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

OPINION ON SWEDEN
(adopted on 20 February 2003)

EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Sweden on 5 June 2001 (due on 1 June 2001), the Advisory Committee commenced the examination of the State Report at its 11th meeting on 10-14 September 2001. In the context of this examination, a delegation of the Advisory Committee visited Sweden, on 25-29 November 2002, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Sweden at its 16th meeting on 20 February 2003.

The Advisory Committee notes with satisfaction that Sweden has in recent years begun to develop a legislative framework pertaining to the protection of national minorities and taken an inclusive approach as regards the persons covered by these initiatives. These positive developments concern in particular the five municipalities in northern Sweden in which new minority language legislation applies.

There remains, however, a need to expand the scope of legislation protecting national minorities. Furthermore, the principles of the Framework Convention need to be taken more consistently into account in practice. The high degree of decentralisation on many key issues pertaining to the implementation of the Framework Convention means that the local authorities have a central responsibility in monitoring and addressing problems in this respect. Shortcomings are particularly evident as regards support for languages of national minorities in the field of education, but they pertain also to other sectors, including the media, where support for initiatives of persons belonging to national minorities needs to be developed further.

There is a pressing need to find a balanced solution to, and improve legal certainty on, the issue of land rights in the areas inhabited traditionally by the Sami, with a view to ensuring inter-ethnic harmony in the region and the protection of the culture and identity of persons belonging to this indigenous people.

The Advisory Committee encourages Sweden to pursue decisively its efforts to adopt more comprehensive legislation regarding ethnic discrimination, bearing in mind the discrimination faced by minorities, notably Roma, in such fields as housing and employment.

The Advisory Committee is of the opinion that the Swedish authorities should develop further its consultation structures with a view to improving participation of persons belonging to national minorities in decision-making affecting them.

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I. PREPARATION OF THE CURRENT OPINION

1. The initial State Report of Sweden (hereinafter: the State Report), due on 1 June 2001, was received on 5 June 2001. The Advisory Committee commenced the examination of the State Report at its 11th meeting on 10-14 September 2001.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Swedish authorities on 13 September 2002. The Swedish Government's reply to this questionnaire was received on 15 November 2002 .
3. Further to an invitation from the Government of Sweden, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Sweden from 25 November to 29 November 2002 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 16th meeting on 20 February 2003 and decided to transmit it to the Committee of Ministers¹.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

¹ The Advisory Committee decided, at its 12th meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new Section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

II. GENERAL REMARKS

6. The Advisory Committee welcomes the timely submission of the State Report. It provides substantial information on the pertinent legislative framework but contains less comprehensive data on the practice and statistics pertaining to the provisions of the Framework Convention. The Advisory Committee appreciates the fact that the Swedish authorities appended to the State Report the comments by certain NGOs representing national minorities.

7. The Advisory Committee obtained a fuller picture of the situation through the Government's written reply to the questionnaire of the Advisory Committee and, in particular, through the above-mentioned visit to Sweden (see paragraph 3 of the present opinion). The Advisory Committee finds that the visit, which included meetings in Stockholm, Kiruna and Luleå, provided an excellent opportunity to have a direct dialogue with the authorities and various other sources. The additional information provided by the Government and by other sources, including by representatives of national minorities, was most valuable, especially as concerns the implementation of relevant norms in practice. The Advisory Committee recognises the co-operative spirit in which Sweden has participated in the process leading to the adoption of the present opinion.

8. The Advisory Committee notes with satisfaction that the Government carried out consultations with independent bodies dealing with minority issues in the process of the drafting of the State Report, although some of the NGOs concerned consider that these consultations should have been more extensive. At the same time, the Advisory Committee notes that, although the central authorities have distributed some information on minority standards to those concerned, there is a clear need to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents. The Advisory Committee therefore welcomes the pending initiative to organise an inclusive information conference on the implementation of the laws pertaining to national minorities, bringing together central, regional and local authorities as well as persons belonging to national minorities. The need to include local authorities in such initiatives is particularly important in view of the fact that a high degree of decentralization and local self-government prevails in a number of key areas pertaining to the protection of national minorities.

9. In general, the monitoring of the implementation of the Framework Convention is complicated by the fact that Sweden does not collect official statistical data on the ethnic breakdown of the population. While some data is available, *inter alia*, on the number of pupils receiving minority language education, the authorities recognise that their estimates concerning the number of persons belonging to each national minority are imprecise and no detailed data is available on their status in such key fields as employment. In these circumstances, it can be difficult for the Swedish authorities to monitor and take effective measures and for international monitoring bodies to ensure that Sweden is honouring its commitments under the Framework Convention. The Advisory Committee acknowledges that the sensitive nature of this information as well as historic reasons need to be taken into account in this context and that these may prevent the collection of exhaustive statistical data pertaining to national minorities. The Advisory Committee notes that whereas amongst some national minorities there is a clear reluctance to accept the collection of such data, amongst others, including representatives of the Swedish Finns, there have been calls for collection of more accurate data in this field. Against this background, the Advisory Committee is of the opinion that the Government should consider, in co-operation with national minorities, whether additional initiatives, such as

estimates based on *ad hoc* studies, special surveys, polls or any other scientifically sound methods, could be introduced or extended to improve the scope and accuracy of the data in this field in a manner that respects the various viewpoints of persons belonging to national minorities on this issue. In this connection, the Committee of Ministers' Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes should be borne in mind.

10. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

Article 1

11. The Advisory Committee notes that Sweden has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

Article 2

12. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

Article 3

13. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Swedish Government is therefore deemed to be the outcome of this examination.

14. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

15. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

16. The Advisory Committee notes that, upon ratifying the Framework Convention, Sweden made a declaration according to which the national minorities in Sweden are Sami, Swedish Finns, Tornedalers, Roma² and Jews.³ In their dialogue with the Advisory Committee, the Swedish authorities have confirmed that the provisions of the Framework Convention are to be implemented in the same way for all persons belonging to these particular minorities regardless of whether or not they are Swedish citizens. The Advisory Committee strongly welcomes this inclusive approach with respect to the minorities concerned. Bearing in mind that a large number of persons concerned are not Swedish citizens, this inclusive approach contributes to the impact

² It is to be noted that, in this connection, the term "Roma" refers to various Roma and Roma related groups, including Travellers.

³ The authorities estimate that the number of persons belonging to the respective national minorities is approximately as follows: 450 000 first and second generation Swedish Finns, 50 000 Tornedalers, 35 000 – 40 000 Roma, 25 000 Jews, 15 000 – 20 000 Sami.

of the Framework Convention and helps to avoid any arbitrary or unjustified distinctions within these minorities.

17. The Advisory Committee emphasises that, in parallel with public efforts aimed at improved integration, specific measures are needed to address the particular needs of persons belonging to national minorities. It is indeed important that protection of national minorities is not perceived, by local authorities or others concerned, to encompass only those measures that the authorities pursue in the framework of their integration initiatives although there are in some areas interlinkages between the two.

18. The Advisory Committee strongly welcomes the fact that both the Swedish Government and the Sami Parliament have taken the view that the recognition of a group of persons as constituting an indigenous people does not exclude persons belonging to that group from benefiting from the protection afforded by the Framework Convention and that Sami are therefore covered by this treaty.

19. The Advisory Committee notes that representatives of certain organisations from Scania and Gotland have made efforts to obtain from the Government a fuller recognition of, and support for, the specific linguistic and other concerns of the people residing in these regions, including in the context of the implementation of the Framework Convention. At the same time, the authorities are of the opinion that the persons residing in these areas do not constitute a national minority since they only speak dialects of the Swedish language. The Advisory Committee considers that the issue could be addressed through dialogue between persons belonging to the groups concerned and the authorities.

20. More generally, the Advisory Committee notes the existence in Sweden of a large number of ethnic and linguistic groups that the Government does not consider to be covered by the Framework Convention. Nonetheless, the Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to additional groups in the application of the Framework Convention on an article-by-article basis, and the Advisory Committee takes the view that the Swedish authorities should consider this issue in consultation with those concerned.

Article 4

21. The Advisory Committee notes that Swedish legislation contains certain commendable norms prohibiting ethnic discrimination. In addition to general constitutional provisions, there is a provision concerning discrimination in Chapter 16, Section 9 of the Penal Code of Sweden and that, in the field of civil law, the Act on the Measures to Counteract Discrimination in Working Life (1999:131) prohibits discrimination in working life on grounds of ethnic affiliation and the Law on Equal Treatment of Student Life in Higher Education (2001:1286) prohibits both direct and indirect ethnic discrimination. However, the Advisory Committee notes that the scope of these guarantees is limited and that there are no detailed and comprehensive civil and/or administrative law provisions pertaining to a number of pertinent fields, such as housing. Furthermore, it considers that increasing attention could be given, where applicable, to the relevant provisions of the Framework Convention.

22. The need to improve legislation in the sphere of ethnic discrimination is recognized in an official report entitled “An extended protection against discrimination”, submitted to the Government on 2 May 2002. The report calls for a new Act on Prohibition against

Discrimination on grounds of Ethnic affiliation, Religion or Belief, which would cover a number of fields, such as education services, access to and provision of goods/services and housing. The Advisory Committee encourages the authorities to consider the findings contained in this report as a matter of priority, while taking into account also the views of the Ombudsman against Ethnic Discrimination as regards the details of the envisaged legislation, with a view to improving the legislative framework pertaining to the implementation of Article 4 of the Framework Convention. It hopes that the reforms in this sphere will address the overall protection scheme in the field of ethnic discrimination, making it both streamlined and effective.

23. The Advisory Committee notes that the existing penal law provisions are not fully effective. In this connection, it is noted that convictions based on Chapter 16, Section 9 of the Penal Code are extremely rare. The Advisory Committee welcomes the fact that the Prosecutor General has recently encouraged more vigilance in prosecuting alleged ethnically motivated crime. This is of particular importance in the light of the reports suggesting that at present such cases are not always given adequate priority by law-enforcement officials and that this has contributed to the relatively low level of reporting of such incidents to the police.

24. As regards the *de facto* situation, the Advisory Committee notes with concern that persons belonging to national minorities are still subject to discrimination in different sectors of society, as indicated, for example, in the Government's National action plan to combat racism, xenophobia, homophobia and discrimination, presented to Parliament on 7 February 2001. The Advisory Committee is particularly concerned about the discrimination of Roma in such fields as housing and employment and supports the initiatives of the Ombudsman against Ethnic Discrimination to combat such practices. It further notes that Roma women face particular difficulties in terms of the implementation of Article 4 of the Framework Convention. For instance, Roma women wearing traditional dresses continue to encounter discriminatory practices in shops and other private businesses, despite the fact that some sanctions have already been imposed for such practices in the past. In this connection, the Advisory Committee commends the initiative of the authorities to establish a network of Roma women to address problems faced by Roma women and encourages the introduction of further initiatives in this sphere in consultation with the persons concerned.

25. The Advisory Committee notes with satisfaction that Sweden attaches importance to adequate structures to monitor and address the issue of ethnic discrimination and that, in recent years, increased funding has been allocated to initiatives in this sphere. These measures are of clear relevance also for the protection of national minorities. The Advisory Committee welcomes in particular the extensive work carried out by the Ombudsman against Ethnic Discrimination but also other pertinent initiatives, such as the initiatives carried out by the Integration Office and by local anti-discrimination offices. It also takes note of new initiatives, such as the proposal to establish a Centre against Racism and other forms of Intolerance, contained in the recent report of the working group established by the Ministry of Industry, Employment and Communications (Ds 2002:26). The Advisory Committee stresses that the proposed adoption of more comprehensive legal guarantees against ethnic discrimination (see paragraph 22 above) should be coupled with adequate additional resources for the monitoring of their implementation.

26. The Advisory Committee notes that Sweden has only relatively recently started to formulate positive measures, other than those addressing immigrants, designed specifically to promote the effective equality of persons belonging to national minorities. For example, despite shortcomings as regards ensuring effective equality for Roma in such fields as employment,

housing and education, the authorities have only recently started to introduce specific measures to address the concerns of this minority in a more systematic manner. Such measures are still regrettably rare notably at the local level, despite some positive examples in the city of Stockholm and elsewhere.

27. The Advisory Committee notes that some general legal provisions have potential to improve the situation of persons belonging to national minorities as regards the implementation of Article 4, paragraph 2 of the Framework Convention. This is the case, for example, as regards Article 4 of the Act on the Measures to Counteract Discrimination in Working Life, which provides that employers “shall carry out goal-oriented work in order to actively promote ethnic diversity in working life”. It appears however that awareness of this obligation is not widespread and that only a limited number of employers have taken specific steps on the basis of this provision. The Advisory Committee finds it important that the efforts of the Ombudsman against Ethnic Discrimination to promote awareness and full implementation of these norms are expanded further and that the employers are given practical guidance as to how to design and implement such promotional measures.

Article 5

28. The Advisory Committee notes that while Article 2 of Chapter 1 of the Constitution of Sweden calls on the public authorities to promote the cultural development of ethnic, linguistic and religious minorities, substantial support schemes designed specifically for cultural initiatives of national minorities other than Sami have been introduced only recently. It notes that a positive step was taken in 2002 when a new special fund of 7 million SEK was introduced for the support of cultures and languages of national minorities, and it encourages the authorities to develop further their support in this sphere. The Advisory Committee also welcomes the fact that gender equality is considered a priority area in the allocation of support for organisations of minorities. The Advisory Committee notes, however, that representatives of national minorities are not formally involved in the decision-making concerning the new special fund. These funds are allocated by the National Council of Cultural Affairs, which consults representatives of national minorities on an *ad hoc* basis and has no representatives of national minorities in its board. The Advisory Committee considers that the involvement of representatives of national minorities in the decision-making process is essential to ensure that the public support is provided in an optimum manner. The Advisory Committee therefore considers that more systematic methods for their consultation or participation should be introduced. In this connection, the Advisory Committee refers as a positive example to the fact that decisions on the use of the budget allocation for the promotion of the Sami culture are taken by the Sami Parliament (see also related comments under Article 15).

29. The Advisory Committee notes that Roma and other national minorities have in the past been subjected to assimilation against their will and that negative consequences of these practices are still felt amongst the minorities concerned. This background only amplifies the need to pursue and expand positive measures to support and promote the languages, traditions and other elements of the identity of persons belonging to these national minorities.

30. Given the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights and the use of territory in general in the traditional areas of Sami and their reindeer pastures are of central relevance to the protection of their culture and identity. While Sweden recognises that Sami have a reindeer management right in the reindeer breeding area, the situation is complicated by the fact that the territories concerned are often simultaneously

subject to competing interests, including ownership rights as well as exploitation by forestry and other industries. The Advisory Committee is concerned about the high degree of legal uncertainty that prevails in this sphere. In particular, there is no legal certainty as to where the Sami reindeer management right applies and what the detailed content of this right is and how it relates to ownership rights, notably as regards hunting and fishing. This legal uncertainty has a negative impact not only on inter-ethnic relations in the region (see related comments under Article 6) but also on the possibilities of Sami to pursue their reindeer herding and other related activities in some of the pertinent territories. It has also given rise to several legal disputes, in particular in the winter pasture lands, with heavy financial consequences, including in terms of legal costs, for the parties concerned.

31. Against this background, the Advisory Committee considers it essential that the authorities step up and pursue with urgency their efforts to clarify and improve the legal situation in such a manner that it will contribute to the protection of Sami culture while taking into account the views of the Sami Parliament and without unduly interfering with the rights of the non-Sami population of the region. It is to be noted that, although the need to clarify the legal situation in this sphere was emphasised already in the 1999 report (SOU 1999:25) on the possible accession by Sweden to ILO Convention No. 169 concerning Indigenous and Tribal Peoples, the Boundary Commission tasked to look into some of the pertinent problems was established only recently. The Advisory Committee further considers that, while the legal situation is being clarified, the authorities should consider ways to support the solving of the pending legal disputes arising from the existing legal uncertainty and to ensure that Sami villages and others concerned are in a position to access the relevant judicial and other processes in an equitable manner.

32. In addition to clarifying the Sami reindeer management rights *per se*, it is essential that Sami are given an effective possibility to participate in the decision-making concerning other types of land-use in the region concerned, including in the territories administered by the state, in order to ensure that initiatives concerning forestry, tourism and other spheres are carried out in a manner that does not threaten the maintenance or development of reindeer herding or other aspects of Sami culture (see also related comments under Article 15). The Advisory Committee notes that the report of the Reindeer Breeding Policy Commission of December 2001 (SOU 2001:101) contains suggestions in this respect that merit careful consideration, including proposals to increase the influence of Sami in the decision-making by the National Board of Forestry and the County Forestry Boards.

Article 6

33. The Advisory Committee notes that a spirit of tolerance generally prevails in Sweden including as regards persons belonging to national minorities. Whereas in the past there were some negative attitudes towards Swedish Finns, the situation today is in this respect markedly better. However, shortcomings remain, including as regards attitudes *vis-à-vis* Roma and Sami.

34. The Advisory Committee notes with concern that, as is recognised in the Government's Action plan to combat racism, xenophobia, homophobia and discrimination, Roma are the victims of strong prejudice in Sweden. Regrettably, certain media have contributed to this state of affairs by reporting on Roma in a manner that only strengthens negative stereotypes, although such reporting appears to be decreasing. It is therefore commendable that the Government has funded journalists' training on diversity and that the Ombudsman against Ethnic Discrimination has pursued specific initiatives on Roma and media.

35. A report commissioned by the Ombudsman against ethnic Discrimination in 1998 suggested that a high number of Sami considered Swedish society to be hostile towards them. The Advisory Committee is concerned that in northern Sweden inter-ethnic relations between Sami and non-Sami appear subsequently to have deteriorated further in some areas and certain incidents of hostility towards Sami have been reported. The Advisory Committee understands that these problems are often related to the sensitive issue of land-use and that they stem partially from the continuous lack of legal clarity in this sphere. Therefore, the Advisory Committee recalls the importance of urgent action on the part of the authorities to address the issues pertaining to the use of land in the area (as detailed above under Article 5). Furthermore, there is a clear need for additional initiatives to encourage inter-ethnic dialogue in the areas concerned. The Advisory Committee therefore welcomes the launching by the authorities in 2001 of an information campaign on the Sami and their culture, which could be of use in this context, especially if it includes confidence-building projects bringing together both Sami and non-Sami. The Advisory Committee also welcomes similar initiatives that have recently been launched to raise awareness of cultures of other national minorities, including Roma.

36. Sweden has introduced important initiatives to promote respect for and understanding of the culture and traditions of the Jewish minority, including the framework of the “Living History” project. There is however some anti-semitism in Sweden, and according to representatives of the Jewish community there has recently been an increase in anti-semitic vandalism and other similar incidents. The Advisory Committee is concerned about such information and encourages the law-enforcement authorities throughout Sweden to pursue their efforts to prevent and address such cases.

37. The Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, also covering asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned. The Advisory Committee notes with concern that intolerance towards some immigrants and asylum-seekers appears rather common and that there have been cases of violence and other manifestations of hostility towards persons belonging to these minorities, despite the fact that a number of initiatives have been launched by the authorities to improve the situation. There are also reports suggesting that islamophobic incidents increased following the events of 11 September 2001. It is particularly regrettable that negative attitudes are also targeted at children: a recent study of the National Board of Education on relations in schools (Rapport 2002-11-12) suggests that a rather large percentage of children with foreign backgrounds experience ethnic insults in schools in Sweden. The Advisory Committee urges the authorities to continue to address these problems as a matter of priority, including by fully implementing and monitoring the relevant initiatives contained in the National action plan to combat racism, xenophobia, homophobia and discrimination.

38. The Advisory Committee is of the opinion that the attitudes and actions of law-enforcement officers are of particular relevance for the implementation of the principles of Article 6 of the Framework Convention. It is therefore concerned about reports suggesting that in some areas police pursue their work in a manner that unduly target Roma. This is likely to limit further the confidence placed by Roma in the work of law-enforcement bodies. The Advisory Committee considers that there is a need to examine these reports carefully and to ensure that initiatives in this sphere are taken in consultation with representatives of Roma. Where necessary, increased training and other initiatives aimed at ensuring that the standards of the Framework Convention are consistently taken into account in the work of law-enforcement bodies could also be introduced.

Article 7

39. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 8

40. The Advisory Committee notes that Sweden introduced in 2001 a new law on the circumcision of boys (2001:499), which requires that be performed by a licensed doctor or, on boys under the age of 2 months, by a person certified by the National Board of Health. This law has prompted criticism from Jews, including arguments that it unduly interferes with their religious traditions. The Advisory Committee recognises that the law affects the right of persons belonging to the Jewish minorities to practice their religion but considers that the conditions on circumcision contained therein pursue a legitimate aim as they have been introduced in the interest of the health of children, and that they appear proportionate in relation to this aim. The Advisory Committee encourages the authorities and persons belonging to the Jewish minority to continue to search pragmatic solutions in the implementation of this legislation in order to ensure that it does not unduly inconvenience the practicing of religious traditions at issue.

Article 9

41. The Advisory Committee notes with approval that a number of measures have been taken in Sweden to facilitate access to the media for persons belonging to national minorities and that the obligation to take into account the needs of minorities are underlined in the broadcasting licences of public service radio and TV. Further, it is commendable that, during the current licensing period (2002-2005), the public service broadcasting companies are requested to increase their efforts in terms of taking into account the interests of linguistic and ethnic minorities and to pay attention to the specific position of languages of national minorities in this context.

42. In practice, the Swedish Radio (SR) and Swedish TV (SVT) have taken important initiatives e.g. in terms of broadcasting for Sami. The Advisory Committee also appreciates broadcasting developed for the Swedish Finns by the Swedish Radio and the Swedish TV. At the same time, the Advisory Committee is aware of the marked cuts in the broadcasting time of one of the most important media sources of information for Swedish Finns, the current affairs programme "EKG", and of the SVT's plans to stop this programme altogether. It has also been informed about the protests that this development has prompted amongst the Swedish Finns. While recognising the need of media outlets independently to consider reforms in their programming profile, the Advisory Committee finds it essential that the reforms in this sphere do not lead to negative developments in terms of quality and volume of the SVT's state-wide broadcasting in the Finnish language and thereby negatively affect the implementation of Article 9 of the Framework Convention.

43. Bearing in mind the foregoing, the Advisory Committee urges the authorities, while respecting the independence of the media, to monitor carefully that the above-mentioned obligation of public-service broadcasting companies to increase their efforts in this sphere is implemented and to take appropriate measures if this obligation is not honoured. This concerns not only the Finnish language broadcasting but also, for example, the Romani Chib language broadcasting, the importance of which was stressed also in the Government Bill "National Minorities in Sweden" (Proposition 1998/99:143). The commendable introduction of Romani

Chib language radio broadcasting in 2002 merits being pursued further in a manner that takes into account different varieties of the Romani Chib language. The Advisory Committee also finds it important that radio broadcasting in minority languages on Swedish Radio is given adequate resources both at the national and regional level and that, when evaluating the situation in this sphere, the authorities bear in mind that digital radio is presently used by persons belonging to national minorities only to a limited extent.

44. As regards Tornedalers, the need to take specific measures in the field of media to support their language (Meänkieli) has been recognised by the authorities only in recent years. Important, albeit limited, initiatives have since been taken notably in the Swedish Radio to introduce programming, and the Advisory Committee considers that such measures need to be consolidated further and in a manner that reflects the number and the needs of the persons belonging to this national minority.

45. Bearing in mind that the general public receives only a limited amount of balanced information through other media about the cultural life of national minorities and events and problems affecting them (see also comments related to reporting on Roma under Article 6), the Advisory Committee considers it useful that the state-wide TV broadcasting in Sami and Finnish languages is regularly sub-titled in Swedish.

46. As regards print media, the Advisory Committee notes the existence of a number of publications in the languages of national minorities, including Finnish. There is, however, scope for improvements, as noted in the report of the Swedish Press Subsidies Council on the “Media of the minorities” published in September 2002, for example, as regards newspapers published in the Sami and Romani Chib languages. The Advisory Committee further notes that the Statute of Annual Press Subsidies (1990:524), which contains regulations for direct subsidies to newspaper publishers, has as its starting point that the contents of the publication receiving subsidies should be “mainly in Swedish”. While recognising that Article 11 of the said statute also envisages subsidies “in exceptional circumstances” for newspapers published mainly in minority languages and that in practice such subsidies have been allocated for certain newspapers published in the Finnish language, the Advisory Committee questions the advisability of maintaining a separate support scheme in its current form for newspapers published mainly in minority languages in so far as these newspapers must meet stricter conditions of support than newspapers published mainly in Swedish. It is also important that the distribution subsidy scheme is designed in a manner that takes into account the specific situation of minority language newspapers.

Article 10

47. The Advisory Committee has been informed about the recent initiatives to step up Governmental support for the promotion of the Swedish language. The Committee on the Swedish Language submitted a report to the Government in March 2002 proposing a draft action programme for the Swedish language. The Advisory Committee recognises the legitimacy of the aim to protect the Swedish language in so far as it is carried out in a manner that fully protects the rights of persons belonging to national minorities contained in the Framework Convention. In this respect, it is important that the draft action programme contains also proposals that could lead to increased support for minority languages. It calls, for example, for measures to strengthen mother-tongue instruction in school.

48. The Advisory Committee recognises the fact that Sweden introduced in 1999 new legal guarantees concerning the use of Finnish, Sami and Meänkieli in contacts with administrative authorities in certain municipalities by adopting the Act on the right to use Sami in administrative authorities and courts of law (1999:1175) and the Act on the right to use Finnish and Meänkieli in administrative authorities and court of law (1999:1176). The Advisory Committee considers that these laws constitute a positive step in the implementation of Article 10 of the Framework Convention. It considers it particularly positive that the laws also provide some guarantees for the use of these minority languages in the care of the elderly, bearing in mind that this is an area of particular concern for a large number of persons belonging to national minorities in Sweden.

49. However, the immediate practical impact of these laws in the municipalities concerned has been rather limited, according to the commendable investigations conducted by a working group set up by the Norrbotten County Administrative Board in 2000 and by researchers of the Luleå Technical University in 2002. Whereas Finnish and Meänkieli was used relatively frequently in contacts with authorities in a number of the municipalities concerned even prior to the entry into force of the legislation at issue, Sami continue to use their language only rarely in contacts with administrative authorities in these municipalities. One reason for the limited use of the Sami languages in these contexts appears to be that the use of the Sami languages often leads to significant delays and other inconveniences for the persons concerned in their dealings with administrative authorities. While recognising that the legislation at issue has been introduced only relatively recently, the Advisory Committee encourages the authorities concerned to examine the causes of these difficulties and to seek additional ways to overcome them, including, where necessary, in the relevant recruiting practices. In some cases, the limited use of minority languages in contacts with administrative authorities reflects a lack of information on the new legislation, and the Advisory Committee encourages the authorities concerned to develop further their efforts to raise awareness amongst the public concerned.

50. The Advisory Committee notes that the above-mentioned laws have a limited territorial scope of application. The law on the use of the Sami language applies only to four and the law on the use of Finnish and Meänkieli only to five municipalities in northern Sweden. The law does not identify any specific numerical threshold or other objective criteria on the basis of which these municipalities have been selected, and the Advisory Committee notes that a number of municipalities inhabited by persons belonging to national minorities traditionally or in substantial numbers fall outside the scope of the said laws. It also notes that Swedish Finns have requested that guarantees to use their language in contacts with administrative authorities be extended, notably to cover the Stockholm and Mälars Valley areas, and that Sami have called for the inclusion of municipalities inhabited by South Sami in the scope of the guarantees. The Advisory Committee notes with satisfaction that the Swedish authorities are currently looking into the possible extension of the guarantees for the use of the South Sami and Finnish languages and considers that this would further strengthen the implementation of Article 10 of the Framework Convention.

Article 11

51. The Advisory Committee notes that Article 4 of the National Heritage Act (1988:950) stipulates that the Swedish, Sami and Finnish place names should be used together as far as possible on maps, signposts and other markings in multilingual areas. The Advisory Committee is of the opinion that the authorities should consider extending this positive undertaking in the law beyond the languages mentioned, notably so as to cover Meänkieli in the areas traditionally inhabited by substantial numbers of Tornedalers. As regards practice, the Advisory Committee

notes with satisfaction that the Swedish authorities are committed to increasing their efforts as regards the introduction of topographical indications in minority languages and that new plans in this respect are envisaged, for example, in the municipality of Haparanda.

Article 12

52. The Advisory Committee welcomes the fact that the curriculum for the compulsory school system (Lpo 94) and that for the non-compulsory school system stipulate that the schools are responsible for ensuring that all pupils completing the school “have knowledge about the national minorities’ cultures, languages, religions and history”. However, the Advisory Committee has received representations from national minorities suggesting that this goal is often not reflected in practice and that the current history and other relevant school text-books do not contain adequate information on the various national minorities of Sweden. At the same time, the ministry concerned has stated that it is not in a position to give information on the content of text-books in this respect because the selection of text-books is the responsibility of the schools and their headmasters. In this respect, the existing high degree of decentralisation appears to have limited the capacity of central authorities to monitor the implementation of the relevant provisions of the Framework Convention. In view of the foregoing, the Advisory Committee considers that there is a clear need for the authorities concerned to increase vigilance in this area and to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

53. The Advisory Committee has received reports according to which in some municipalities the measures taken with respect to Roma pupils have led to the establishment of specific classes for Roma, often with support from a number of Roma parents. The Advisory Committee considers that, even when such initiatives are designed as a way to provide additional support for the pupils concerned, specific classes devoted to one national minority as such (rather than, for example, to the teaching in/of their language and of their culture) risk placing the children concerned at a disadvantage and harming the implementation of Article 12 and the principle of intercultural dialogue contained in Article 6 of the Framework Convention. The Advisory Committee finds it important that the authorities analyse the local situations carefully and take additional measures, in consultations with the persons concerned, with a view to enabling and encouraging Roma children to stay in the regular classes, bearing in mind also the principles contained in the Committee of Ministers' Recommendation No (2000) 4 on the education of Roma/Gypsy children in Europe.

54. The Advisory Committee notes the existing lack of minority language teachers, which is recognised by the Government. It welcomes the Government's intention to allocate funds to address these shortcomings. The Advisory Committee also draws attention to the need to provide adequate teaching materials in minority languages and to the shortcomings that reportedly exist in this respect *inter alia* as regards materials in Meänkieli and in South Sami and Lule Sami.

Article 13

55. The Advisory Committee notes that private schools (“*fristående skolor*”) have played a particularly central role in Sweden in terms of providing teaching in minority languages, notably in Finnish, and encourages the authorities to support further developments of initiatives in this sphere.

Article 14

56. The Advisory Committee welcomes the fact that instruction in and of Sami has gradually developed in Sweden on the basis of the Sami Education Ordinance (1995:205), including in the municipalities of Gällivare, Jokkmokk and Kiruna. There is however scope for improvements, notably outside these municipalities.

57. As regards other national minorities, the Advisory Committee notes that the main guarantee in the sphere of minority language education is the right to “mother-tongue education” (*modersmålsundervisning*) contained in Chapter 2 of the Compulsory School Ordinance (1994:1194) and in Chapter 5 of the Upper Secondary School Ordinance (1992:394), according to which municipalities are, under certain conditions, obliged to provide education of any mother-tongue as a subject if it is requested by at least 5 pupils or, as regards Sami, Meänkieli and Romani Chib, by one or more pupils.

58. The Advisory Committee welcomes the low numerical threshold contained in these provisions. It notes, however, that the obligation of municipalities to provide mother-tongue teaching is conditioned on the availability of teachers in Article 13, paragraph 1, of the Compulsory School Ordinance and in Article 12, paragraph 1, of the Upper Secondary School Ordinance. This condition affects negatively the impact and scope of the guarantees at issue, due in particular to the existing lack of teachers (see related comments under Article 12). Therefore, the Advisory Committee is of the opinion that Sweden should consider amending the aforementioned paragraphs on the availability of teachers in so far as they concern the languages of national minorities.

59. The Advisory Committee notes that even in those municipalities which have organised mother-tongue teaching, the volume of such teaching is generally extremely limited (one to two hours per week) and it is often not perceived as an integral part of the education of the pupils concerned. In many cases, mother-tongue teaching is organised outside the regular school hours, and it requires additional travelling by the pupils who often have to attend a different school for this purpose. Also, the parents and pupils are not always given adequate information on their rights in this sphere, as is pointed out in the aforementioned report of the National Agency for Education. These factors appear to have contributed to the marked decrease in the number of pupils receiving mother-tongue teaching and suggest that the authorities should seek new approaches in this field to improve the implementation of Article 14 of the Framework Convention and also improve the way in which information on the rights in question is disseminated.

60. The Advisory Committee recalls that the alternatives to which Article 14, paragraph 2, refer - “opportunities for being taught the minority language or for receiving instruction in this language” - are not mutually exclusive. The Advisory Committee notes that there is a clear demand in Sweden amongst persons belonging to national minorities to receive bilingual education. However, no guarantees exist in legislation to receive such teaching in minority languages other than Sami. As far as primary education is concerned, the Compulsory School Ordinance provides in its Chapter 2 that the municipalities may provide bilingual education (with at least 50 percent of education in Swedish) in grades 1 – 6 and in Finnish also in grades 7-9, but there is no obligation to do that. In practice the number of bilingual classes in public schools have continuously decreased and at present there are only very few such classes left in Sweden. While recognising that a number of important initiatives have been taken in the private sphere (see related comments under Article 13), the Advisory Committee considers that

instruction in minority languages within the public school system merits considerably more attention both in legislation and practice. For example, the Advisory Committee regrets that even the possibility to provide bilingual public education in grades 7-9 in minority languages other than Finnish is excluded by law. Furthermore, the Advisory Committee is of the opinion that Sweden should consider the introduction of positive obligations to provide bilingual teaching in public schools under certain circumstances and the provision of incentives for municipalities to improve their efforts in this sphere.

61. The Advisory Committee welcomes the fact that the 1999 laws concerning the use of Sami, Finnish and Meänkieli in contacts with administrative authorities in certain municipalities (see related comments under Article 10) envisage pre-schools which are wholly or partly carried out in these minority languages and hopes that the local difficulties that have been reported in the implementation of this principle can be overcome.

62. Finally, the Advisory Committee underlines that, given the central role played by local authorities in the field of education, it is essential that municipalities are closely involved in the process of introducing reforms aimed at improving the implementation of Article 14 of the Framework Convention.

Article 15

63. The Advisory Committee considers that the Sami Parliament is an important body contributing to the effective participation of the individuals concerned. It is however of the opinion that the status and the role of the said body needs to be further developed, and in this respect the proposals put forth in the report on the role of the Sami Parliament submitted to the Government in October 2002 (SOU 2002:77) merit careful attention. The Advisory Committee finds it particularly important that the proposals to expand the legal obligation to consult the Sami Parliament in the relevant decision-making processes are followed up. The Advisory Committee notes that one area where Sami participation is of essential importance is the use of land (see related comments under Article 5). In this regard, it welcomes the proposal contained in the report issued by the Reindeer Breeding Policy Commission of December 2001 (SOU 2001:101) that the participation of the Sami villages and the Sami Parliament should be increased in the decision-making processes concerning new use of land.

64. As regards other minorities, the Advisory Committee notes that no general consultation structures have been created by the central authorities, but occasional meetings and *ad hoc* consultations between national minorities and relevant authorities are organised. Bearing in mind the reports suggesting that this method of consultation is not fully effective in all the relevant sectors, the Advisory Committee is of the opinion that the Government should consider creating a more consolidated structure for such consultations. In this connection, it welcomes the recent decision of the Government to set up a council on Roma in order to improve the participation of persons belonging to this national minority in decision-making. The Advisory Committee considers that consultation of persons belonging to national minorities in relevant decision-making is of utmost importance also at the local level and that, while some commendable initiatives have been launched in selected municipalities, there is a need to ensure that such consultations take place in all municipalities concerned.

65. Furthermore, the Advisory Committee notes that the allocation of responsibilities for minority issues within the Government has been subject to frequent changes in Sweden. This has also affected participation of persons belonging to national minorities in the relevant

decision-making processes. The Advisory Committee hopes that the latest changes in this respect, *i.e.* locating the government office at issue within the Ministry of Justice, will ensure a more consolidated structure and further coordination and inclusiveness of the Government's work on minority issues, while stressing the position of the protection of national minorities as an integral element of the protection of human rights.

66. In terms of participation of persons belonging to national minorities in public life or in economic affairs, the Advisory Committee regrets that there are few accurate statistics on which to base conclusions on compliance with Article 15 of the Framework Convention (see also related comments under general remarks). It is however apparent that unemployment amongst Roma is high as is recognised in the Government's Human Rights Action Plan presented to Parliament in 2001 and that the measures to address this issue need to be pursued decisively and expanded (see also related comments under Article 4). The Advisory Committee considers that the situation of Roma women merits particular attention in this connection.

Articles 16 and 17

67. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations.

Article 18

68. The Advisory Committee welcomes the on-going regional and bilateral co-operation on issues pertaining to national minorities. It refers in particular to the cross-border co-operation in Northern Sweden, to the setting up by Sweden and Finland in 2001 of a working group for minority and minority language issues and to the appointment of a working group in 2002 to draw up a draft regional treaty on the protection of the Sami.

Article 19

69. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE

70. The Advisory Committee believes that the main findings and comments set out below, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

In respect of the General remarks

71. The Advisory Committee *finds* that the monitoring of the implementation of the Framework Convention is complicated by the fact that Sweden does not collect official statistical data on the ethnic breakdown of the population and *considers* that new methods could be used to improve the scope and accuracy of the data in this field.

In respect of Article 3

72. The Advisory Committee *finds* that it would be possible to consider the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *considers* that Sweden should examine this issue with those concerned.

In respect of Article 4

73. The Advisory Committee *finds* that the scope of the normative guarantees against discrimination is limited and *considers* that the authorities should give thought, as a matter of priority, to the findings contained in the official report “An extended protection against discrimination”, submitted to the Government on 2 May 2002.

74. The Advisory Committee *finds* that persons belonging to minorities, including Roma women, are still subject to discrimination in different fields, and *considers* that the authorities should continue to increase their efforts to monitor and address the issue. It further *considers* that the law-enforcement authorities should ensure that ethnically motivated crime is given adequate priority.

75. The Advisory Committee *finds* that the authorities have only recently started to formulate positive measures designed to promote effective equality of persons belonging to national minorities and *considers* that additional measures should be introduced, notably at the local level, and that the implementation of the relevant existing norms in the field of employment should be expanded further.

In respect of Article 5

76. The Advisory Committee *finds* that Sweden has recently introduced a special fund to support cultural initiatives of national minorities and *considers* that the authorities should develop further their support in this sphere. It further *finds* that representatives of national minorities are involved in the decision-making concerning these funds only on an *ad hoc* basis and *considers* that the authorities should make their consultation or participation more systematic.

77. The Advisory Committee *finds* that the issue of land rights and the use of territory in the traditional areas of the Sami is of central relevance to the protection of Sami culture and identity and that the prevailing high degree of legal uncertainty in this sphere has had a negative impact

on the implementation of the Framework Convention. The Advisory Committee *considers* that the authorities should pursue with urgency their efforts to clarify and improve the legal situation in such a manner that it will contribute to the protection of the culture of the Sami, taking into account the views of the Sami Parliament and without unduly interfering with the rights of the non-Sami population of the region. It further *considers* that the authorities should support the solving of the pending legal dispute arising from the existing legal uncertainty.

In respect of Article 6

78. The Advisory Committee *finds* that despite the generally prevailing spirit of tolerance as regards persons belonging to national minorities, there remain shortcomings as regards attitudes *vis-à-vis* Roma, Sami and Jews. It *considers* that the authorities should encourage further confidence-building dialogue and introduce additional training and other appropriate initiatives in the media, law-enforcement and other pertinent fields to address these concerns.

79. The Advisory Committee *finds* that intolerance towards some immigrants and asylum-seekers appears rather common and there have been manifestations of hostility towards these persons. It *considers* that the authorities should continue to address these problems as a matter of priority.

In respect of Article 8

80. The Advisory Committee *finds* that the new normative conditions on the circumcision of boys pursue a legitimate aim but they also affect the right of persons belonging to the Jewish minorities to practice their religion. The Advisory Committee *considers* that the authorities should, together with persons belonging to the Jewish minority, continue to search for pragmatic solutions in the implementation of this legislation in order to ensure that it does not unduly inconvenience the practicing of religious traditions at issue.

In respect of Article 9

81. The Advisory Committee *finds* that certain marked cuts have recently been introduced in the public service minority languages broadcasting and *considers* that the authorities should monitor carefully that the public service broadcasting companies implement their obligation to increase their efforts in this field in 2002-2005.

82. The Advisory Committee *finds* that there is scope for improvements in the situation of print media in minority languages, including Sami and Romani Chib, and in their support and *considers* that the authorities should ensure that the relevant subsidy schemes take into account the situation of minority language print media.

In respect of Article 10

83. The Advisory Committee *finds* that there are plans to step up Governmental support for the promotion of the Swedish language and *considers* that such initiatives should be carried out in a manner that fully protects the rights of persons belonging to national minorities contained in the Framework Convention.

84. The Advisory Committee *finds* that new legal guarantees concerning the use of Finnish, Sami and Meänkieli in contacts with administrative authorities have been introduced but the

impact of these laws has been rather limited. It *considers* that the authorities should seek additional ways to overcome difficulties in the implementation of the laws at issue and develop further their efforts to raise awareness amongst the public concerned. The Advisory Committee further *finds* that these guarantees have a limited territorial scope of application and *considers* that the authorities should continue to examine their possible extension.

In respect of Article 11

85. The Advisory Committee *finds* that the existing legislation stipulates that the Swedish, Sami and Finnish place names should be used together as far as possible on maps, signposts and other markings in multilingual areas. It *considers* that the authorities should give thought to extending this positive undertaking in the law beyond the languages mentioned, notably so as to cover Meänkieli.

In respect of Article 12

86. The Advisory Committee *finds* that the current school text-books reportedly do not contain adequate information on the various national minorities of Sweden and that the ministry concerned is not in a position to give information on their content in this respect. It *considers* that there is a need to improve monitoring of the current situation with a view to addressing any shortcomings that may exist.

87. The Advisory Committee *finds* that measures taken with respect to Roma pupils have reportedly led in some municipalities to the establishment of specific classes for Roma, often with support from a number of Roma parents. The Advisory Committee *considers* that the authorities should analyse the local situations carefully and take additional measures, in consultation with the persons concerned, with a view to enabling and encouraging Roma children to stay in the regular classes.

88. The Advisory Committee *finds* that there is a lack of minority language teachers in Sweden and *considers* that the authorities should pursue their plans to allocate funds to address these shortcomings. The Advisory Committee also *finds* that shortcomings reportedly exist as regards teaching materials *inter alia* in Meänkieli and in South Sami and Lule Sami and *considers* that this issue merits attention.

In respect of Article 13

89. The Advisory Committee *finds* that private schools have played a particularly central role in Sweden in terms of providing teaching in minority languages and *considers* that the authorities should support further developments of initiatives in this sphere.

In respect of Article 14

90. The Advisory Committee *finds* that instruction in and of Sami has gradually developed in Sweden and *considers* that further improvements could be achieved, notably outside the municipalities of Gällivare, Jokkmokk and Kiruna.

91. The Advisory Committee *finds* that the legal obligation to provide mother-tongue teaching is conditioned on the availability of teachers and that this affects negatively the scope

and the impact of the guarantees at issue. It *considers* that the authorities should give thought to amending the provisions which provide for this condition.

92. The Advisory Committee *finds* that in practice the extremely limited volume of mother-tongue teaching, the way such teaching is organised and shortcomings in the distribution of relevant information appear to have contributed to the marked decrease in the number of pupils receiving mother-tongue teaching. It *considers* that the authorities should seek new approaches in this field to improve the implementation of Article 14 of the Framework Convention and improve the way in which information on the rights in question is distributed.

93. The Advisory Committee *finds* that there exist no legislative guarantees to receive bilingual education in minority languages other than Sami and even the possibility to provide bilingual public education in grades 7-9 in minority languages is excluded by law except for the Finnish language. It further *finds* that in practice the number of bilingual classes in public schools have continuously decreased. The Advisory Committee *considers* that instruction in minority languages within the public school system merits considerably more attention both in legislation and practice and that Sweden should consider the introduction of positive obligations to provide bilingual teaching in public schools under certain circumstances and the provision of incentives for municipalities to improve their efforts in this sphere.

94. The Advisory Committee *finds* that the laws concerning the use of Sami, Finnish and Meänkieli in contacts with administrative authorities in certain municipalities envisage pre-schools which are wholly or partly carried out in these minority languages and *considers* that local difficulties that have been reported in the implementation of this principle should be overcome.

In respect of Article 15

95. The Advisory Committee *finds* that the status and role of the Sami Parliament need to be further developed and *considers* that the proposals put forth in the report on the role of the Sami Parliament submitted to the Government in October 2002 merit careful attention, in particular as regards the proposals to expand the legal obligation to consult the Sami Parliament in the relevant decision-making processes.

96. As regards other minorities, the Advisory Committee *finds* that no general consultation structures have been created by the central authorities and the practice of having occasional meetings and *ad hoc* consultations have reportedly not been fully effective in all the relevant sectors. It *considers* that the Government should give thought to creating a more consolidated structure for such consultations and that consultation should be ensured also in the municipalities concerned.

97. The Advisory Committee *finds* that the allocation of responsibilities for minority issues within the Government has been subject to frequent changes in Sweden and *considers* that the latest changes in this respect should ensure a more consolidated structure and further coordination and inclusiveness of the Government's work on minority issues.

In respect of Article 18

98. The Advisory Committee *finds* that there is regional and bilateral co-operation on issues pertaining to national minorities and that new initiatives have recently been launched in this sphere.

V. CONCLUDING REMARKS

99. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

100. The Advisory Committee notes with satisfaction that Sweden has in recent years begun to develop a legislative framework pertaining to the protection of national minorities and taken an inclusive approach as regards the persons covered by these initiatives. These positive developments concern in particular the five municipalities in northern Sweden in which new minority language legislation applies.

101. There remains, however, a need to expand the scope of legislation protecting national minorities. Furthermore, the principles of the Framework Convention need to be taken more consistently into account in practice. The high degree of decentralisation on many key issues pertaining to the implementation of the Framework Convention means that the local authorities have a central responsibility in monitoring and addressing problems in this respect. Shortcomings are particularly evident as regards support for languages of national minorities in the field of education, but they pertain also to other sectors, including the media, where support for initiatives of persons belonging to national minorities need to be developed further.

102. There is a pressing need to find a balanced solution to, and improve legal certainty on, the issue of land rights in the areas inhabited traditionally by the Sami, with a view to ensuring inter-ethnic harmony in the region and the protection of the culture and identity of persons belonging to this indigenous people.

103. The Advisory Committee encourages Sweden to pursue decisively its efforts to adopt more comprehensive legislation regarding ethnic discrimination, bearing in mind the discrimination faced by minorities, notably Roma, in such fields as housing and employment.

104. The Advisory Committee is of the opinion that the Swedish authorities should develop further its consultation structures with a view to improving participation of persons belonging to national minorities in decision-making affecting them.