a lack of political will in the local authorities to improve the position of Sami. While the State allocates budgets to the municipalities, it has no competence to monitor the actual spending of that money. The Committee has not been informed of any measures taken by local and regional authorities to respond to the encouragement given by the state.

117. On the other hand, the municipalities are sometimes not informed or instructed about their obligations stemming from the language legislation. Even though the authorities have allowed the use of Sami in administration and made funds available, the efforts seem to have little or no effect. The authorities should strengthen their efforts with the aim of ensuring the possibility of users of Sami to be able to use the language in relation to local and regional authorities.

The Committee encourages the state authorities to raise awareness among the relevant local and regional authorities of their obligation to produce official documents in Sami, make it possible for users of Sami to submit documents, and thereby contribute to the fulfilment of this undertaking.

- “g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”***

118. As early as 1984 the Riksdag decided that great attention must be paid to the Sami minority in northern Sweden when establishing names on maps and when putting up road signs. When place-names are established in multi-lingual areas they must be produced in the languages spoken in the region. The minorities' spelling should be adopted. The maps produced by the National Land Survey show place-names in Swedish and Sami. In 1995, the National Road Administration gradually began to supplement signs of place-names in Norrbotten and Västerbotten with names in Sami and Finnish.

119. The Committee has been informed that the presence of Sami place names is still not satisfactory. Bearing in mind that this is an on-going process, the Committee commends the efforts made by the Swedish authorities in this field.

120. At this stage the Committee must conclude that the undertaking is only partly fulfilled.

“Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a. translation or interpretation as may be required;”

121. The municipalities and county councils provide translation or interpretation as may be required for the fulfilment of the above listed provisions. A state subsidy is given to cover costs relating to the Language Act. The Norrbotten County Administrative Board administers the State grant. The Committee has been informed that at least in one case the grant has not been spent for the designated purposes, because, allegedly, there is no demand.

122. The Committee underlines the importance of the presence of translators or interpreters, as they are the basis of the implementation of a number of undertakings under article 10.

123. The Committee considers the obligation formally fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure the use of Sami.

“Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.”

124. According to the information received, there is nothing in Swedish legislation that would forbid individuals from keeping their family name or surname. Newly created family names must have a pronunciation and spelling and linguistic correctness which are suitable for a family name in Sweden. When considering appropriateness, the Sami language constructions are considered to constitute national parlance. Accordingly, the Committee considers this undertaking fulfilled.

Article 11 - Media

“Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

to the extent that radio and television carry out a public service mission:

a. iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”

125. The Swedish Authorities have provided evidence of positive steps taken to encourage and increase the provision of regional or minority language broadcasting. The licences of the public sector broadcasters Swedish Television (SVT), Swedish Broadcasting Corporation (SR) and Swedish Educational Broadcasting Company (UR) prescribe that they must take into account the needs of minority languages. These organisations have also been required to increase their efforts in the current licence period compared with 2001. The means by which this is to be achieved have not been prescribed by the Government, nor (as far as the Committee could determine) have any targets been set, other than that the broadcasters should not reduce

the total broadcast time in these languages. The Committee found the Swedish Authorities to be receptive to the idea of developing strategies which have proved successful in the case of other regional or minority languages (e.g. dubbing of children's programmes).

126. In the case of Sami, the statistics provided by the Government showed an increase in SVT's Sami output from 17 hours of Sami TV per year in 2000 to 39 hours in 2001 (the figure being 21 hours in 1999). Encouragingly, the figure for own production (as opposed to acquisition) has risen year on year: 9 hours in 1999 (of which 6 were repeats); 13 hours in 2000 (of which 7 were repeats); and 34 hours in 2001 (of which 14 were repeats).

127. Within SVT, a quasi-autonomous division called TV Sámi has been created which employs 10 people, and is free to design its own programmes. The programmes include a daily news bulletin "Oddasat" (produced in co-operation with Norwegian and Finnish broadcasters); Árran, a current affairs programme, and Ulda, a series of children's programmes.

128. No evidence was provided as to how UR met its obligations under the licence in respect of Sami.

129. During the "on-the-spot visit" the media representatives emphasised the crucial role which television has to play in the survival of minority languages, and put forward the idea of creating a transnational Sami language television company, with the national television companies as shareholders, as a way of ensuring best use of resources and sustaining and increasing the Sami language broadcast output. Later during the meeting with the authorities, when the delegation of the Committee informed the state media representatives of this idea, the authorities appeared to respond positively.

130. As to radio, the responsibility falls on Sameradio, a division of SR, which has 8 employees responsible for daily broadcasting. There seems to be no ear-marked funding for its activities.

131. The Swedish Authorities report that 204 hours were broadcast in 1999 on a regular basis.

132. According to the information received by the Committee, 30 minutes of Sami and 5 minutes of Sami news in Swedish are broadcast at the national level from Monday to Friday. These broadcasters include 20 minutes of Lule Sami and 20 minutes of South Sami per week. On the local level 55 minutes of Sami and 5 minutes of Sami news in Swedish are broadcast from Monday to Friday in Norrbotten.

133. All Sameradio programmes are available on the internet.

134. The Committee considers this undertaking fulfilled.

"d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

135. The Swedish Authorities have referred to Filmpool Nord, which is a regional resource centre for film and video production in the county of Norrbotten and a regional film production centre. Filmpool Nord has been assigned by the Swedish Film Institute the task of being a regional actor to co-produce regional films. It is not clear, however, to what extent it has a specific remit in respect of producing and/or distributing Sami language works. The Committee is, therefore, not in a position to say whether this undertaking is fulfilled.

"e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;"

136. The Swedish authorities in their initial periodical report state that the terms and conditions governing public subsidies for the press include special rules on the allocation of funds to newspapers that address minorities in their own languages. The supplementary information received by the Committee however states that the relevant legislation requires a newspaper's contents to be mainly in Swedish to qualify for a subsidy.

137. According to the information available, there are no newspapers written in Sami, nor are there any subsidies being provided to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the Sami language. Small press agencies publish articles in Sami from time to time. There are two Sami magazines, namely Sami Nuorra and Samefolket, but they are periodicals and not newspapers and they are almost exclusively published in the Swedish language.

138. The Swedish Authorities have explained that newspapers not written mainly in Swedish can get operational subsidies in exceptional circumstances provided they meet the criteria of being directed to linguistic minorities in Sweden, have their main editorial office in Sweden and distribute at least 90% of their subscribed circulation in Sweden. There is no Sami newspaper that receives such a subsidy. If there were a Sami newspaper produced in the Sami language, there would be possibilities of funding under this scheme. This funding scheme, in its current form, excludes possibilities of financing newspapers published elsewhere than in Sweden, even if it would assist in the fulfilment of this undertaking. The Committee would point to the possibility of establishing a newspaper produced in co-operation with existing newspapers in neighbouring countries in order to fulfil this undertaking.

139. The Government has commissioned a report on this issue from the Swedish Press Subsidies Council, which was due to report in May 2002. The report was published in autumn 2002. Therefore the Committee has not been able to avail itself of the content of the report but assumes that the Swedish authorities will come back to this in their next periodical report.

140. The Committee does not consider the undertaking fulfilled.

The Committee suggests that the authorities explore possibilities of establishing a newspaper in Sami, for example in co-operation with the newspapers in Sami in neighbouring countries. In this respect the authorities should be flexible in using funds for that purpose.

“f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

141. The Swedish authorities again pointed to the obligations of broadcasters under their licences, and the ensuing programme output. In addition, the Committee has been informed that other existing measures for financial assistance are also available to support production in Sami.

142. There was no example given of any audiovisual works in Sami to which financial assistance had been given outside the remit of the broadcasters, e.g. film funding, CD ROM or online-content funding.

143. The Committee must conclude that this undertaking is formally fulfilled in that existing resources are capable of being applied to productions in Sami but would like to see evidence in the next periodical report that such financial assistance is given in practice to productions in Sami.

“Paragraph 2

The Parties undertake to guarantee 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, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

144. The Committee considers this undertaking to be fulfilled. In addition, the Committee was informed about numerous examples of mutual co-operation and exchange of materials with the Sami production in Norway.

Article 12 - Cultural activities and facilities

“Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”

145. The fundamental duty of the Sami Parliament is to promote a vital Sami culture. The Cultural Council of the Sami Parliament allocates governmental subsidies, resources from the Sami fund and also from other means made available to the Sami, to Sami culture and Sami organisations. Among the recipients are the Sami Theatre, the Handicraft Foundation, the Sami Library and the Sami magazine Tidningen Samefolket.

146. As from the 2000 budget year, the government allocated 1 million SEK to the National Council for Cultural Affairs in order to increase the support for publication of literature in minority languages as well as cultural periodicals and other measures which stimulate such publication. In the 2002 budget year the government allocated an additional 7 million SEK to the National Council for Cultural Affairs in order to increase the number of cultural activities that involve national minorities. In the government regulations for the additional grant it is pointed out that the money should be used, among other things, to support Sami culture.

147. In addition, the government further examines ways of affording the Sami culture and other minority cultures sufficient space in Swedish cultural life.

148. The Committee considers this undertaking fulfilled.

“b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

149. The authorities have informed the Committee that, as far as Sami literature is concerned, the National Council for Cultural Affairs gives publishing subsidies to Sami publishing houses that produce literature in Sami. Some of the literature is produced in a bilingual Sami-Swedish edition. The subsidies are allocated from the grant designated for literature in minority languages.

150. Programmes produced in Sami by the Swedish Television Company as a rule have subtitles in Swedish.

151. The National Council for Cultural Affairs proposes that the Filmpool Nord probably could be a resource in the future to encourage new ways to write and produce texts.

152. The Committee considers this undertaking fulfilled.

“c. to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

153. The National Council for Cultural Affairs allocates grants to Sami publishing companies. However, according to the information available, very few works in the Sami language are published, with the aid of these grants. The Committee has been informed that grants have in most cases been granted for publication of children's books.

154. The current affairs magazine Árran has Sami subtitles when Swedish is spoken. The children's programme Moomin broadcast in Swedish has Sami subtitles. As noted in the Committee's comments in Article 11.1, a.iii) the Swedish authorities are receptive to the idea of developing strategies to make children's programmes in Sami.

155. Within the Sami Theatre, works produced in other languages have been translated and performed in Sami as well as reshaped to a Sami performance.

156. The Committee considers this undertaking fulfilled.

“d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

157. According to the initial periodical report, the Cultural Council within the Sami Parliament plays an important role concerning the Sami culture. The National Council of Cultural Affairs and the Council for Cultural Affairs within the Sami Parliament have a continuous dialogue concerning the allocation of grants for Sami cultural activities. The purpose behind the co-operation is to make sure that there is no duplication of grants and to obtain professional comments from the Sami Parliament on incoming applications. The Committee concludes that this undertaking is fulfilled.

“e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;”

158. The Sami Parliament Council of Cultural Affairs handles most of the questions related to the Sami cultural activities. The Parliament serves as a public authority and is at the same time a representative body for the Sami. According to its rules, the Sami Parliament has Sami as one of its official languages. The staff of the Sami Parliament has a command of Sami and of Swedish.

159. The Committee considers the undertaking fulfilled.

“f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;”

160. Although there is no Sami representative in the National Council for Cultural Affairs, the Sami Parliament is primarily responsible for the distribution of the State grant for cultural activities they receive. It can freely raise and make suggestions to the competent authorities. The Committee considers the undertaking fulfilled.

“g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;”

161. The Royal Library in Stockholm collects at least one copy of all printed materials published in Sweden. According to the information available to the Committee, Sami books are collected in big university libraries and there is a special “Nordkalotten” library in Övertorneå specialised in Sami and Tornedalian literature. There is also a collection of Sami books in Ájtte, the Sami Museum in Jokkmokk. The Committee does not have sufficient information as to the nature of these collections and the rules pertaining to them.

162. The government started an investigation concerning the situation of archives in Sweden in December 2000. The committee that was assigned to make the investigation was to present a report on the results in 2002. In the terms of reference it is stated that this committee shall investigate appropriate methods for the preservation and administration around the country of documents that are written in Finnish and other national minority languages. It is also stated that the committee shall make a presentation of what kind of documents are preserved, what state they are in and to what degree the public have access to them.

163. The Committee will welcome the results of this investigation in the next Swedish report and concludes that the undertaking is partly fulfilled.

“h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.”

164. One of the tasks of the Sami Parliament is to lead the work for the Sami language in Sweden. For that purpose, a group of experts was set up in 1994, the Sami Language Council. The council consists of six members, with substitutes, representing North, Lule and South Sami.

165. The Sami Language Council is responsible for developing the Sami language in Sweden. Among other things, the Council is to promote the Sami language in society, support the use of Sami language in private as well as public life, determine the spelling of Sami words, advise and provide information on Sami language issues and generally inform about the language. The existence of such a council is positive and it should be ensured by the Sami Parliament that the Council receives adequate resources and support to carry out language related activities.

166. The Committee considers the undertaking fulfilled.

“Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”

167. According to the Initial Report, Sami cultural activities are performed all over Sweden on a regular basis and they are often sponsored by grants from central or local authorities. Recently there was a jojk performance in Stockholm, as a result of a grant allocated by the National Council for Cultural Affairs to a professional jojk adviser. There was also a Sami theatre performance in Stockholm not long ago.

168. It is also pointed out in this connection that one of the goals of the National Council for Cultural Affairs is to promote cultural diversity and the exchange of cultural impulses between various groups in society.

169. The Committee considers the undertaking fulfilled.

Article 13 - Economic and social life

“Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;”***

170. According to the Initial Report, there is no legislation in Sweden that prohibits or limits the use of regional or minority languages in documents relating to economic or social life. The Committee considers the undertaking fulfilled.

Article 14 - Transfrontier exchanges

“The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***
- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.”***

171. The co-operation between Finland, Sweden and Norway in the fields of education and culture is included in the 1971 Cultural Co-operation Treaty of all five Nordic countries. It concerns the various sectors of

culture, information services and education, where language is a central element. These projects include, for example, financial support for translating literature, co-operation between the Nordic language boards and the platform of language instruction, NORDMÅL. The Nordic Council of Ministers has a specific language programme.

172. Initial contacts have taken place between Sweden and both Finland and Norway concerning exchange of experiences of policy-making on national minorities.

173. Trans-national exchanges are common among the Sami especially in the border region between Finland, Sweden and Norway where Sami is spoken. The Sami Parliaments of Finland, Sweden and Norway cooperate in several fields. They all have Sami language councils. National language councils, together with the Sami in Russia, cooperate in a common Sami Language Council. One important task for the various language councils is to develop common standards for the Sami languages in the Sami Homeland (the traditional area inhabited by the Sami), e.g. harmonising the varieties spoken in the four countries and harmonising the terminology used in various fields.

174. In August 2001, news broadcasts in Sami were launched in co-operation with NRK (Norwegian Television). YLE (Finnish Television) joined in this co-operation as from 2002. There have also been plans to establish a joint Nordic Sami TV channel in the future. An extensive EU project has been carried out within the framework of the Nordic co-operation and there are plans for additional applications to the EU.

175. Other fora for transnational co-operation are the non-governmental organisations, the Sami Council and the Nordic Sami Institute. The activities of the Sami Council are financed by the Nordic Council of Ministers. It is a body for the Sami in the three Nordic Countries and the Russian Federation and its task is to safeguard the interests of the Sami people in economic, social and cultural fields. One of the missions of the Nordic Sami Institute is to improve the situation for the Sami population socially, judicially and economically through research and information. The Institute is located in Kautokeino, Norway.

176. The Committee considers the undertaking fulfilled.

2.2.2. The Finnish Language

Article 8 – Education

177. The central state, in co-operation with the National Agency for Education defines the goals for all the schools in Sweden in the national school curriculum. The National Agency for Education also has the role of monitoring the school activities and establishing the school syllabus. The municipalities, however, have the main responsibility for organising the schools in accordance with the goals established by the state. This applies to pre-school education, primary and secondary education. The municipality presents a school plan, which can define the way in which the subjects will be taught in accordance with the school curriculum and the syllabus. The municipalities are allocated a certain budget to organise education in their local authority. There is no earmarked funding for the teaching of minority languages, in contrast to the period from the 1970s until the 1990s when there was in fact a special budget for the minority languages. The teaching of minority languages is therefore primarily dependent on the policy of the local authority in question and also on the teachers and headmasters in the individual schools.

178. According to the School Ordinance, mother-tongue teaching in a regional or minority language medium must not exceed 50%, and the share of Swedish should increase as the pupils advance to higher grades. The speakers of the minority languages have criticised the limit of 50%. The Committee is concerned as to the possible negative effects this might have on the protection and promotion of regional or minority languages in Sweden.

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:”

Pre-school Education

*“a. i . to make available pre-school education in the relevant regional or minority languages;
a.ii. to make available a substantial part of pre-school education in the relevant regional or minority languages*

a. iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient”

179. According to Chapter 2a of the Education Act (1985:1100) each municipality shall be responsible for ensuring that children living in the municipality are offered pre-schooling. The Law concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1176, hereafter referred to as the Finnish/Meänkieli language law) stipulates that when a municipality in the administrative area (districts inside Norrbotten County in this case) offers pre-school education in accordance with the Education Act, the municipality shall offer children whose guardian so requests the option of a pre-school place in activities which are wholly or partly carried out in Finnish. The Finnish districts referred to above are Gällivare, Haparanda, Kiruna, Pajala and Övertorneå. The minimum number of Sweden Finn pupils required to organise mother-tongue teaching is five. The organisation of the class is however dependent on whether or not there is a qualified teacher available. According to the regulations on mother-tongue teaching, each pupil receives two or three hours of teaching per week.

180. The situation of the Finnish language in pre-school in Norrbotten is best in Haparanda, and some villages situated on the Swedish-Finnish border. In rural areas far from the border the situation is more difficult. There are some special groups for Finnish-speaking pre-school children with bilingual teachers. The pre-school teachers are trained in Sweden but there is no special pre-school teacher training for Finnish pre-school personnel. The teaching materials used in pre-schools come from Sweden and Finland. In the past, certain teaching materials were produced in Finnish in Sweden, but this has ceased.

181. Outside Norrbotten County, according to the information gathered by the Committee, the availability of mother-tongue activities in pre-schools depends on the will of the municipalities. The obligation to organise the teaching is laid down by law in the Education Act. Parents need to request the teaching of Finnish to be provided to a minimum number of five pupils. In practice the situation varies depending on the municipalities. During its “on-the-spot visit”, the delegation of the Committee received information that pre-school classes are organised in some municipalities. In other municipalities pre-school education in Finnish is not provided or existing pre-school education has been terminated. The National Agency for Education has made efforts to try to encourage the municipalities to have a more pro-active attitude towards making pre-school education more available. The municipalities, however, have not taken any particular measures to try to create a demand for activities in Finnish. Very often the real problem is that the municipalities claim that parents do not ask for pre-school education in Finnish, requiring the parents to be pro-active in their demand instead of the municipality taking the lead role in informing parents of the availability of pre-school education in Finnish.

182. A wish expressed by the speakers of Finnish is that the process of starting independent pre-schools should be identical with that of independent schools. During the 1990s, most of the existing municipal Finnish pre-schools were shut down and therefore there is an acute need to start new municipal or independent ones. There is a need for an amendment to the law to the effect that the municipalities may not refuse to grant licences to start independent pre-schools.

183. The Committee is therefore of the opinion that the legal framework is satisfactory, but the municipalities do not implement the laws in an adequate manner.

184. The Committee concludes that the obligation is formally fulfilled but there are problems in implementation.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure the use of Finnish in pre-school education.

Primary Education

- “b. i. to make available primary education in the relevant regional or minority languages; or*
- b. ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
- b.iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- b. iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient”**

185. All pupils having mother-tongues other than Swedish are entitled to mother-tongue instruction. The organisation of instruction is the responsibility of the respective local municipality. In choosing instruction in a mother-tongue, the student can avail him- or herself of four possibilities elaborated under article 7, paragraph 1, f. of the Charter. Of those four possibilities, the most common are mother-tongue lessons, usually 1-2 weekly hours, outside the regular timetable. Parents wishing their child to receive instruction in Finnish inside this system would have to request this from the municipality. The municipality is obliged to organise this education if at least five pupils request the education.

186. According to the report published by the National Agency for Education, instruction in Finnish as a mother-tongue in the school year 1999/2000 was offered in municipal schools in 111 of a total of 289 municipalities in Sweden. In the autumn of 1999, 5865 pupils or 42% of those entitled to it, participated in mother-tongue instruction in Finnish. Most of the instruction took place outside the Finnish administrative area. Finnish was also taught and used as a medium of instruction in 8 independent Sweden Finnish schools, as well as taught as a subject in 10 other independent schools. The number of pupils in the 8 Sweden Finnish schools was approximately 1200 and the schools were all situated outside the Finnish administrative area. According to the report, most of the mother-tongue instruction in the municipal schools takes place outside the regular timetable. A difficulty mentioned by the teachers is the heterogeneity of students as regards their level of Finnish competence.

187. It has been observed by the authorities that the abolition of earmarked resources directed to mother-tongue instruction in 1991 soon resulted in a precipitous decrease in this instruction in school; in particular, the number of the once frequent bilingual classes diminished. At the beginning of the 1990s, over 300 classes were organised compared to only 76 in 1997. Today, a handful remain. The National Agency for Education was commissioned to present a study on the conditions and obstacles for offering successful mother-tongue instruction and mother-tongue medium education as well as attitudes to mother-tongue instruction. According to its report published in 2001, this decrease was greater for instruction in Finnish than for other languages, as many municipalities which had offered Finnish-medium classes and pre-school groups ceased to provide them.

188. It also seems that the availability of mother-tongue instruction in Finnish has continued to decrease even after the entry into force of the new minority language policy. This is a rather unusual development when the aim of the policy was to improve the situation of the minority languages.

189. In the Finnish/Meänkieli administrative area, the situation of Finnish teaching is better in the municipalities close to the Finnish border. In Haparanda, there are bilingual Finnish-Swedish classes in municipal schools and a special “language school” (Språkskolan) organised by the Finnish and Swedish border municipalities Tornio and Haparanda. In addition, Finnish-speaking parents are allowed to send their children to the municipal school in Tornio on the Finnish side of the border. This kind of transfrontier co-operation is positive, but, according to the information gathered by the Committee, a selection procedure is operated in the “language school”, leading to a situation where not all interested students are accepted in this school. The rest of the Finnish-speaking school-children in the Finnish administrative area are entitled to the general mother-tongue instruction in school provided that at least 5 children ask for such instruction. According to a report published by the National Agency for Education in 2001, the number of pupils who took part in it in 2001 was 805 (232 in Haparanda, 32 in Övertorneå, 231 in Pajala, 54 in Gällivare and 256 in Kiruna).

190. It is mentioned in the report from the National Agency for Education, that Sweden Finnish teachers, parents and pupils are asking for the possibility for pupils to participate in mother-tongue instruction in Finnish also in cases where the pupils do not speak that language at home. This is possible in the case of Sami,

Meänkieli and Romani, but not for Finnish. There is also a strong wish among the speakers that the requirement of 5 pupils to provide home language instruction in Finnish be abolished so as to harmonise the requirements for the three above mentioned national minority language groups.

191. There is a lack of trained teachers of Finnish for primary school teaching, although new teachers are also recruited from Finland. Some teaching materials are produced in Sweden in Finnish and transfrontier co-operation is also quite developed concerning teaching materials produced in Finland. There is however room for improvement as the Finnish books follow the Finnish national curriculum and cannot be used in all circumstances in Sweden. As pointed out in the report from the National Agency for Education (2001), teachers of Finnish have expressed a wish for education in how to use IT in mother-tongue instruction. Besides using it to teach the language, teachers could also use IT to spread locally produced teaching materials to other teachers.

192. On the basis of the information available the Committee considers the undertaking fulfilled, but it would encourage the authorities to find a way to accommodate the wishes expressed by the parents in providing education in Finnish.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of primary school education in Finnish.

Secondary Education

"c.i. to make available secondary education in the relevant regional or minority languages; or

c.ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or

c.iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

c. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient"

193. The situation for secondary education in general is the same as for primary education. The municipalities are responsible for organising the education and are therefore responsible for implementing the laws. There is no Finnish-medium secondary education available, as a former Finnish secondary school and a special Finnish secondary school programme were stopped during the 1990s. Finnish may, however, be chosen for hour-based mother-tongue instruction as in the primary school, or as a so-called third language. However, the number of pupils choosing the latter option has constantly been lower. A minimum number of five pupils is required to organise mother-tongue instruction in Finnish. According to the report published by the National Agency for Education in 2001, the number of students completing Finnish mother-tongue courses at the secondary level in 1999/2000 was 325.

194. According to the information gathered from the representatives of the Finnish speakers, there is a strong wish to the effect that the municipalities would have a more pro-active attitude in providing secondary education in Finnish.

195. There is also a serious shortage of Swedish-produced teaching materials for teaching of and in Finnish at the secondary level. Most of the materials used are produced in Finland.

196. The Committee considers that the undertaking is formally fulfilled but there is a lack of implementation.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of secondary level of teaching in or of Finnish.

Technical and vocational education

- "d.i. to make available technical and vocational education in the relevant regional or minority languages; or
- d. ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- d. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient"**

197. The municipalities are responsible for organising technical and vocational education. The Swedish secondary schools include programmes that have a vocational focus. No separate programmes offered through the medium of Finnish exist today. Mother-tongue instruction in Finnish is offered in the secondary schools as described under 8 d iv. A minimum number of five pupils is required to provide mother-tongue instruction in Finnish at this level of education. Vocational education is also offered by folk high schools (see Article 8, f, iii). The Committee considers the undertaking formally fulfilled but there is a lack of implementation.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of technical and vocational education in Finnish.

University and Higher Education

- "e.i. to make available university and other higher education in regional or minority languages; or
- e.ii. to provide facilities for the study of these languages as university and higher education subjects; or
- e. iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects"**

198. Teaching and research in Finnish at the university level has long had a downward trend in Sweden. Teaching in Finnish in Gothenburg has been stopped and the Finno-Ugric Department at Lund University has been shut down including research in Finnish, while one teacher working within the Department of Nordic Languages has been allowed to continue teaching Finnish. Also at the Finno-Ugric Department, teaching in Finnish has decreased drastically during the last decade. Over the past couple of years, this trend has been reversed. The Committee was informed that at the Mälardalen University College there are intentions to establish a Centre for Sweden Finnish Language and Culture. The Committee finds that the undertaking is fulfilled.

Adult and continuing education

- "f. iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education"**

199. Provision of some courses for Finnish-speakers is made outside the compulsory school system in the so-called folk high schools (folkhögskolor). Two of these are in Axevalla and Haparanda and additional ones or sections have been started in Gothenburg and some other areas. These folk high schools give many of their courses in Swedish as they target all people living in the region. Also in some other folk high schools separate courses in and of Finnish may occur. In addition to this, language courses for adults, among them also courses of Finnish, are offered by an extensive system of evening courses arranged by private, corporate or cultural organisations and centres.

200. In 2001, as a result of the new minority policy, some earmarked state funding was made available to teach the Finnish language for adults.

201. The Committee considers the undertaking fulfilled.

Teaching of history and culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language”

202. The national school curriculum has been amended to include teaching on the history and culture of the Sweden Finns. The same applies to the school syllabi. According to the information gathered by the Committee, the teaching of the history and culture of the minority languages in Sweden also depends on the teacher and the headmasters in each school.

203. In the view of the Committee there should be a stronger structured commitment within the curriculum to ensure the teaching of the history and the culture which is reflected by the Finnish language.

204. The Committee considers, nevertheless, the undertaking fulfilled.

Basic and Further Training of Teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party”

205. No special teacher-training is organised for teachers of Finnish. Occasional courses of Finnish have previously been offered by the Department of Teacher Training at the Luleå Institute of Technology. Teachers of Finnish have the possibility of going to Finland to receive teacher-training and the independent schools in Sweden recruit teachers from Finland. Almost no teaching material is produced in Finnish in Sweden and virtually all material that exists comes from Finland. This creates difficulties because the national Finnish education curriculum is not in accordance with the Swedish education curriculum.

206. The National Agency for Higher Education is initiating a new programme for teacher-training. This entails in-service training on how to teach minority languages. This will be financed by the state and the municipality that appoints the teachers. The second phase in this training is to have continuous training for those that have completed the first step.

207. The Ministry of Education has recently given more attention and funding to the training of teaching in immigrant and minority languages. About 4 000 teachers will have the opportunity to receive this training in the near future.

208. Based on the information received, the Committee must conclude that the obligation is not fulfilled. However, the Committee looks forward to receiving information about the results of these new initiatives in the next Swedish report.

Monitoring

“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public”

209. The National Agency for Education is the responsible authority at national level for education. The Sweden Finns confirmed that they had very little influence on the work of this authority. The result is that there is very little monitoring being made on how Finnish education is organised at all levels. The representatives of the minority languages are to be consulted on policy measures, but this is not being done effectively and no particular resources are being allocated to provide for such consultation. In 2001 the National Agency for Education published a report on the situation of minority languages in the Swedish educational system and included a section on Finnish. It is not clear from the information received, whether this report is part of the periodical monitoring and reporting, as required by this undertaking. The Committee has received no information regarding the regular monitoring and the production of periodical reports which is envisaged in the Charter. The Committee is not in a position to conclude whether the undertaking is fulfilled.

The Committee encourages the Swedish authorities to ensure monitoring and reporting on a periodic basis in accordance with this undertaking.

“Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

210. The situation of the Finnish language is very special because more than 95% of the speakers live outside the Finnish administrative area. As described above, the educational situation for Finnish has been deteriorating for a long time. The mother-tongue medium education option is almost entirely restricted to Sweden Finnish private efforts. As pointed out by the representatives of this group, this is the major obstacle to the long-term maintenance and development of the Finnish language in Sweden. The Committee considers the undertaking formally fulfilled.

<p><i>The Committee encourages the authorities to increase their efforts to provide Finnish language education to the Sweden Finnish speakers living outside the County of Norrbotten.</i></p>

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice”

In criminal proceedings

- “a.ii. to guarantee the accused the right to use his/her regional or minority language -if necessary by the use of interpreters and translations involving no extra expense for the persons concerned***
- a. iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language”***

211. The right to use Finnish in criminal proceedings is guaranteed by the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1176), which entered into force on 1 April 2000. It applies to county administrative courts, district courts, land tribunals, environmental courts or maritime courts within the administrative area for Finnish and Meänkieli. This area includes Gällivare, Haparanda, Kiruna, Pajala and Övertorneå municipalities. It also applies to appeal proceedings in these cases.

212. According to Section 4 of the Act, anybody who is a party or alternate for a party in a judicial procedure in a court of law is entitled to use Finnish in the proceedings, if the judicial procedure has a connection with the administrative area for Finnish. Section 6 of the same Act requires persons who wish to use this right to request so at the opening of the case or in his or her opening statement. The judge is entitled to reject this request when it is made later or for improper purposes. The right includes the right to speak Finnish and to submit documents and written evidence in Finnish. The use of the right incurs no additional costs for the party.

213. The Committee has been informed that this right is not frequently used in practice, although some courts have staff able to communicate in Finnish. However, in Haparanda District Court, cases with Finnish-speaking parties are quite frequent. In such cases the Court always appoints a Finnish-speaking public defence counsel or appoints an interpreter. There have been no cases of improper use of Finnish. According to the information received, the authorities are considering how to improve the use of Finnish before courts.

214. The Committee is concerned to know what the Swedish authorities might understand by “improper purposes” as stipulated in paragraph 2 of Article 6 of the Finnish language law. The Committee is concerned that the wording of the law might give a more insecure position for people wanting to use Finnish than what is envisaged in the Charter itself. It has asked the Swedish authorities for clarification on this point.

215. The Committee considers the undertaking fulfilled.

“a. iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language”

216. According to Section 5 of the Act, the right to use Finnish also includes the right to have documents pertaining to the case orally translated. There is no obligation for the authorities to produce written documents. The Committee considers this obligation not to be fulfilled.

The Committee encourages the Swedish authorities to provide the translation of documents also in written form.

In civil proceedings

“b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

b.iii. to allow documents and evidence to be produced in the regional or minority languages”

in proceedings before courts concerning administrative matters:

“c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

c. iii. to allow documents and evidence to be produced in the regional or minority languages,”

217. The appropriate rights to use Finnish in civil proceedings, as well as in proceedings before courts concerning administrative matters are guaranteed by the same sections of the Act on the right to use Finnish in administrative authorities and courts of law. The Committee has been informed that there are cases where Finnish is used in civil proceedings. On this basis, the Committee considers these undertakings fulfilled.

“d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.”

218. Translation and interpretation involve no extra expense for the persons concerned. Costs related to translation and interpretation are paid by the court. To cover translation as pursuant to the Acts 1999:1175 and 1176, the Government has provided one million Swedish kronor to the courts' administration. The Committee considers this undertaking fulfilled.

“Paragraph 2

The Parties undertake:

not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;”

219. According to Swedish legislation the validity of a legal document cannot be denied solely on account of it being drafted in a regional or minority language. The Committee considers that this undertaking is fulfilled.

“Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”

220. The Act on the right to use Finnish in administrative authorities and courts of law has been translated into Finnish and has been made available to the public in a free booklet and on the Ministry's homepage.

The National Courts Administration has also translated into Finnish information relating to the legislation on the right to use Finnish in courts. The Committee has not been informed of any other statutory text being translated into this language. According to the information received by the Committee the undertaking is partly fulfilled.

The Committee encourages the authorities to make available the most important statutory texts in the Finnish language, and especially those relating particularly to the Finnish population.

Article 10 - Administrative authorities and public services

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a. iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;***
- a. v. to ensure that users of regional or minority languages may validly submit a document in these languages;***
- c. to allow the administrative authorities to draft documents in a regional or minority language.”***

221. Section 2 of the Act on the right to use Finnish and Meänkieli in dealings with public authorities and courts provides for the right of a private individual to use the Finnish language in his/her oral or written dealings with a public authority within the Finnish administrative area. This right applies to dealings with local and regional State authorities. Whenever a person uses Finnish, the authorities are obliged to reply orally in the Finnish language. However, a written administrative decision has to contain information in Finnish that the decision can be translated orally into Finnish by the authorities upon request. The Act also states that authorities should strive to use the Finnish language with the Finnish speakers.

222. In practice, the administration usually has staff with an adequate command of Finnish. However, the language is mostly used for oral communication only.

223. The Committee considers undertaking a.v) fulfilled.

224. The Committee acknowledges the efforts made by the authorities to comply with the undertakings under sub-paragraphs a.iii) and c). The Committee has observed that there is a serious lack of competence in producing written documents.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure the use of Finnish in administration.

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;***

d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”

225. The Committee has been informed that there is usually Finnish-speaking personnel available in regional and local administration especially in the two municipalities bordering Finland. On the local level there are daily dealings with people speaking Finnish. However, the communication is mostly oral and, according to information given by the authorities, the demand for written documents in Finnish is very low. According to the information available, the regional authorities have very little contacts in Finnish.

226. Most local and regional authorities have translated information about the right to use Finnish into that language, but have not translated official documents or information about their operations.

227. The Committee considers that these undertakings are partly fulfilled.

The Committee encourages the state authorities to raise awareness among the relevant regional and local authorities of their obligation to produce official documents in Finnish and thereby contribute to the fulfilment of this undertaking.

“g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”

228. According to the information received, when place-names are established in multi-lingual areas they have to be produced in the languages spoken in the region. The minorities' way of spelling should be adopted. The maps produced by the National Land Survey mark place-names, beside Swedish and Sami, also in Finnish. In 1995 the National Road Administration gradually began to supplement signs of place-names in Norrbotten and Västerbotten with names in Finnish.

229. Although the Committee has been informed that the presence of the Finnish place-names is still not satisfactory, it considers this undertaking partly fulfilled.

“Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a. translation or interpretation as may be required;”

230. The municipalities and county councils are obliged to provide translation or interpretation as may be required for the fulfilment of the above listed provisions. A state subsidy is given to cover costs relating to the Act 1999:1176. The Norrbotten County Administrative Board administers the state grant.

231. However, the Committee has been informed that there is no efficient control mechanism to ensure that the money is actually spent for the implementation of these undertakings.

232. The Committee considers, nevertheless, that this undertaking is fulfilled.

“Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.”

233. The Committee has been informed that there is nothing in Swedish legislation that prohibits individuals from keeping their family name or surname. Newly created family names must have a pronunciation, spelling and linguistic correctness which are suitable for a family name in Sweden. When considering appropriateness, the Finnish language constructions are considered to constitute national parlance. The Committee considers the undertaking fulfilled.

Article 11 - Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

to the extent that radio and television carry out a public service mission:

a. iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;"

234. The Swedish Authorities have provided evidence of positive steps taken to encourage and increase the provision of regional or minority language broadcasting. The licences of the public sector broadcasters Swedish Television (SVT), Swedish Broadcasting Corporation (SR) and Swedish Educational Broadcasting Company (UR) prescribe that they must take into account the needs of minority languages, and ethnic minorities. These organisations have also been required to increase their efforts in the current licence period compared with 2001. The means by which this is to be achieved have not been prescribed by the Government, nor (as far as the Committee could determine) have any targets been set, other than that the broadcasters should not reduce the total broadcast time in these languages. The Committee found the Swedish Authorities to be receptive to the idea of developing strategies which have proved successful in the case of other regional or minority languages (e.g. dubbing of children's programmes).

235. SVT broadcasts in Finnish daily. In 1999, 107 hours were broadcast in Finnish. In 2001, 116 hours were broadcast. There was a daily news programme "Uutiset", a children's programme "Karamelli" and a current affairs magazine "EKG".

236. No evidence was provided as to how UR met its obligations under the licence in respect of Finnish.

237. At meetings with representatives of Finnish speakers during the "on-the-spot visit", it was confirmed that the situation in the media was felt to be fair. There are 9 minutes of television news per day at 17.45. There is a 30-minute television documentary on Sundays and one 30-minute children's programme per week. These programmes are not broadcast during the summer and Christmas periods. There are also satellite programmes available from Finland. There was however some concern expressed about the absence of ring-fenced funding for Finnish programming, and a fear that Finnish programming might, as a consequence, be losing out when budget allocations were being made by broadcasters.

238. The Committee was informed that in the autumn of 2002 it had been announced that EKG, the 1/2 hour weekly current affairs magazine which was broadcast 28 times in 2001 and 23 times in 2002, would be stopped and replaced by 6-10 new thirty-minute programmes per annum. This led to protests in October-November 2002.

239. There are no local television productions in Finnish. The delegation of the Committee was informed that it would be helpful to have local reports, and to have Finnish-medium training for journalists.

240. As to radio, the Finnish radio, Sisuradio, is a division within SR, employing 50 people throughout Sweden, with an increasing audience. During the "on-the-spot" visit, some concerns were expressed that funding had decreased.

241. On the basis of the information received, the Committee considers these undertakings fulfilled, reserving its position however, with respect to the latest news on the reductions made in the TV broadcasts in the Finnish language.

The Committee encourages the Swedish Authorities to collaborate with broadcasters and representatives of the Finnish speakers to ensure that Finnish language programming does not suffer unfairly as a result of budgetary constraints, including, if necessary, ring-fencing funds for Finnish language programmes.

“c.i. to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages;”

242. The Swedish Authorities explain that in the Radio and TV Act (SFS 1996:844) there is a provision for terrestrial transmission of a Finnish TV-channel via Stockholm. The transmission is carried out through an agreement of reciprocity. In 1998, the Finnish TV broadcast to the entire Stockholm region and 26 localities in the country via cable. Although it might be objected that this kind of arrangement is not entirely satisfactory, since, presumably, there is no specific Sweden content on this channel, the Committee considers the undertaking fulfilled.

“d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”

243. The Swedish authorities point to the obligations of the broadcasters and their Finnish language output. For the same reason as in respect of the corresponding provision relating to Sami, however, the Committee is unable to conclude that this undertaking has been fulfilled. Apart from this, the Committee has not received any information about the encouragement or facilitation of the production and distribution of audio and audiovisual works in Finnish. The Committee is therefore unable to conclude that this undertaking has been fulfilled.

“e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

244. The Swedish authorities in their initial periodical report state that the terms and conditions governing public subsidies for the press include special rules on the allocation of funds to newspapers that address minorities in their own languages. The supplementary information received by the Committee however suggested that the relevant legislation requires a newspaper's contents to be mainly in Swedish to qualify for a general operational subsidy.

245. In response to the Committee's questions, the Swedish authorities have further explained that newspapers not written mainly in Swedish can obtain operational subsidies in exceptional circumstances provided they meet the criteria of being directed to linguistic minorities in Sweden, have their main editorial office in Sweden and distribute at least 90% of their subscribed circulation in Sweden.

246. A trilingual (Swedish/Finnish (ca. 30%)/ Meänkieli (small percentage) newspaper called Haparandabladet receives a general operational subsidy. It has a circulation of 4 000. Two newspapers, Ruotsin Suomalainen and Viikkoviesti, receive operational subsidies in exceptional circumstances. They are weekly papers. Each paper receives SEK 2 Million per annum.

247. The Committee concludes that this undertaking has been fulfilled.

“f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

248. The Swedish Authorities again pointed to the obligations of broadcasters under their licences, and the ensuing programme output. The Committee considered, however, that it would be appropriate to ensure ring-fenced funding for Finnish programming. Mention was made of agreements between producers and the Swedish Film Institute, but during the “on-the-spot” visit, representatives of the Finnish language media stated that there was no co-operation with Swedish Film Production Company.

249. There was no example given of any audiovisual works in Finnish to which financial assistance had been given outside the remit of the broadcasters, e.g. film funding, CD ROM or online-content funding.

250. The Committee must conclude that this undertaking is formally fulfilled in that existing resources are capable of being applied to productions in Finnish but would like to see evidence in the next periodical report that such financial assistance is given in practice to productions in Finnish.

“Paragraph 2

The Parties undertake to guarantee 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, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

251. The Committee considers this undertaking to be fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”***

252. The National Council for Cultural Affairs is to a large extent responsible for the implementation of the national cultural policy determined by the government and the Swedish Parliament. The Council is required to allocate national government funds to cultural operators in cultural areas such as drama, dance, music, literature, public libraries, cultural periodicals, museums, exhibitions and art. One of its tasks is to promote cultural encounters within Sweden.

253. During the 2002 budget year the Council has 8 million SEK at its disposal to be used in support of the culture of the national minorities. The Libraries Act (issued 20 December 1996) contains regulations about library services provided through public agencies. In section 8 it is stated that the public and school libraries shall pay particular attention to people with disabilities and to immigrants and other minorities by, among other things, offering literature in other languages than Swedish and in forms particularly adapted to the needs of these groups.

254. According to the Initial Report, the Finnish Language Council in Sweden and the Finnish Theatre are two important Sweden Finnish cultural institutions that receive financial support from the Swedish government. In its Terms of Reference for 2001, the Ministry of Culture directed Sweden's Nationwide Theatre to increase the offer of Finnish-medium theatre through co-operation with the Finnish Theatre.

255. According to the information received by the Committee, the Finnish Theatre (Finska Riks) founded in 1989 was closed down in 1997, after severe financial cuts. A task of providing some Finnish-medium theatre productions for children was given to the Youth Section of the Swedish National Theatre. After massive protests on national and Nordic levels, some funds were again allocated to self-produced Finnish theatre performances in 2000, and in 2002 Uusi Teatteri (The New Theatre) was established.

256. A publishing house, Finn-Kirja, exists for the Sweden Finns and is mainly run on a non-profit basis. Finn-Kirja has over the years received financial support from the National Council for Cultural Affairs. According to the information received by the Committee, the publishing house produces at present approximately 1 book per year, compared to 8-10 books per year in the 1980s. This is seen as a result of severe cuts during the 1990s.

257. There is a lively writing activity among the Sweden Finns on an amateur level. The non-governmental organisation, Sweden Finnish Writers' Association, has occasionally received support from the National Council for Cultural Affairs for publication of anthologies.

258. As from the 2000 budget year, the government allocated 1 million SEK to the National Council for Cultural Affairs in order to increase the support for the publication of literature in minority languages as well as cultural periodicals and other measures which stimulate such publication. In the 2002 budget year the government allocated an additional 7 million SEK to the National Council for Cultural Affairs in order to increase the number of cultural activities that involve national minorities. In the government regulations for the additional grant it is pointed out that the money should be used, among other things, to support Sweden Finnish cultural activities.

259. In addition, the National Council for Cultural Affairs has, at the request of the government, examined ways of affording the Finnish culture and other minority cultures sufficient space in Swedish cultural life. The report was submitted to the government in the spring of 2001.

260. In spite of the setbacks referred to above, the Committee considers the undertaking fulfilled.

“b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

261. Since 1961, through an agreement between Sweden and Finland, Sweden has supported the translation into Swedish of some specialist literature written in Finnish. In Finnish programmes such as the daily news programmes produced by the Swedish Television Company, Swedish subtitles are provided. The Committee considers this undertaking fulfilled.

“c. to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;”

262. According to the Initial Report, the supply at Swedish libraries meets the needs of the Sweden Finns for access to literature originally produced in Swedish or other languages, translated into Finnish.

263. In two reports to the Government, the National Council for Cultural Affairs has suggested that a post of Finnish library consultant with a special responsibility for the library sector for the Finnish language should be created. In the Initial Report it is stated that the government will in due course consider this proposal.

264. In the Finnish daily news programmes produced by the Swedish Television Company, Finnish subtitles are used when Swedish is spoken. The same applies to the occasional other Finnish programmes on TV.

265. The Committee considers this undertaking fulfilled.

“d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;”

266. In the Initial Report, it is pointed out that by financing the Swedish National Council for Cultural Affairs, Sweden meets the needs for bodies responsible for organising cultural activities. The task of the Council to promote cultural encounters within Sweden is emphasised in this connection. According to the authorities, the National Council for Cultural Affairs makes decisions on the allocation of grants in close co-operation with the various organisations representing national minorities. On this basis the Committee considers this undertaking fulfilled.

“f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;”

267. According to the Initial Report, Sweden has a long tradition of involving non-governmental organisations through participation in parliamentary committees. This also applies to organisations representing national minorities.

268. Further, it is stated that an important part of Sweden's policy on national minorities is that those affected by the policy are able to make their views and wishes known before decisions are made. In this connection, consultative meetings between representatives of the Government and minority organisations are deemed to be of particular value.

269. The representatives for the national minorities have, to some extent, been involved in activities concerning them, as was the case with the recently produced reports from the National Council for Cultural Affairs and the National Agency for Education.

270. In order to monitor regional measures, a Regional Working Group has been set up under Norrbotten County Administrative Board, made up of representatives of municipalities, county councils and users of the official minority languages, including Finnish.

271. Special funds have been allocated for organisations representing national minorities in order to strengthen their influence in areas and issues that concern them.

272. In connection with the additional 7 million SEK allocated to the National Council for Cultural Affairs, a new model for co-operation with the minority organisations and the Delegation for the Sweden Finns is about to be introduced.

273. The Committee considers this undertaking fulfilled.

“g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;”

274. The Royal Library in Stockholm collects at least one copy of all printed materials published in Sweden. Finlandshuset in Stockholm, an institute for Finnish culture, is financed by the Finnish state with a contribution from the Swedish state. Finlandshuset has a Swedish-Finnish library.

275. The Sweden Finns have had their own archive since 1975: the Sweden Finnish Archive, which annually receives financial support from the National Archives. The archive is, according to the National Association of the Sweden Finns, merely an embryo of an archive and has almost been closed down several times for financial reasons.

276. The government started an investigation concerning the situation of archives in Sweden in December 2000. The committee that was assigned to make the investigation was to present a report on the results in 2002. In the terms of reference it is stated that this committee shall investigate appropriate methods for the preservation and administration around the country of documents that are written in Finnish and other national minority languages. It is also stated that the committee shall make a presentation of what kind of documents are preserved, what state they are in and to what degree the public have access to them.

277. The Committee will welcome the results of this investigation in the next periodical report and concludes that the undertaking is partly fulfilled.

“h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.”

278. The Sweden Finnish Language Council in Sweden was established in 1975 and employs today three language experts. The main task of the Council is to protect and promote the Finnish language in Sweden. The Language Council co-operates with the Swedish Language Council as well as the Finnish and Swedish Language Boards within the Research Institute for the Languages of Finland in Helsinki. It is financed partly by funds from Finland. The Committee considers this undertaking fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

279. The Committee refers to its comments under Chapter 1.3 of this report where the particular situation of Finnish is dealt with.

280. A large group of Finns immigrated to Sweden at the end of the 1960s and in the 1970s and settled all over Sweden. The National Association of Sweden Finns is divided into 10 districts which house around 155 clubs striving to address the social, cultural and other needs of their members. The National Association of Finns in Sweden receives financial support from the National Integration Office.

281. It has been brought to the attention of the Committee of Experts that sometimes Finnish is treated as an immigrant language and that there is confusion between minority and integration policies, the result being unfavourable for the language. The Committee feels that the fact that a language is at the same time identified with a minority and immigrant group should not be used to put that language in an unfavourable position.

282. It is pointed out in the Initial Report that one of the goals of the National Council for Cultural Affairs is to promote cultural diversity and the exchange of cultural impulses between various groups in society.

283. The Committee considers this undertaking fulfilled.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;"***

284. According to the Initial Report, there is no legislation in Sweden that prohibits or limits the use of regional or minority languages in documents relating to economic or social life. The Committee considers this undertaking fulfilled.

Article 14 - Transfrontier exchanges

"The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;***
- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."***

285. The Nordic countries (Finland, Sweden, Denmark, Norway and Iceland) have concluded agreements on co-operation in the field of culture, co-operation between local authorities and the right of a citizen of a Nordic country to use his or her own language in the other Nordic countries.

286. The co-operation between Finland, Sweden and Norway in the fields of education and culture is included in the 1971 Cultural Co-operation Treaty of all five Nordic countries. The co-operation is realised by

institutions and committees operating under the Nordic Council of Ministers. The major part of the measures taken by the Nordic Council of Ministers concerns the various sectors of culture, information services and education, where language is a central element. These projects include, for example, financial support for translating literature, co-operation between the Nordic language boards and the platform of language instruction, NORDMÅL. The Nordic Council of Ministers has a specific language programme.

287. Initial contacts have taken place between Sweden and both Finland and Norway concerning exchange of experiences of policy-making on national minorities.

288. It is pointed out in the Initial Report that Finland and Sweden also have a long history in common. The two countries were one state from 1100 to 1809. The countries also have common languages. Swedish is one of the national languages in Finland and Finnish is a minority language in Sweden. Therefore, it is natural for the language councils that exist for Finnish and Swedish in both countries to co-operate.

289. The Finnish-Swedish Education Council has been assigned the task of facilitating the educational situation for the Finnish minority in Sweden and promoting increased knowledge and understanding for the common history and cultural heritage of Finland and Sweden.

290. There is a Finnish-Swedish Working Group at governmental level which focuses on the situation for the Finnish language in Sweden and the Swedish language in Finland as well as other questions of common interest regarding the national minorities.

291. For decades, co-operation has been carried out over the borders between Sweden Finnish organisations in Sweden and various organisations in Finland, e.g. Pohjola-Norden, Finlandssamfundet and Svenska Finlands Folkting. Such co-operation is important for the Sweden Finnish minority as far as maintenance and development of the Finnish language and culture is concerned.

292. The Committee considers this undertaking fulfilled.

2.2.3. The Meänkieli Language

293. The fact that the Meänkieli language lacks a standardised written form poses a special challenge to those striving to promote Meänkieli in various spheres of life. Among the Meänkieli speakers, initiatives have been taken to standardise and modernise the language and there are plans to establish a Meänkieli language council. Language standardisation is however a time consuming and complicated process which requires adequate support from the authorities.

Article 8 - Education

294. The central state, in co-operation with the National Agency for Education defines the goals for all the schools in Sweden in the school curriculum. The National Agency for Education also has the role of monitoring the school activities and establishing the school syllabi. The municipalities, however, have the main responsibility for organising the schools in accordance with the goals established by the state. This applies to pre-school education, primary and secondary education. The municipality presents a school plan, which can define the way in which the subjects will be taught in accordance with the school curriculum and the syllabus. The municipalities are allocated a certain budget to organise education in their local community. There is no earmarked funding for the teaching of minority languages, in contrast to the period from the 1970s until 1991, when there was in fact a special budget for the minority languages. The teaching of minority languages is therefore entirely dependent on the policy of the local authority in question and also on the teachers and headmasters in individual schools.

295. According to the School Ordinance, mother-tongue teaching in a regional or minority language medium must not exceed 50%, and the share of Swedish should increase as the pupils advance to higher grades. The speakers of the minority languages have criticized the limit of 50%. The Committee is concerned as to the possible negative effects this might have on the protection and promotion of regional or minority languages in Sweden.

296. Each municipality in the Norrbotten County has been invited to adopt an action plan for the minority languages in education. Pajala municipality is the only local authority to have adopted such a plan. The

implementation of the action plan consists of encouraging the use of Meänkieli in cultural life, education and communications. The overall aim is to consciously generate support for social and linguistic issues and to cultivate linguistic awareness in the region. One tool to achieve this is new information technologies using Finnish and Meänkieli.

“Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school Education

- a. i. to make available pre-school education in the relevant regional or minority languages;*
- a.ii. to make available a substantial part of pre-school education in the relevant regional or minority languages;*
- a. iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient”***

297. According to Chapter 2a of the Education Act (1985:1100) each municipality shall be responsible for ensuring that children living in the municipality are offered pre-schooling and leisure time activities for school children. The Law concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1176) stipulates that when a municipality in the administrative area (districts inside the Norrbotten County in this case) offers pre-school education in accordance with the Education Act, the municipality shall offer children whose guardian so requests the option of a pre-school place in activities which are wholly or partly carried out in Meänkieli. The districts referred to above are Gällivare, Haparanda, Kiruna, Pajala and Övertorneå. There is no minimum number of pupils required to organise mother-tongue teaching. The organisation of the class is however dependent on whether or not there is a qualified teacher available. According to the regulations on mother-tongue teaching, each student receives two or three hours of teaching per week.

298. According to the Action Plan of Pajala municipality children in pre-school are to learn Tornedalian songs and rhymes in Meänkieli. The municipality has supported interesting pilot projects such as a project for pre-school where the aim is to encourage teachers to feel at ease in communicating in Meänkieli with the children. This is particularly important because native speakers of Meänkieli are today predominantly upper middle-age or elderly people.

299. The access to pre-school education in Meänkieli is not structured in the Norrbotten County. Parents need to persuade the municipality to arrange for such education, and this requires a particular effort on their part. In some cases the municipalities have stated that there is no demand for pre-school education in Meänkieli, but in fact the responsibility to inform the parents of the existence of the Finnish/Meänkieli language law and in particular the services provided for therein lies with the municipalities responsible for implementing the law.

300. The Committee considers, nevertheless, that the undertaking is partly fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure the use of Meänkieli in pre-school education.

Primary Education

- “b. i. to make available primary education in the relevant regional or minority languages; or*
- b. ii. to make available a substantial part of primary education in the relevant regional or minority languages; or*
- b.iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- b. iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient”***

301. All pupils having mother-tongues other than Swedish are entitled to mother-tongue instruction. The organisation of instruction is the responsibility of the respective local municipality. In choosing instruction in a mother-tongue, the student can avail him- or herself of four possibilities elaborated under Article 7, paragraph 1.f. Of those four possibilities, the most common are mother-tongue lessons, usually 1-2 weekly hours, outside the regular timetable. Parents wishing their child to receive instruction in Meänkieli inside this system would have to request this from the municipality. The municipality is obliged to organise this education if one pupil requests instruction in Meänkieli.

302. This option is relatively new because mother-tongue instruction for Tornedalian children was previously given in standard Finnish. Many pupils found the differences between standard Finnish and the language today called Meänkieli, too great, and many dropped out, in some schools as many as 90%. In the 1980s, several schools chose a model which used Meänkieli during the early years and standard Finnish was introduced later on. This model became more popular and the number of children participating in this instruction had at the end of the 1980s risen to 2000. During the 1990s, the number of pupils participating in the instruction again diminished drastically. This pattern is very similar to that of all mother-tongue instruction in Sweden. According to the report from the National Agency for Education on the situation of the national minority languages in 2001, three municipalities offered mother-tongue instruction in Meänkieli that year. One municipality stated that there was no demand by the parents. In cases like this it is important that the municipality informs parents that this education is their legal right. It is the opinion of the Committee that the municipalities could have a more pro-active attitude in providing the primary education in accordance with the Education Law. It has been observed by the authorities that there is a serious negative trend in Sweden with respect to the organisation of Meänkieli language classes. In some municipalities the decrease in the teaching of Meänkieli is as high as 70%. The National Agency for Education was commissioned to present a study on the conditions and obstacles for offering successful mother-tongue instruction and medium education as well as attitudes to mother-tongue instruction. The authorities are presently looking into the reason for this decline of interest.

303. The number of primary school pupils participating in instruction in Meänkieli in 2001 was 32 in the municipality of Övertorneå and 203 in Pajala. The most common practice was to give this instruction 1-2 hours per week, while in the independent school of Kangos in Pajala, teachers also strive to use Meänkieli as a medium of instruction in some subjects. This school is the only independent school in Norrbotten with a Meänkieli profile.

304. As in the case of the other minority languages in Sweden, teaching materials are not sufficiently developed. However, the situation of Meänkieli is rendered even worse by the fact that there is not yet any standardised written form of Meänkieli. Publications exist but their number is very low.

305. There is no overall policy in the County as the state has allocated the responsibility for the implementation of this undertaking to the county and the municipalities. A more coherent and complete approach should be adopted by the central state and the regional and local level together.

306. However, as each municipality has the possibility of allocating its own budget and organising this education, the situation varies from one municipality to another. According to the Pajala action plan, the long-term objective of the municipality is for at least 70% of the compulsory school graduates to be able to read and write simple texts in Meänkieli. The children should additionally be familiar with place names and geographical locations in the local authority area. The Committee considers this to be a very positive aim on the part of the Pajala municipality.

307. The Committee considers, nevertheless, that the undertaking is partly fulfilled.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of primary education in Meänkieli.

Secondary Education

- “c.i. to make available secondary education in the relevant regional or minority languages; or*
- c.ii. to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- c.iii. to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- c. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient”***

308. The situation for secondary level teaching in or of Meänkieli is similar to that of primary education. The municipalities are responsible for organising the education and are therefore responsible for implementing the laws. There is no minimum number of pupils required to provide teaching in or of Meänkieli.

309. According to the report from the National Agency for Education on the situation of the national minority languages in 2001, no pupils at the secondary level were participating in the teaching of Meänkieli.

310. Teaching materials in Meänkieli on the secondary level are totally lacking.

311. Even though the obligation seems to be fulfilled from a legal point of view, in practice there are no positive results in secondary education. The Committee feels that there does not appear to be any co-operation between the municipalities in this respect or any comprehensive approach to try to improve the availability of secondary education in Meänkieli.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of secondary level teaching in or of Meänkieli.

Technical and vocational education

- “d.i. to make available technical and vocational education in the relevant regional or minority languages; or*
- d. ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- d. iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient”***

312. According to the information obtained by the Committee, no education is provided in Meänkieli in technical and vocational education. It is true that the Law on Education provides for the possibility of receiving instruction in or teaching of Meänkieli without the requirement of a minimum of five students requesting this teaching. However, there appears to have been no action taken by the authorities to ensure that pupils are aware of this possibility.

The Committee encourages the Swedish authorities to take measures to improve the accessibility of technical and vocational education in or teaching of Meänkieli.

University and Higher Education

- “e.i. to make available university and other higher education in regional or minority languages; or*
- e.ii. to provide facilities for the study of these languages as university and higher education subjects; or*
- e. iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects”***

313. Higher education in Meänkieli is in its initial phase. The pedagogical faculty at the Luleå Institute of Technology has offered some aspects of Meänkieli teaching methods and the language section of the same institute has offered some language training. Courses on Meänkieli have been offered at Stockholm University, Department of Finnish. In 1994, Academia Tornedaliens, an NGO, was certified to start teaching adults in Meänkieli at a higher education level in co-operation with Stockholm University and Umeå University. The Committee considers the undertaking fulfilled.

Adult and continuing education

“f. iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education”

314. The municipality of Pajala has organised adult education in Meänkieli throughout the folk high schools situated in the municipality. In Övertorneå, there is one folk high school especially dedicated to Meänkieli students. The Committee considers the undertaking fulfilled.

Teaching of history and culture

“g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language”

315. The national school curriculum has been amended to include the teaching of the history and culture of the Tornedalians. The same applies to the school syllabi. The National Agency for Education is presently developing material to use for history teaching, including the history and culture of the minority languages.

316. The Committee was informed that sometimes this teaching depends on the will of the teachers or headmasters. The Committee feels that there should be a stronger structured commitment within the curriculum to ensure the teaching of the history and the culture which is reflected by the Meänkieli language.

317. The Committee, nevertheless, considers the undertaking fulfilled.

Basic and Further Training of Teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party”

318. No special teacher-training is organised for teachers of Meänkieli. Occasional courses of Meänkieli for teachers have been offered within the pedagogical section at the Luleå Institute of Technology.

319. Many teachers feel that their ability to use Meänkieli, especially in written form, is not satisfactory and they feel an acute need of teacher training and language courses.

320. The National Agency for Higher Education is initiating a programme for teacher-training. This entails in-service training on how to teach minority languages. This will be financed by the state and the municipality that appoints the teachers. The second phase in this training is to have continuous training for those that have completed the first step.

321. The Ministry of Education has recently given more attention and funding to the training of teaching in immigrant and minority languages. About 4 000 teachers will have the opportunity to receive this training in the near future.

322. On the basis of the information received, the Committee must conclude that the obligation is not fulfilled. However, the Committee looks forward to receiving information about the results of these new initiatives in the next Swedish report.

Monitoring

“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public”

323. The National Agency for Education is the responsible authority at national level for education. The Tornedalians confirmed that they had very little influence on the work of this authority. The result is that there is very little monitoring being done on how the Meänkieli education is organised at all levels. The representatives of the minority languages are to be consulted on policy measures, but this is not being done effectively and no particular resources are being allocated to provide for such consultation. In 2001, the National Agency for Education published a report on the situation of minority languages in the Swedish educational system and included a section on Meänkieli. It is not clear from the information received whether this report is part of the periodical monitoring and reporting, as required by this undertaking. The Committee has received no information regarding the regular monitoring and the production of periodical reports which is envisaged in the Charter. It is not in a position to conclude whether the undertaking is fulfilled.

The Committee encourages the Swedish authorities to ensure monitoring and reporting on a periodic basis in accordance with this undertaking.

“Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

324. Since the academic year 1991-1992, courses on Tornedalen Finnish/Meänkieli have been offered at Stockholm University, Department of Finnish. Distance teaching in Meänkieli has occasionally been offered at Umeå University.

325. Although there is a statutory right to mother-tongue instruction on the entire Swedish territory, it has been brought to the attention of the Committee that there are often practical obstacles to receiving education in Meänkieli.

326. The Committee considers nevertheless that the undertaking is fulfilled.

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

In criminal proceedings:

- a.ii. to guarantee the accused the right to use his/her regional or minority language -if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;***
- a. iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language”***

327. The right to use Meänkieli in criminal proceedings is guaranteed by the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1176), which entered into force on 1 April 2000. It applies to county administrative courts, district courts, land tribunals, environmental

courts or maritime courts within the administrative area for Finnish and Meänkieli. This area includes Gällivare, Haparanda, Kiruna, Pajala and Övertorneå municipalities. It also applies to appeal proceedings in these cases.

328. According to Section 4 of the Act anybody who is a party or alternate for a party in a judicial procedure in a court of law is entitled to use Meänkieli in the proceedings, if the judicial procedure has a connection with the administrative area for Meänkieli. Section 6 of the same Act requires persons who wish to use this right to request so at the opening of the case or in his or her opening statement. The judge is entitled to reject this request when it is made later or for improper purposes. The right includes the right to speak Meänkieli and to submit documents and written evidence in Meänkieli. The use of the right incurs no additional costs for the party.

329. The Committee has been informed that this right has never been used in practice, although some courts have staff able to communicate in Meänkieli. According to the information received, the authorities are considering how to improve the use of Meänkieli before courts.

330. The Committee is concerned to know what the Swedish authorities might understand by “improper purposes” as stipulated in paragraph 2 of Article 6 of the Meänkieli language law. The Committee is concerned that the wording of the law might give a more insecure position for people wanting to use Meänkieli than what is envisaged in the Charter itself. It has asked the Swedish authorities for clarification on this point.

331. The Committee considers that these undertakings are only formally fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure that Meänkieli can be used in criminal proceedings.

“a. iv. to produce, on request, documents connected with legal proceedings in the relevant regional or minority language”

332. According to Section 5 of the Act, the right to use Meänkieli also includes the right to have documents pertaining to the case or matter orally translated. There is no obligation for the authorities to produce written documents in this language. The Committee considers this obligation not to be fulfilled.

The Committee encourages the Swedish authorities to provide the translation of documents also in the written form.

In civil proceedings

“b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

b.iii. to allow documents and evidence to be produced in the regional or minority languages”

in proceedings before courts concerning administrative matters:

“c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

c. iii. to allow documents and evidence to be produced in the regional or minority languages, - if necessary by the use of interpreters and translations;”

333. The appropriate rights to use Meänkieli in civil proceedings, as well as in proceedings before courts concerning administrative matters are guaranteed by the same sections of the Act on the right to use Finnish and Meänkieli in dealings with public authorities and courts. However, the Committee has observed the same problems in their implementation as above. Nevertheless, the Committee considers these undertakings formally fulfilled.

The Committee encourages the Swedish authorities to take practical and organisational measures to ensure that Meänkieli can be used in civil proceedings and in proceedings in courts concerning administrative matters.

“d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.”

334. Translation and interpretation involve no extra expense for the persons concerned. Costs related to translation and interpretation are paid by the court. To cover translation pursuant to Acts 1999:1175 and 1176, the Government has provided one million Swedish kronor to the courts administration. The Committee considers this undertaking fulfilled.

“Paragraph 2

The Parties undertake:

not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;”

335. According to Swedish legislation the validity of a legal document cannot be denied solely on account of it being drafted in Meänkieli. The Committee considers that this undertaking is fulfilled.

“Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”

336. The Act on the right to use Finnish and Meänkieli in dealings with public authorities and courts has been translated into Meänkieli and has been made available to the public in a free booklet and on the Ministry’s homepage. The National Courts Administration has also translated into Meänkieli information relating to the legislation on the right to use Meänkieli in courts. The Committee has not been informed of any other statutory text being translated into this language. According to the information received by the Committee the undertaking is partly fulfilled.

The Committee encourages the authorities to make available the most important statutory texts in the Meänkieli language, and especially those relating to the Meänkieli-speaking population.

Article 10 - Administrative authorities and public services

“Paragraph 1

“Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a. iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages***
- a. v. to ensure that users of regional or minority languages may validly submit a document in these languages;***
- c to allow the administrative authorities to draft documents in a regional or minority language.”***

337. Section 2 of the Act on the right to use Finnish and Meänkieli in dealings with public authorities and courts provides for the right of a private individual to use the Meänkieli language in his/her oral or written dealings with a public authority within the Meänkieli administrative area. Whenever a person uses Meänkieli, the authorities are obliged to reply orally in the Meänkieli language. A written administrative decision has to contain information in Meänkieli that the decision can be translated orally into Meänkieli by the authorities upon request. The Act also states that authorities should strive to use the Meänkieli language with the Meänkieli speakers.

338. In practice, the relevant administrative authorities usually have staff with an adequate command of Meänkieli. However, the language is mostly used for oral communication only.

339. The Committee considers that these undertakings are partly fulfilled.

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”***

340. The Committee has been informed that there is usually Meänkieli-speaking personnel available in regional and local administration, especially in the two municipalities bordering Finland. On the local level there are daily dealings with people speaking Meänkieli. However, the communication is mostly oral and, according to information given by the authorities, the demand for written documents in Meänkieli is very low. According to the information available, the regional authorities have very little contacts in Meänkieli.

341. Most local and regional authorities have translated information about the right to use Meänkieli into that language, but have not translated official documents or information about their operations.

342. The Committee considers that these undertakings are partly fulfilled.

The Committee encourages the state authorities to raise awareness among the relevant regional and local authorities of their obligation to produce official documents in Meänkieli and thereby contribute to the fulfilment of this undertaking.

- “g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”***

343. According to the information received, when place-names are established in multi-lingual areas they have to be produced in the languages spoken in the region. The minorities' way of spelling should be adopted. The maps produced by the National Land Survey mark place-names also in Meänkieli. The National Road Administration has begun gradually to supplement signs of place-names in Norrbotten and Västerbotten with names in Meänkieli. Although the Committee has been informed that the presence of the Meänkieli place-names is still not satisfactory, it considers this undertaking fulfilled.

“Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a. translation or interpretation as may be required;”

344. The municipalities and county councils are obliged to provide translation or interpretation as may be required for the fulfilment of the above listed provisions. A state subsidy is given to cover costs relating to Act 1999:1176. The Norrbotten County Administrative Board administers the state grant.

345. However, the Committee has been informed that there is no efficient control mechanism to ensure that the money is actually spent for the implementation of these undertakings.

346. The Committee considers, nevertheless, that this undertaking is fulfilled.

“Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.”

347. The Committee has been informed that there is nothing in Swedish legislation that prohibits individuals from keeping their family name or surname. Newly created family names must have a pronunciation, spelling and linguistic correctness which are suitable for a family name in Sweden. When considering appropriateness, the Meänkieli language constructions are considered to constitute national parlance. The Committee considers the undertaking fulfilled.

Article 11 - Media

“Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

to the extent that radio and television carry out a public service mission:

a. iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;”

348. The Swedish authorities have provided evidence of positive steps taken to encourage and increase the provision of regional or minority language broadcasting. The licences of the public sector broadcasters Swedish Television (SVT), Swedish Broadcasting Corporation (SR) and Swedish Educational Broadcasting Company (UR) prescribe that they must take into account the needs of minority languages, and ethnic minorities. These organisations have also been required to increase their efforts in the current licence period compared with 2001. The means by which this is to be achieved have not been prescribed by the Government, nor (as far as the Committee could determine) have any targets been set, other than that the broadcasters should not reduce the total broadcast time in these languages. The Committee found the Swedish authorities to be receptive to the idea of developing strategies which have proved successful in the case of other regional or minority languages (e.g. dubbing of children’s programmes).

349. In the case of Meänkieli, the statistics revealed by the Government showed a decrease in SVT’s Meänkieli output from 5.12 hours per annum in 1999 to 4.35 hours in 2001 (the figure being 4.25 hours in 2000). This is made up of three thirty-minute programmes with repeats.

350. During the "on-the-spot visit", representatives of Meänkieli speakers expressed the view that there is still much work to be achieved in television. They felt that there was no real production of television programmes. They expressed a particular interest in having a regular locally-broadcast TV news programme in Meänkieli.

The Committee encourages the Swedish authorities to collaborate with broadcasters and representatives of the Meänkieli speakers to explore the possibility of providing a regular locally-broadcast TV news programme in Meänkieli.

351. No evidence was provided as to how UR met its obligations under the licence in respect of Meänkieli.
352. As to radio, Sisuradio, the Finnish language radio broadcaster in Sweden, broadcasts about 265 hours a year in Meänkieli. Four people work for Meänkieli radio, and broadcasts occur at both national and local level.
353. The meetings with representatives of Meänkieli speakers during the "on-the-spot visit" revealed general satisfaction with the time slot allocated to Meänkieli radio broadcasts, but there was concern that a great proportion is transmitted digitally, which still excludes most people from being able to listen to these radio programmes.
354. There is a ten-minute children's programme broadcast for each week. There are no youth programmes or religious programmes.
355. The Committee considers the undertaking fulfilled for radio broadcasting but only partially fulfilled regarding television.

“d. to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”

356. The Swedish Authorities point to the obligations of the broadcasters and their Meänkieli language output. For the same reason as in respect of the corresponding provision relating to Sami, however, the Committee is unable to conclude that this undertaking has been fulfilled. Apart from this, the Committee has not received any information about the encouragement or facilitation of the production and distribution of audio and audiovisual works in Meänkieli. The Committee is therefore unable to conclude that this undertaking has been fulfilled.

“e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

357. The Swedish authorities in their initial periodical report state that the terms and conditions governing public subsidies for the press include special rules on the allocation of funds to newspapers that address minorities in their own languages.
358. The supplementary information received by the Committee, however, suggested that the relevant legislation requires a newspaper's contents to be mainly in Swedish to qualify for a general operational subsidy.
359. In response to the Committee's questions relating to Finnish, the Swedish Authorities have further explained that newspapers not written mainly in Swedish can get operational subsidies in exceptional circumstances provided they meet the criteria of being directed to linguistic minorities in Sweden, have their main editorial office in Sweden and distribute at least 90% of their subscribed circulation in Sweden. There is no Meänkieli newspaper that receives such a subsidy.
360. A trilingual (Swedish/Finnish/Meänkieli) newspaper called Haparandabladet receives a general operational subsidy. It has a circulation of 4 000. The Meänkieli content is very small.
361. There is a cultural magazine Met-Aviisi with approximately 50 % in Meänkieli.
362. The Government has commissioned a report on this issue from the Swedish Press Subsidies Council. The report was published in autumn 2002. Therefore the Committee has not been able to avail itself of the content of the report but assumes that the Swedish authorities will come back to this in its next periodical report.

The Committee encourages the authorities to explore the possibilities of establishing a newspaper in Meänkieli.

“f. ii. to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

363. The Swedish Authorities again pointed to the obligations of broadcasters under their licences, and the ensuing programme output.

364. There was no example given of any audiovisual works in Meänkieli to which financial assistance had been given outside the remit of the broadcasters, e.g. film funding, CD ROM or online-content funding.

365. The Committee must conclude that this undertaking is formally fulfilled in that existing resources are capable of being applied to productions in Meänkieli but would like to see evidence in the next periodical report that such financial assistance is given in practice to productions in Meänkieli.

“Paragraph 2

The Parties undertake to guarantee 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, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

366. The Committee considers this undertaking to have been fulfilled.

Article 12 - Cultural activities and facilities

“Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”

367. The National Council for Cultural Affairs is to a large extent responsible for the implementation of the national cultural policy determined by the government and the Swedish Parliament. The Council is required to allocate national government funds to cultural operators in cultural areas such as drama, dance, music, literature, public libraries, cultural periodicals, museums, exhibitions and art. One of its tasks is to promote cultural encounters within Sweden.

368. As from the 2000 budget year, the government allocated 1 million SEK to the National Council for Cultural Affairs in order to increase support for publication of literature in minority languages as well as cultural periodicals and other measures which stimulate such publication. In the 2002 budget year the government allocated an additional 7 million SEK to the National Council for Cultural Affairs in order to increase the number of cultural activities that involve national minorities. In the government regulations for the additional grant it is pointed out that the money should be used among other things to support Tornedalian culture.

369. In addition, the National Council for Cultural Affairs has, at the request of the Government, examined ways of affording Tornedalian culture and other minority cultures sufficient space in Swedish cultural life. The report was submitted to the Government in the spring of 2001.

370. During the 2002 budget year, the Council has 8 million SEK at its disposal in order to support the culture of the national minorities. The Libraries Act (issued 20 December 1996) contains regulations about library services provided through public agencies. In section 8 it is stated that the public and school libraries shall pay particular attention to people with disabilities and to immigrants and other minorities by, among other things, offering literature in languages other than Swedish and in forms particularly adapted to the needs of these groups.

371. The Tornedal Theatre is an active amateur theatre in the region of Tornedalen and performs plays in Meänkieli and in Swedish. The National Council for Cultural Affairs has proposed that the government should support the theatre in the next fiscal year.

372. The Swedish Film Institute is taking part in an investigation initiated by the municipality of Kiruna concerning the establishment of a resource centre for Sami and Tornedal film. The investigation is also expected consider in what ways film culture and film production can promote minority languages. The Committee will welcome the results of this investigation in the next Swedish report.

373. On the basis of the information available, the Committee considers the undertaking fulfilled.

“b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities”;

374. Occasional programmes broadcast in Meänkieli by the Swedish Television Company have as a rule subtitles in Swedish.

375. As emphasised in the Initial Report, the National Council for Cultural Affairs has a special task of giving special consideration to minorities when allocating public funds to literature and cultural publications.

376. In the 2002 budget year the government allocated an additional 7 million SEK to the National Council for Cultural Affairs in order to increase the number of cultural activities that involve national minorities. In the government regulations for the additional grant it is pointed out that the money should among other things be allocated to the Tornedal Theatre.

377. The information received by the Committee is not sufficient to conclude whether the undertaking has been implemented.

“d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing”;

378. According to the authorities, the National Council for Cultural Affairs makes decisions on the allocation of grants in close co-operation with the various organisations representing national minorities.

379. Meän Akateemi/Academia Tornedaliensis is a foundation that offers various cultural activities, language courses and publishing in Meänkieli. The foundation is a kind of informal language council for Meänkieli. The National Council for Cultural Affairs has proposed to give financial support to language council activities in Meänkieli in the next fiscal year.

380. On this basis the Committee considers this undertaking fulfilled.

“f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities”;

381. According to the Initial Report, Sweden has a long tradition of involving non-governmental organisations through participation in parliamentary committees. This also applies to organisations representing national minorities.

382. Further, it is stated that an important part of Sweden's policy on national minorities is that those affected by the policy are able to make their views and wishes known before decisions are made. In this connection, consultative meetings between representatives of the government and minority organisations are deemed to be of particular value.

383. The representatives for the national minorities have to some extent been involved in activities concerning them, as was the case with the recently produced reports from the National Council for Cultural Affairs and the National Agency for Education.

384. In order to monitor regional measures, a Regional Working Group has been set up under Norrbotten County Administrative Board, made up of representatives of municipalities, county councils and users of the official minority languages, including Meänkieli.

385. Special funds have been allocated for organisations representing national minorities in order to strengthen their influence in areas and issues that concern them. According to the information received, however, there is no ear-marked funding for Meänkieli. In connection with the additional 7 million SEK allocated to the National Council for Cultural Affairs, a new model for co-operation with the minority organisations and the Swedish Tornedalian Association is about to be introduced.

386. The Committee considers the undertaking fulfilled.

g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;"

387. The Royal Library in Stockholm collects at least one copy of all printed materials published in Sweden.

388. The government started an investigation concerning the situation of archives in Sweden in December 2000. The committee that was assigned to make the investigation was to present a report on the results in 2002. In the terms of reference it is stated that the Committee shall investigate appropriate methods for the preservation and administration around the country of documents that are written in Meänkieli and other national minority languages. It is also stated that the committee shall make a presentation of what kind of documents are preserved, what state they are in and to what degree the public have access to them.

389. The Committee will welcome the results of this investigation in the next Swedish report, and concludes that the undertaking is partly fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

390. According to the Initial Report, Tornedal-related cultural activities mainly occur in the region of Tornedalen. However, according to the information obtained by the Committee, in February 2002, there was a weekend seminar in Stockholm arranged by various Tornedalian organisations. The seminar involved information on current activities in the area of Tornedalen, cultural performances as well as a small market selling goods from the region. This would suggest that there is also interest for the culture reflected by the Meänkieli language outside the valley.

391. It is also pointed out in the report that one of the goals of the National Council for Cultural Affairs is to promote cultural diversity and the exchange of cultural impulses between various groups in society.

392. The Committee considers the undertaking fulfilled.

Article 13 - Economic and social life

“Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

- a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;”*

393. According to the Initial Report, there is no legislation in Sweden that prohibits or limits the use of regional or minority languages in documents relating to economic or social life. The Committee considers the undertaking fulfilled.

Article 14 - Transfrontier exchanges

“The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.”*

394. Initial contacts have taken place between Sweden and both Finland and Norway concerning exchange of experiences of policy-making on national minorities.

395. In Tornedalen, co-operation is carried out through the Tornedal Council (Tornedalsrådet) and between the border municipalities of Torneå in Finland and Haparanda in Sweden. Bilateral co-operation is carried out under the Treaty on the Administration of the border river Torne.

396. The Committee considers these undertakings fulfilled.

Chapter 3. Findings of the Committee

397. The Committee hereby presents its general findings on the application of the Charter in Sweden.

- A. The Swedish ratification paves the way for future positive developments in the protection and promotion of regional or minority languages in Sweden. This is in full conformity with the spirit and the dynamic character of the Charter. The Committee sees the ratification as evidence of a political commitment to the protection and the promotion of regional or minority languages in Sweden.
- B. The Committee observes that the Swedish authorities have taken resolute action through their legislation. The new legislation forms a basis for reversing the negative trends which have been observed during the last decade.
- C. The new language laws have a territorial application limited to certain municipalities in the County of Norrbotten. For North and Lule Sami and Meänkieli, this is satisfactory. This territorial scope of application is however problematic in relation to Sweden Finnish because only around 5% of the speakers of Sweden Finnish live inside this area. The Committee acknowledges nevertheless that there is currently a serious debate of the issue in Sweden and expresses its hope that this process will lead to a gradual inclusion of other areas where Finnish is traditionally used to a significant extent.
- D. The Committee has also observed that South Sami has its traditional territorial base outside the area which receives Part III protection. South Sami is in a very precarious position and in the view of the Committee there is a need for special measures to protect and promote this language.
- E. The present regional or minority language policy in Sweden has been established only recently and in particular specific legislation has been adopted. Before 1999, the language policy was unwritten and practical measures were applied on an *ad hoc* basis. After the adoption of the language laws, legal measures were undertaken to improve the protection and promotion of minority languages.
- F. The Romani and Yiddish languages receive Part II protection. There seem to be problems in the teaching of Romani languages. However, the Committee has observed that co-operation has been initiated between Roma and the authorities. This has led to two significant initiatives, one being that teaching materials are being developed and the other that teacher training courses have been introduced. An important factor in this positive development is the fact that various representatives of the Romani languages have developed mutual co-operation.
- G. The practical implementation of a number of obligations under the Charter is dependent on measures taken by regional and local authorities. The Committee has observed that the lack of such measures in some instances has led to non-fulfilment of a number of undertakings, even though the legal basis has been established. The Committee considers this a structural problem which the authorities should examine with the aim of securing the practical implementation of the undertakings.
- H. This structural problem is particularly evident in education. Education is vital in the protection and promotion of regional or minority languages. The Committee therefore underlines the need for specific measures to make teaching in or of the languages covered by the Swedish ratification more available. Regular monitoring and the production and publication of periodic reports regarding teaching in or of the minority languages seem also to be lacking. The Committee furthermore finds that teacher training and the production of teaching materials is crucial for the implementation of the undertakings and in this regard there is room for improvement.
- I. The main problem in using the minority languages *vis-a-vis* courts and public administration seems to be the lack of competence to produce written documents in the languages. Oral communication seems to work well for Finnish and Meänkieli but is not satisfactory for Sami. An overall objective of the Charter is to encourage the use of regional or minority languages in this

respect. The existence of legal documents as well as translations of relevant statutory texts in the minority language would help develop and improve the use of the languages in public life.

- J. It is the impression of the Committee that the central authorities have established an open dialogue with the representatives of all the regional or minority languages. In the view of the Committee the authorities might consider the possibility of establishing a permanent forum serving as a platform for all the minority languages to have a continuous dialogue among themselves and with the authorities. This kind of a forum would also encourage a more proactive information policy as representatives of the different languages would have easier access to possibilities provided through state policy.
- K. In today's society the media have an essential role to play in promoting the use of regional or minority languages. The Committee appreciates that certain measures have been taken to make television and radio programmes available in regional or minority languages. It expects to see positive developments in this field during its future evaluation in Sweden. Less positive results are observed in the production of newspapers in the minority languages. There are no newspapers in the Sami languages and very little in Meänkieli. As the authorities are already aware of this lacuna, the Committee looks forward to receiving information in its next evaluation on how this has been improved.
- L. The Swedish authorities are further developing support for regional or minority languages in the field of culture. Transfrontier co-operation is well developed in many areas and the speakers of the minority languages have good opportunities to co-operate at international level.

The Swedish government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Sweden. At the same time it emphasised the need for the Swedish authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 844^h meeting on 19 June 2003, the Committee of Ministers adopted its Recommendation addressed to Sweden, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



Sweden :

Declaration contained in the instrument of ratification deposited on 9 February 2000 - Or. Eng.

Sami, Finnish and Meänkieli (Tornedal Finnish) are regional or minority languages in Sweden. Sweden's undertakings pursuant to Article 2, paragraph 2 with respect to these languages are described in the appendix.

Romani Chib and Yiddish shall be regarded as non-territorial minority languages in Sweden when the Charter is applied

APPENDIX

The extent of Sweden's undertakings according to Part III of the European Charter for Regional or Minority Languages.

The followings paragraphs and sub-paragraphs under Article 8 shall apply to Sami, Finnish and Meänkieli:

8.1.a.iii
8.1.b.iv
8.1.c.iv
8.1.d.iv
8.1.e.iii
8.1.f.iii
8.1.g
8.1.h
8.1.i
8.2.

The following paragraphs and sub-paragraphs under Article 9 shall apply to Sami, Finnish and Meänkieli:

9.1.a.ii
9.1.a.iii
9.1.a.iv
9.1.b.ii
9.1.b.iii
9.1.c.ii
9.1.c.iii
9.1.d
9.2
9.3

The following paragraphs and sub-paragraphs under Article 10 shall apply to Sami, Finnish and Meänkieli:

10.1.a.iii
10.1.a.v
10.1.c.
10.2.b.
10.2.c.
10.2.d.
10.2.g.
10.4.a.
10.5

The following paragraphs and sub-paragraphs under Article 11 shall apply to Sami, Finnish and Meänkieli:

11.1.a.iii
11.1.d
11.1.e.i
11.1.f.ii
11.2.

In addition, 11.1.c.i will apply with respect to Finnish.

The following paragraphs under Article 12 shall apply to Sami, Finnish and Meänkieli:

12.1.a
12.1.b
12.1.d
12.1.f
12.1.g
12.2.

In addition, 12.1.e will apply to Sami, and 12.1.c and 12.1.h to Finnish and Sami.

The following paragraphs under Article 13 shall apply to Sami, Finnish and Meänkieli:

13.1.a

The following paragraphs under Article 14 shall apply to Sami, Finnish and Meänkieli:

14.a
14.b

This means that a total of 45 paragraphs or sub-paragraphs in part III of the Charter shall apply to Sami and Finnish, and 42 paragraphs or sub-paragraphs to Meänkieli.

Period covered: 01/06/00 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 8, 9

Appendix II: Comments by the Swedish Authorities

Ministry of Justice Sweden

2003-04-11



REGERINGSKANSLIET

Comments from Sweden on the report of the Committee of Experts of the European Charter for Regional or Minority Languages

Sweden welcomes the report of the Committee of Experts. It constitutes support for Sweden's efforts to promote the national minorities and the minority languages. Many of the issues raised by the Committee are in line with the work carried out in Sweden.

General comments

Local and regional governments

The Committee has noticed that the practical implementation of a number of obligations under the Charter is dependent on measures taken by regional and local authorities, mainly the municipalities. The Committee has observed that the lack of such measures in some instances has led to shortcomings in the fulfillment of certain obligations.

The Government has addressed the problem and stressed that if Sweden's minority policy goals are to be realized, the needs and interests of all national minorities must be taken into account at all levels of the public administration, from central authorities to municipalities and county councils. In order to increase knowledge of the minority policy and discuss the role of the municipalities in the protection of national minorities and minority languages the Government, in cooperation with the Swedish Association of Local Authorities, will organize a conference to which all Swedish municipalities are invited. The conference will take place in Stockholm in May 2003. There will also be a regional conference for the local and regional authorities in Norrbotten in the autumn 2003.

Education

As from the 1 March 2003 the National Agency for Education has been divided into two authorities, one for inspection and supervision (the National Agency for Education) and one for development (the Authority for School Development). One of the main tasks for the new Authority for School Development the coming years will be improving the conditions for education in segregated areas. Strengthening the mother tongue instruction, for example by bilingual classes, will be one part of the work.

The National Agency for Education in its report on mother tongue instruction, delivered in May 2002, undertakes to spread information about the value of mother tongue instruction from an individual perspective and from a society perspective. In different teaching materials the agency will highlight the importance of mother tongue in order to enhance the quality of education.

Specific comments

29. The Norrbotten County Administrative Board has been commissioned to examine the consequences of a possible extension of the administrative district for Sami in order to comprise also some local authorities in the south parts of the traditional Sami language area, the South Sami area.

38. The Government has established a Council for Roma issues. It is chaired by the minister responsible for minority issues and includes 16 permanent members representing all larger Roma groups residing in Sweden. The main task for the council is to advise the Government and thereby improve the situation of the Roma within various fields.

42. In order to counteract the lack of trained interpreters in the Romani language a one year long education in interpreting has recently been arranged in the city of Gothenburg. At present there are 15 young Roma attending this education.

51. In some municipalities there is no doubt a competition between municipal schools and independent Swedish Finnish schools. However the Swedish authorities do not have the impression that this is the case everywhere. In other municipalities there is a good and fruitful cooperation between the municipality and the Swedish Finnish school.

It should also be noted that, according to the School Ordinance, bilingual education for Finnish-speaking pupils is possible for all years in compulsory school (9 years). For other languages bilingual education is possible for the first six years.

54. The Government has commissioned the National Agency for Higher Education to investigate the situation for certain language courses at the universities. The National Agency for Higher Education recently presented its report. One of the proposals is that steps should be taken to promote study and research on Romani and Yiddish at university level.

66, 178 and 295. Information of any criticism of the limit of 50 % for bilingual education or any proposals for changes has not reached the Government Offices. Nor has this issue been raised at meetings between the ministers and representatives for the national minorities.

69, 183 and 299. The Norrbotten County Administrative Board has been given the task to follow up how the governmental grant has been used during 2003. The Board will particularly follow up how awareness has been raised concerning the right to receive pre-school education and elderly care in Sami, Finnish and Meänkieli, to what extent requests have been made, how these have been met and what costs have occurred.

96, 209, 323. The report in 2001 from the National Agency for Education is part of a regular monitoring of minority languages. Finnish has been monitored before at several occasions. For the National Agency for Education as for the Sami school board monitoring minority languages is a natural undertaking as part of the general follow-up responsibility of goal achievement in schools.

103, 214 and 330. According to the Government Bill 1998/99:143 the possibility to refuse a request to use Sami, Finnish or Meänkieli on the ground "improper purposes" is to be used very restrictively, for example when it is obvious that the request has been made in order to protract the legal proceedings.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Sweden

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2003)1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Sweden

*(Adopted by the Committee of Ministers on 19 June 2003
at the 844th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Sweden on 9 February 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Sweden;

Having taken note of the comments made by the Swedish authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Sweden in its initial periodical report, supplementary information given by the Swedish authorities, information submitted by bodies and associations legally established in Sweden and the information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that the Swedish authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. take immediate measures to strengthen access to education in regional or minority languages, to develop teaching materials and improve teacher training at all levels of education;
2. provide favourable conditions to encourage the use of Sami, Finnish and Meänkieli before judicial and administrative authorities in the defined areas in the County of Norrbotten;
3. encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Sami and Meänkieli;
4. improve the situation of the Finnish language outside the Finnish administrative area in public life, and in particular in education.