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

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### **Third Opinion on Sweden adopted on 23 May 2012**

#### **EXECUTIVE SUMMARY**

Sweden has granted constitutional recognition to the Sami as an indigenous people with effect from 1 January 2011. The adoption in 2009 of the National Minorities and National Minority Languages Act and of the Language Act expanded the geographical areas in which the Finnish, Meänkieli and Sami languages can be used in contacts with the administrative authorities and increased the possibilities for education in these languages. A new integrated strategy for national minorities, adopted in 2011, aims to clarify the responsibilities of national, regional and local authorities. This is particularly important given the absence of effective mechanisms to ensure that decentralised authorities respect their obligations arising under international and national law.

New comprehensive antidiscrimination legislation has been enacted, which increases the possibilities for taking special measures to promote equality in the fields of employment and education. However, such measures are not generally accepted in other fields of daily life.

Sweden has removed certain legal requirements that previously hindered the access of children belonging to national minorities to teaching in and of their minority language. However, the lack of qualified teachers of minority languages remains a significant barrier to access to such education. Concerted efforts are also urgently needed to ensure that there are sufficient speakers of the Sami languages and Meänkieli to provide services in these languages to persons belonging to the relevant national minorities.

Although the competencies of the Sami Parliament have been expanded in recent years, further efforts are needed to ensure that the Sami are adequately involved in decision-making on matters that have an impact on land and reindeer-herding issues. Further efforts are also needed to ensure that consultations with all national minorities are broad, inclusive and effective at national, regional and local levels.

A Strategy for Roma Inclusion 2012-2032 was adopted in February 2012, following consultations with Roma organisations, and covers the key fields of participation in public and socio-economic life. Concerns have however been expressed that the strategy does not make sufficient provision for Roma to participate as actors in its implementation. The situation of Roma in the field of education also remains a source of serious concern.

#### **Issues for immediate action**

- **Redouble efforts to implement effectively the National Minorities Act among public service providers at local level in the municipalities concerned; pay particular attention to language training, language qualifications in public procurement procedures and targeted recruitment of minority language speakers; monitor the implementation of all measures and evaluate their effectiveness regularly in order to ensure that the linguistic rights of persons belonging to national minorities are fully respected;**
- **Strengthen efforts to address the lack of minority language teachers as well as teachers equipped for bilingual and multilingual education; adopt a strategic approach, in consultation with representatives of national minorities in order to ensure that there is adequate provision of higher education in this field and that minority language teaching is sustainable as a profession; take special measures to attract students to minority language teaching;**
- **Take further steps to ensure that the Sami Parliament is able to participate effectively in decision-making processes in all areas affecting the Sami people, including public affairs such as spatial planning as well as the reindeer industry and educational and cultural matters.**

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

**THIRD OPINION ON SWEDEN**

1. The Advisory Committee adopted the present Opinion on Sweden in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report, received on 1 June 2011 (hereinafter: the State Report), and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Stockholm and Kiruna, from 5 to 9 March 2012.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Sweden. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Sweden, adopted on 20 February 2003 and 8 November 2007 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 10 December 2003 and 11 June 2008.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Sweden.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Sweden as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of States Parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Sweden has pursued a constructive approach to the monitoring process of the Framework Convention. The Advisory Committee notes with satisfaction that Sweden published the second Opinion soon after its adoption. This Opinion as well as previous Opinions and the corresponding Resolutions of the Committee of Ministers were posted on the website of the Swedish Ministry of Foreign Affairs and the Swedish governmental Human Rights website in order that the information on the Framework Convention be accessible to a wide public. All of these documents were also translated into Swedish and the languages of all the national minorities.

7. The Advisory Committee particularly appreciates the organisation, in February 2009, of a follow-up seminar that enabled representatives of the authorities, minorities, civil society organisations and the media to discuss the conclusions of the second monitoring cycle and the steps to be taken in order to implement the Framework Convention. On that occasion all documents concerning the two previous monitoring cycles, as well as the two Thematic Commentaries, were also translated into Swedish.

8. Concerning the third cycle State Report, the Advisory Committee notes with satisfaction that representatives of the national minorities were consulted in its preparation.

9. The authorities made considerable efforts to disseminate the Advisory Committee's previous Opinion and to raise public awareness of the standards of the Framework Convention and other questions related to national minorities issues, as for example, the creation of a specific website, wide distribution of explanatory leaflets, elaboration of teaching material.

10. Lastly, the Advisory Committee welcomes the initiative to strengthen the participation of women belonging to national minorities in the private and public spheres so that they benefit from the same rights and opportunities as the majority population. It notes with satisfaction that a special initiative concerns women belonging to the Roma minority.

### **Legislative and institutional framework**

11. Since the adoption of the second opinion of the Advisory Committee, substantial steps have been taken to improve the protection of persons belonging to national minorities in Sweden. Important institutional developments have taken place, strengthening the constitutional recognition of the Sami as an indigenous people.

12. The Advisory Committee particularly welcomes the adoption in 2009 of two important laws: the National Minorities and National Minority Languages Act (2009:724) (hereinafter: the National Minorities Act) and the Language Act (2009:600). These laws expand the geographical areas in which the Finnish, Meänkieli and Sami languages can be used in contacts with the administrative authorities. They also increase the opportunities for persons belonging to national minorities to have an impact in decision-making on issues of concern to them, through new financing and supervision responsibilities given to the Sami Parliament.

13. The Advisory Committee notes with interest that a new integrated strategy for national minorities, aimed at clarifying the responsibilities of national, regional and local authorities, was adopted in 2011. The implementation of this strategy should make it possible to improve dialogue between the authorities and national minorities, and should lead to better coordination and understanding among all those involved, which will be key to the strategy's success. This would appear all the more important given that some municipalities are not yet fully aware of the rights of national minorities, as set out in international human rights instruments, or of their obligations under international and domestic law.

14. The Advisory Committee observes that the high degree of decentralisation in Sweden has resulted in insufficient coordination both amongst the central authorities themselves and between the central authorities and decentralised authorities dealing with issues related to national minorities. Certain difficulties faced in implementing the rights of persons belonging to national minorities arise as a direct result of this insufficient coordination and are compounded by the absence of effective mechanisms to ensure that decentralised authorities respect their obligations arising under international and domestic law.

### **Combating discrimination and racism**

15. Sweden has enacted new comprehensive antidiscrimination legislation and established a single Equality Ombudsman empowered to deal with all grounds of discrimination covered by Swedish law. According to the authorities, this should enable the Ombudsman to take better account of multiple discrimination. However, the latter's powers and capacity to handle issues of concern to national minorities are limited, and funding for local antidiscrimination structures has also decreased.

16. While the Discrimination Act (2008:567) expands the possibilities for taking active measures to promote equality in the fields of employment and education, positive measures are not generally accepted in Sweden. Systematic and regular efforts to monitor ethnic discrimination against persons belonging to national minorities are also lacking, although some useful studies have been carried out on the situation of specific national minorities as well as on the health status of national minorities.

17. Sweden has made considerable efforts to improve the general public's awareness of national minorities; nonetheless, instances of negative attitudes against persons belonging to national minorities continue to be reported and a significant rise in xenophobic discourse has been noted, in politics and the media and on the Internet. Commendable efforts are being made in the criminal justice system to improve the prosecution of hate crimes. However, rising antisemitic harassment and attacks mean that further efforts may be needed to guarantee the security of members of Jewish communities.

### **Access to public services and media in minority languages**

18. Particular difficulties in using minority languages in daily life are encountered, partly as a result of previous policies under which the use of languages other than Swedish in the public sphere, including schools, was discouraged. One or two generations of persons belonging to national minorities have already lost to a greater or lesser extent the use of their language as a mother tongue and concerted efforts are urgently needed to

ensure that there are sufficient speakers of the Meänkieli and Sami languages who are in a position to provide services in these languages to persons belonging to the relevant national minorities, particularly in the field of care for the elderly.

19. There was a welcome increase in 2011 in the number of hours of broadcasting in minority languages. However, further efforts are needed to ensure that adequate time and resources are provided for broadcasting in Meänkieli, Yiddish, Romani Chib and the Sami languages and to make such broadcasts available in suitable time-slots. Progress towards cross-border co-operation on newspapers in Sami languages and Meänkieli has also been slow.

### **Teaching of and in minority languages**

20. The expansion of administrative areas under the National Minorities Act means that more children are entitled to pre-school activities in minority languages in Finnish, Sami and Meänkieli, if their parents so request. The requirement that children speak the language at home in order to be entitled to mother tongue instruction has also been removed with respect to the languages of national minorities, as has the requirement that there be a minimum of five pupils in order to open a class. However, the requirement that children belonging to national minorities have “basic knowledge” of their minority language in order to benefit from the right to mother tongue instruction remains. The lack of teachers also remains a significant barrier to access to receiving education in and of minority languages. Targeted efforts are urgently needed to remedy this situation, especially as many currently serving minority language teachers are nearing retirement age. Recent proposals on how to increase the number of minority language teachers need to be followed up and other factors that contribute to making minority language education unattractive to pupils, such as after-hours teaching and the lack of recognition afforded to minority languages at university entrance level, also need to be overcome.

### **Participation in public life**

21. Although the competencies of the Sami Parliament have been expanded in recent years, its effectiveness continues to suffer from the difficulties inherent in its dual role as an elected body and an administrative agency of the government. Further efforts are needed to ensure that the Sami are adequately involved in decision-making on matters such as spatial planning that have an impact on land and reindeer-herding issues, and to ensure that consultations with all national minorities are broad, inclusive and effective at national, regional and local levels.

22. A Strategy for Roma Inclusion 2012-2032 was adopted in February 2012, following consultations with Roma organisations. This strategy covers key fields of participation in public and socio-economic life. The overall aim of the strategy is that by 2032, Roma born in 2012 will benefit from full and effective equality in Swedish society. However, while much of the strategy has been welcomed by Roma organisations, some concerns have been expressed that the focus on achieving equality primarily for children born today may create divisions between young Roma and older generations. The strategy does not make sufficient provision for Roma to participate as actors in its implementation.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application

##### *Recommendations from the two previous cycles of monitoring*

23. In the previous cycles of monitoring, the authorities were encouraged to continue their commendable inclusive approach to the implementation of the Framework Convention.

##### *Present situation*

24. The national minorities included by the authorities within the scope of application of the Framework Convention at the time of Declaration are the Sami, the Swedish Finns, the Tornedalers, the Jews and the Roma.<sup>1</sup>

25. The Advisory Committee welcomes the fact that, following an amendment introduced in the Swedish Constitution with effect from 1 January 2011, the Sami are now recognised at constitutional level as an indigenous people, which has been one of their requests for many years.

26. With regard to the Tornedalers, the Advisory Committee has been informed of discussions within that group concerning the authorities' use of the term "Tornedalers" to cover all speakers of Meänkieli. The Swedish Tornedalian Association, observing that Meänkieli is also spoken outside the Tornedalen area, has expressed doubts as to whether the term "Tornedalers" is apt to refer to the minority to which they belong, as it may be too restrictive to cover all speakers of Meänkieli.

27. The Advisory Committee underlines the importance of respecting the freedom of choice of persons belonging to national minorities as to how they wish to be referred to by the authorities. It welcomes the fact that the authorities have agreed to continue discussions on this point with persons belonging to this minority.

##### *Recommendations*

28. The Advisory Committee calls on the authorities to maintain an inclusive and open approach towards the scope of application of the Framework Convention.

29. The Advisory Committee encourages the authorities to pursue an approach based on dialogue and respect for the right to self-identification as guaranteed by Article 3,

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<sup>1</sup> The Swedish authorities estimate the numbers of persons belonging to the various national minorities as follows: approximately 15 000-20 000 Sami, of whom about 9 000 speak Sami; approximately 450 000 Swedish Finns, of whom an estimated 50% use the Finnish language to some extent; approximately 50 000 Tornedalers, of whom roughly 40 000 have some knowledge of Meänkieli; between 40 000 and 50 000 Roma, with no figures as to the number of speakers of the different varieties of Romani Chib; around 20 000 to 25 000 members of the Jewish community, of whom an estimated 3 000 are Yiddish speakers. See Sweden's third periodical report on the European Charter for Regional or Minority Languages, September 2007, pp. 7-9.



paragraphs 1 and 2 of the Framework Convention in their relations with the Tornedalers and to take due account of their wishes to change or maintain their designation.

### **Data collection**

#### *Recommendations from the two previous cycles of monitoring*

30. In the previous monitoring cycles the authorities were encouraged to take appropriate measures to collect reliable data on national minorities.

#### *Present situation*

31. The Advisory Committee notes that the first census to have been organised in Sweden since 1990 was conducted in 2011 and did not include data on ethnic origin, as the authorities considered that such data could not be collected under the current legislation. However, the Advisory Committee notes the acknowledgement of the Swedish authorities that figures related to the situation of persons belonging to national minorities remain insufficient. It welcomes the governmental decision to instruct the Equality Ombudsman to elaborate a report on new methods to be used to collect reliable data on the situation of persons belonging to national minorities, following the recommendations of the Advisory Committee and ECRI in this field.

#### *Recommendation*

32. The Advisory Committee calls on the authorities to pursue and speed up their project to adopt appropriate means of obtaining reliable data on the situation of persons belonging to national minorities, while fully respecting international standards on the protection of personal data.

## **Article 4 of the Framework Convention**

### **Non-discrimination legislation**

#### *Recommendations from the two previous cycles of monitoring*

33. In its previous monitoring cycles, the Advisory Committee called on the Swedish authorities to take measures to widen the scope of legislative guarantees against discrimination on ethnic and other pertinent grounds.

#### *Present situation*

34. The Advisory Committee welcomes the entry into force on 1 January 2009 of the new Discrimination Act (2008:567). It notes that the European Commission against Racism and Intolerance (ECRI) has recently had occasion to examine this legislation in depth while drawing up its fourth report on Sweden. The Advisory Committee refers to ECRI's detailed findings and recommendations in this regard.<sup>2</sup> It also welcomes the fact that the Discrimination Act introduces a new general prohibition on discrimination in the public sector and increases the penalties that may be imposed on parties found to have breached the prohibition on discrimination. It notes that the Act covers, *inter alia*, discrimination associated with a person's ethnicity (defined as their national or ethnic origin, skin colour

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<sup>2</sup> See ECRI's Report on Sweden (fourth monitoring cycle).

or other similar circumstance) or with their religion or other belief.<sup>3</sup> The Advisory Committee regrets, however, that the Discrimination Act does not expressly cover discrimination based on language – a point that may be of concern given the difficulties experienced by persons belonging to national minorities in exercising their rights with respect to the use and learning of their minority languages (see further under Articles 10, 12 and 14 below).

#### *Recommendation*

35. The Advisory Committee recommends that the Swedish authorities extend the grounds set out in the new Discrimination Act (2008:567) so as to cover expressly discrimination based on language.

### **Monitoring of ethnic discrimination**

#### *Recommendations from the two previous cycles of monitoring*

36. In previous monitoring cycles, the Advisory Committee concluded that the authorities should increase their efforts to monitor and address cases of discrimination against persons belonging to national minorities and emphasised that the planned reform of the various structures dealing with discrimination should not weaken antidiscrimination work generally and should make the relevant structures more accessible to persons belonging to national minorities.

37. The Advisory Committee also recommended that the Swedish authorities ensure that legislation provides adequately for positive measures aimed at achieving full and effective equality not only in employment but also in other relevant fields.

#### *Present situation*

38. The Advisory Committee is pleased to note that the Ombudsman against Ethnic Discrimination (since replaced by the Equality Ombudsman) published a report in 2008 on discrimination against the Sami,<sup>4</sup> which drew attention to the effect on the Sami of individual and structural discrimination<sup>5</sup> and negative perceptions of the Sami as a group and recommended that a series of measures be taken to improve their participation in public affairs and enhance language acquisition. Following on from a previous project on discrimination against Roma, the Equality Ombudsman published a wide-ranging report on Roma rights in 2011.<sup>6</sup> This report emphasised the continuing impact on Roma of discrimination in daily life, identified a number of knowledge gaps – both as regards available data concerning the access of Roma to rights on equal terms and as regards their knowledge of their rights – and analysed the role of litigation in bringing about change.

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<sup>3</sup> See Chapter 1, section 1 of the Act for the grounds covered by the Act and Chapter 1, section 5 for the definitions of these grounds.

<sup>4</sup> Ombudsman against Ethnic Discrimination (*Ombudsmannen mot etnisk diskriminering*), Discrimination of the Sami – the rights of the Sami from a discrimination perspective, DO:s rapportserie 2008:1 eng.

<sup>5</sup> The latter is defined in the report as “rules, norms and accepted attitudes and behaviour in institutions and other societal structures that constitute obstacles to ethnic...minorities being accorded the same rights and opportunities that the majority of the population enjoy. Such discrimination may be visible or concealed and may be intentional or unintentional.” Ibid, p. 11, and sources cited therein.

<sup>6</sup> Swedish Equality Ombudsman (*Diskrimineringsombudsmannen*), Roma rights: Discrimination, paths of redress and how the law can improve the situation of Roma, 2011, R2 ENG 2011.

39. The Advisory Committee also notes with interest that a 2010 initiative to analyse the health status of persons belonging to national minorities was positively assessed by the authorities, which decided to extend it to other areas of daily life in order to build up a clearer picture of the situation of persons belonging to national minorities in access to social rights.

40. The Advisory Committee welcomes the above initiatives as important contributions both to monitoring discrimination against persons belonging to national minorities and to addressing such discrimination. Nonetheless, it regrets that, overall, insufficient information is available about discrimination against persons belonging to national minorities. It notes that the situation may vary from one national minority to another and that efforts to monitor and address the specific forms of discrimination experienced by them should be increased.

41. The Advisory Committee welcomes the expansion of the scope of active measures provided for under the new Discrimination Act so as to include active measures to make the workplace more inclusive and to promote equal rights and opportunities in the field of education, regardless, *inter alia* of ethnicity and religion. It regrets, however, that the opportunity was not taken to provide for positive measures in all relevant fields of daily life, in particular as regards access to social rights such as health and housing, and that special measures are still not generally accepted in Sweden. It reiterates that Article 4, paragraph 2 of the Framework Convention provides that the promotion of full and effective equality between persons belonging to a national minority and those belonging to the majority may require States Parties to adopt special measures that take into account the specific conditions of the persons concerned. The Advisory Committee recalls that such measures may take a variety of forms and are justified, both in time and in scope, only to the extent necessary in order to achieve the legitimate aim of full and effective equality.

42. The Advisory Committee notes that the four Ombudsman bodies previously competent to deal with different grounds of discrimination have been merged, with effect from 1 January 2009, into a single body, the Equality Ombudsman. The aim of this development, according to the authorities, is to ensure the most effective possible monitoring of compliance with the Discrimination Act and take better account of cases of multiple discrimination. The Advisory Committee refers to ECRI's detailed findings and recommendations in this regard.<sup>7</sup> It also observes that the Ombudsman's capacity to deal with the protection of the rights of persons belonging to national minorities is limited, both because of the breadth of its activities and because the Ombudsman is only empowered to handle cases in which an issue of discrimination is at stake. Nonetheless, the activities of the Equality Ombudsman and other bodies dealing with antidiscrimination issues remain important for the protection of the rights of persons belonging to national minorities.

43. The Advisory Committee notes that since the closure of the Integration Board, responsibility for state-level funding of antidiscrimination bureaus has passed to the Swedish National Board for Youth Affairs. However, it regrets that this funding has been reduced in recent years and that some antidiscrimination bureaus have been forced to close. It stresses the importance of being able to tackle questions of discrimination effectively at local level and notes that financial and institutional stability can contribute to improving the effectiveness of such actions.

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<sup>7</sup> See ECRI's Report on Sweden (fourth monitoring cycle).

*Recommendations*

44. The Advisory Committee encourages the Swedish authorities to step up their efforts to monitor ethnic discrimination against persons belonging to national minorities. More systematic and regular efforts are in particular needed to collect disaggregated data, in line with personal data protection standards, so as to enable the adoption of targeted measures to address discrimination against persons belonging to national minorities.

45. The Advisory Committee recommends that the Swedish authorities expand the provision made in domestic law for special measures aimed at achieving full and effective equality as prescribed by Article 4, paragraphs 2 and 3 of the Framework Convention. Such measures should cover all relevant fields of daily life, including employment and education as well as other areas such as housing and health.

46. The Advisory Committee encourages the Swedish authorities to ensure that sufficient resources are made available to the Equality Ombudsman and other bodies dealing with antidiscrimination issues that affect persons belonging to national minorities in order to enable them to carry out these tasks effectively. It also draws attention to the importance of ensuring that structural reforms do not hinder the utilisation of the experience and expertise of existing or former structures dealing with issues related to national minorities.

**Article 5 of the Framework Convention**

**Support for minority culture**

*Recommendations from the two previous cycles of monitoring*

47. In the previous monitoring cycles the authorities were invited to strengthen their support for the cultural activities of national minority organisations, ensuring that minorities participated in the decision-making process on the allocation of such resources.

*Present situation*

48. The Advisory Committee welcomes the fact that the authorities have continued to pay a high level of attention to the revitalisation of minority cultures. Increased support for the preservation and development of the minority languages and literature in those languages, as well as for museums, theatres and cultural centres has been granted, in particular to implement the National Minorities Act.

49. The Advisory Committee notes that, since January 2011, the system of financing cultural activities has been based on a new model of co-operation between the central, regional and local authorities. This model gives municipalities increased responsibilities in granting public subsidies. Additional funds have also been allocated to municipalities to deal with the new legal obligations they face in this field.

50. However, according to the Advisory Committee's interlocutors, some local authorities are still unaware of the obligations arising under the 2009 law and their responsibilities deriving from it. Consequently, funds are sometimes used for issues other than minority culture.

51. Moreover, the representatives of national minorities face difficulties in ensuring the sustainability of long-term activities because such projects are usually funded for a limited period of one year. In addition, they drew the attention of the Advisory Committee to the fact that they are not sufficiently involved in decision-making processes on the allocation of resources and about the insufficient amount of funds available in relation to their real needs, which both reflects and perpetuates a certain marginalisation of national minority cultures. This issue is particularly crucial for the numerically smaller groups. The Advisory Committee is also concerned by the absence of significant progress concerning participation of persons belonging to national minorities in the decision-making process on the allocation of resources devoted to minority culture. Such participation is especially important to ensure respect for the protection and promotion of rights of persons belonging to national minorities at the local level, as municipalities enjoy autonomy regarding the implementation of the measures they wish to adopt.

52. The Advisory Committee, while being fully aware of the respective competencies of the national, regional and local authorities, stresses that it is the responsibility of the central government to ensure that the 2009 legislation with respect to national minorities is correctly and effectively implemented throughout its territory. Consequently, it considers that measures should be taken to improve the law's visibility and knowledge of its requirements amongst the local authorities responsible for promoting the identity and culture of persons belonging to national minorities.

#### *Recommendation*

53. The Advisory Committee invites the authorities to continue to develop support for organisations and cultural activities of national minorities. In doing so, the authorities should ensure that all the groups concerned have the funds necessary to maintain the essential elements of their culture. The Advisory Committee also encourages the authorities concerned to examine thoroughly the allocation process in order to ensure that the representatives of national minorities play a greater part in decision-making concerning the allocation of funds.

### **Sami land rights**

#### *Recommendations from the two previous cycles of monitoring*

54. In the previous monitoring cycles the authorities were invited to take urgent action to bring legal clarity to the question of Sami land rights, in particular regarding the boundaries of winter grazing lands. The authorities were also invited to address as a matter of priority the financial difficulties encountered by Sami villages as a result of related court cases.

#### *Present situation*

55. The Advisory Committee welcomes the fact that, following the amendments that entered into force in 2011, the Swedish Constitution now recognises the Sami as an indigenous people. It also notes with interest that the role of the Sami Parliament has been increased following the transfer of some of the tasks previously under the responsibility of county and central authorities. In addition to managing Sami organisations, schools and cultural activities, the Sami Parliament is in charge of community development, including

in relation to reindeer herding and use of land within certain geographical areas defined by law.<sup>8</sup>

56. In this context, the Advisory Committee notes with satisfaction that a judgment of 27 April 2011 of the Swedish Supreme Court<sup>9</sup> found that Sami reindeer herders had successfully proved that they had for generations used areas of land belonging to private property owners for winter reindeer grazing. The Court confirmed that, under customary law, Sami could continue to use those areas. The Advisory Committee underlines that land rights in Sami territory are of vital importance for the protection of the culture, identity and traditional way of life of the Sami as an indigenous people and encourages the authorities to clarify the legal situation of the Sami on the basis of this judgment. It notes in this context that the continued failure to legislate clearly with respect to the boundaries of winter grazing areas has led to protracted legal proceedings, which have placed heavy financial burdens on Sami villages (*samebyar*) and have harmed inter-ethnic relations in the areas in question.

57. Despite this important step forward for the Sami people, the Advisory Committee has been informed that the traditional way of life of this group is threatened, in particular in and around Kiruna municipality, due to the impact of urban development and expanding mining activities on reindeer herding and grazing lands. The representatives of Sami also complained that they have not been sufficiently consulted to ensure that their traditional way of life will be maintained and negative impacts of spatial planning decisions minimised.

58. Moreover, the Advisory Committee has been informed that government compensation payments for reindeer killed by predators have not been increased for many years and only partly cover the damages caused.

#### *Recommendation*

59. The Advisory Committee calls on the authorities to take urgent action to clarify and improve the legal situation of the Sami people in relation to land rights, in particular through regulating the boundaries of winter grazing areas by law, taking due account of the findings of the Supreme Court in its judgment of 27 April 2011. It also calls on the authorities to pursue their efforts to preserve the right of the Sami to their traditional way of life, while ensuring the rights of the other groups settled in the areas concerned.

### **Article 6 of the Framework Convention**

#### **Attitudes towards minorities and hate crime**

##### *Recommendations from the two previous cycles of monitoring*

60. In previous monitoring cycles, the Advisory Committee encouraged the Swedish authorities to pursue further its efforts aimed at raising awareness about minorities and increasing inter-ethnic tolerance. It noted that the monitoring of hate crime could be

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<sup>8</sup> In 2007, some tasks in reindeer industry administration were transferred from county and central authorities to the Sami Parliament. In 2009, the Sami Parliament's role was further expanded to include monitoring of compliance with the National Minorities Act.

<sup>9</sup> Case No. T 4028-07 (the *Nordmaling* case).

usefully complemented with more comprehensive tracking of cases that have been reported to the police.

*Present situation*

61. The Advisory Committee notes with satisfaction that there appears to be increasing awareness in Sweden of the diversity that exists within society, including as regards the importance of protecting and promoting the rights of persons belonging to national minorities.

62. It also notes with interest new initiatives taken, such as the special initiative to strengthen the position in society of national minority women (Government Bill 2007/08:1) and the launch in December 2011 by the Minister for Integration of a website<sup>10</sup> aimed, *inter alia* at combating the most common myths and negative stereotypes about national minorities in Sweden. In parallel, the Advisory Committee welcomes the government's continued support to the Living History Forum and the Sami Information Centre, as described in previous Opinions, as well as the opening of the Roma Information and Education Centre in Malmö. The latter employs five staff members, four of whom are Roma, as part of the city administration, and is entrusted with developing methods for promoting the social inclusion and participation in society of the Roma and with combating discrimination against Roma.

63. The Advisory Committee is concerned, however, about the rise in xenophobic discourse on the Internet and in the public and political spheres in recent years, targeting, *inter alia* persons belonging to national minorities. The Advisory Committee is particularly concerned at reports that one political party that has enjoyed increasing electoral success over the past few years has included as part of its campaign platform in recent elections proposals to abolish the Sami Parliament and reduce Sami land rights. Anti-Muslim discourse is also exploited by some political actors at national and local level.<sup>11</sup> The Advisory Committee emphasises that negative discourse targeting specific groups on the basis of their ethnic origin or religion should be firmly and unambiguously condemned by political leaders. It welcomes the government's decision to appoint a special rapporteur on xenophobia and intolerance, entrusted with examining how to strengthen current efforts to combat xenophobia and intolerance and counter existing shortcomings. However, it notes with regret that there has been a loss of trust amongst some minorities in the rapporteur's capacity to examine these issues impartially since he publicly took the position that circumcision should be outlawed in Sweden.

64. It has been reported to the Advisory Committee that little attention is paid to the concerns of national minorities in the mainstream media, and that articles concerning national minorities that do appear in these media tend to reinforce rather than combat negative stereotypes. The Advisory Committee notes that this situation may also fuel intolerance against these groups. It observes that self-regulation through responsible, independent bodies can serve as a useful tool in promoting ethical and high quality reporting and notes that the Swedish Press Council and Press Ombudsman are responsible for examining complaints of violations of good journalistic practices.

65. As regards hate crime, the Advisory Committee notes with interest that the National Council for Crime Prevention has continued its work to improve the reporting and

<sup>10</sup> [www.regeringen.se/tolerans](http://www.regeringen.se/tolerans)

<sup>11</sup> See also ECRI's Report on Sweden (fourth monitoring cycle).

monitoring of hate-motivated offences. Since 2008, a broader definition of racist and xenophobic offences has been applied, ensuring that more such offences are duly identified. The National Police Board has conducted training for police on handling hate crimes and the Prosecution Authority has issued guidelines for prosecutors on combating hate crimes. The Advisory Committee welcomes these ongoing efforts to raise awareness within the police and prosecution authorities regarding how to identify and handle cases of hate-motivated offences and encourage persons who believe they have been victims of such offences to report the relevant incidents to the police. It considers such efforts essential to the effective combating of hate-motivated offences.

66. Nonetheless, the Advisory Committee expresses its concern at the security situation of the Jewish community, notably in Malmö, where some of its members, including the rabbi and other persons wearing visible signs of their faith, have experienced antisemitic harassment as well as physical attacks. The Advisory Committee is especially concerned that, according to Jewish representatives, some members of the Jewish community in Sweden feel that it is not safe to express their Jewish identity and some families have left Malmö as they do not feel confident that sufficient steps will be taken to protect them there. It welcomes the fact that the authorities have taken a number of steps to combat antisemitism and promote mutual understanding and ethnic tolerance in Malmö, including through setting up a Forum for Dialogue, establishing a police working party on hate-motivated offences, and setting aside 4M SEK (450 000 EUR) for security measures for the Jewish community in 2012.

#### *Recommendations*

67. The Advisory Committee recommends that the Swedish authorities step up their efforts to raise awareness about persons belonging to national minorities and increase inter-ethnic tolerance. They should continue in particular to support structures designed to make information about national minorities available over the long-term. Projects aimed at raising awareness on specific issues of relevance to national minorities, promoting understanding of national minorities and increasing inter-ethnic tolerance should also be supported.

68. The Advisory Committee invites the authorities to take appropriate steps to combat manifestations of racism and xenophobia in the media, in the spirit of the Committee of Ministers' Recommendation N° R(97)20 on "Hate Speech", with all due regard for media independence. It is also essential that the media respect their own codes of conduct, which must be revised or expanded as necessary to include the new media, in order to combat the use of stereotypes and xenophobic language in all media.

69. The Advisory Committee encourages the Swedish authorities to continue their efforts to strengthen the prevention, investigation, prosecution, sanctioning and monitoring of hate crimes based on ethnic origin and religious beliefs.

70. The Advisory Committee calls upon the Swedish authorities to step up their efforts to combat antisemitism. They should in particular evaluate as early as possible the adequacy of the additional means provided to ensure the security of members of the Jewish community and allocate further funds to this end if necessary.



## Article 9 of the Framework Convention

### Minority language broadcasting

#### *Recommendations from the two previous cycles of monitoring*

71. In previous monitoring cycles the Advisory Committee called on the authorities to ensure that broadcasting in languages of national minorities was given constant attention by the public broadcasting media throughout the relevant licensing periods and that minority language programming included an adequate amount of domestically produced programmes.

#### *Present situation*

72. The Advisory Committee notes that the guidelines on activities for linguistic and ethnic minorities applicable to public service broadcasting licences are the same for the 2010-2013 period as for the previous period, 2007-2010. Accordingly, broadcasters are required to consider the interests of linguistic and ethnic minorities, to give priority to this activity and improve accessibility. They are moreover required to engage in dialogue with the groups concerned. The government also considered that the range of programming in Romani Chib should be increased during the current licensing period. The Advisory Committee notes that a committee was appointed in June 2011 to prepare for the next licensing period and examine the performance of current services, with input from national minorities, and make a report by 1 December 2012.

73. The Advisory Committee welcomes the overall increase in the number of hours of radio and television broadcasting in national minority languages in the public service media from 2010 to 2011, in particular an increase of nearly 5% in television programmes broadcast in national minority languages in 2011. It also notes with interest that, whereas no television broadcasting in Romani Chib was reported in 2010, nine hours of television programmes were broadcast in Romani Chib in 2011.

74. The Advisory Committee also welcomes the fact that there is prime-time broadcasting in Finnish on national radio station P4, although it notes that major sporting events may be given priority over these broadcasts, thus diminishing the amount of Finnish-language radio programming.

75. As regards Sami-language television broadcasting, the Advisory Committee notes that this focuses essentially on Sami issues and society. However, the slot allocated to Sami news is early in the evening, when there are relatively few potential viewers, and the broadcasting time allocated to children's programmes in the Sami languages is insufficient to be of material assistance in helping children to acquire the language. There is also a need to ensure the presence of all the Sami languages in the public service media in order to maintain and promote the Sami identity in Sweden.

76. The Advisory Committee is also concerned that public programming in Romani Chib does not provide sufficient broadcasting time to cover the culture or the specific concerns of the Roma; Tornedalian representatives moreover consider that increased radio and television programming is needed in Meänkieli in order to maintain a visible presence of this language. For its part, Yiddish does not occupy the same position as other languages spoken by national minorities, and the Advisory Committee notes the concern expressed by some interlocutors that audiences may be dwindling in part due to the lack of resources

available for broadcasting in Yiddish. It moreover appears that private broadcasting provides few slots for broadcasting in minority languages.

*Recommendations*

77. The Advisory Committee calls on the Swedish authorities to provide broader support to the Sami language broadcast media, in order to ensure that broadcasting is accessible in practice and benefits the development of the Sami languages used in Sweden. It further encourages the authorities to assess all available means as regards broadcasting in Romani Chib, Meänkieli and Yiddish and, in consultation with the relevant minority representatives, in order to provide subsidies which would allow for an adequate presence of these minority languages in the broadcasting media.

78. The Advisory Committee also encourages the Swedish authorities to consider creating incentives for private media providers to increase access to the media in particular for the numerically smaller minorities.

**Print and Internet media in minority languages**

*Recommendations from the two previous cycles of monitoring*

79. In previous monitoring cycles, the Advisory Committee identified scope for improvement in the situation of print media in minority languages and called on the authorities to review and revise the press subsidy system as necessary to ensure the viability of minority language press. It also considered that ways of supporting the availability of minority language information through the Internet should be examined.

*Present situation*

80. The Advisory Committee notes that there is currently one newspaper published in Finnish that is entitled to press subsidies. However, there are no equivalents in other national minority languages, although there are magazines that are partly published in Sami and Meänkieli. The Advisory Committee notes that there is also a lack of professional journalists working in minority languages: at present, for example, only one Meänkieli-speaking professional journalist serves all small media.

81. Following the Press Committee's 2006 Diversity and Range report (SOU 2006:8), the government concluded that better conditions were needed for daily newspapers in Meänkieli and Sami<sup>12</sup> and in 2010 entrusted the Sami Parliament, in consultation with the Swedish Tornedalian Association, with conducting a preliminary study on the conditions for cross-border newspaper co-operation in Sami and Meänkieli. The Advisory Committee welcomes this review but regrets that there has been little or no progress on this issue since the Sami Parliament and Swedish Tornedalian Association presented their preliminary study in September 2011. It understands that a Parliamentary Committee has now been appointed to examine and consult national minorities on the study's proposals on subsidies and cross-border co-operation.

82. There has apparently been little progress in finding ways of supporting the availability of minority language information through the Internet.

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<sup>12</sup> New Conditions for Support to the Daily Press (2009/10:199).

*Recommendation*

83. The Advisory Committee encourages the Swedish authorities to accelerate the work of the Parliamentary Committee responsible for examining and responding to the proposals made by the Sami Parliament and Swedish Tornedalian Association in September 2011 on subsidies and cross-border co-operation for Sami and Meänkieli print media. Moreover, they must ensure that these minorities are duly consulted, so as to be able to bring into effect as soon as possible more favourable rules and conditions for these minority language media.

**Article 10 of the Framework Convention****Use of minority languages in contacts with the administration***Recommendations from the two previous cycles of monitoring*

84. In previous monitoring cycles, the Advisory Committee encouraged the authorities to introduce legislation that would fully protect the right of persons belonging to national minorities to use their language with administrative authorities in the areas where these persons reside traditionally or in substantial numbers. At the same time, the authorities were encouraged to support local initiatives to facilitate minority language contacts with authorities which would include the municipalities where this was not an obligation under domestic legislation.

*Present situation*

85. The Advisory Committee is pleased to note that significant legislative developments have occurred in Sweden concerning the use of minority languages within the administrative authorities and the public services. In particular, the 2009 Language Act, which declares Swedish to be the principal language in Sweden, gives special recognition to minority languages. In this context, the Advisory Committee takes note of the 2011 Report of the Committee of Experts on the European Charter for Regional or Minority Languages stating that Sami, Finnish and Meänkieli are recognised as minority languages and Romani Chib and Yiddish as non-territorial languages spoken in Sweden.<sup>13</sup>

86. The Advisory Committee welcomes the broad expansion of administrative areas giving the right to use Sami, Finnish and Meänkieli in relations with authorities as well as the right to pre-school activities and care of the elderly entirely or partially in these languages. The administrative areas for Finnish and Sami languages were extended on 1 January 2010 by the addition of a further 18 and 13 municipalities respectively.<sup>14</sup> As regards Meänkieli, the administrative area now comprises six municipalities. Moreover, as other municipalities may voluntarily join the administrative area subject to a final government decision, a total of 48 municipalities are now covered.

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<sup>13</sup> See 4<sup>th</sup> Report of the Committee of Experts of the European Charter for Regional or Minority Languages, 2011. As regards Sami, this report indicates that Sweden ratified the Language Charter without distinguishing between the different Sami languages.

<sup>14</sup> The National Minorities Act initially recognised 23 municipalities as part of the Finnish administrative area, 5 municipalities for Meänkieli and 17 for Sami. Of these, two municipalities are part of all three administrative areas and three are part of the administrative areas for both Finnish and Meänkieli. These figures do not take account of subsequent additions made by decision of the government upon the application of the municipalities concerned.

87. However, despite these important and commendable efforts made by the authorities, the Advisory Committee notes with concern that the legal guarantees for the use of minority languages before the local authorities remain very partially implemented. As noted above (see comments on Article 5), some local authorities are still unaware of the obligations arising under the new law and their responsibilities deriving from it. The problem of insufficient staff is also frequently mentioned to explain the situation. The Advisory Committee regrets that, given the lack of personnel in public services who speak minority languages, linguistic rights are most often fulfilled through the use of interpretation (obligatory for judicial procedure) or translation services. This situation unfortunately results in delays in the handling process and discourages many persons belonging to national minorities from actually using their language. The problem is particularly acute as regards providing care for the elderly in minority languages in the administrative areas for Finnish, Sami and Meänkieli, due to the lack of staff working in social services who are able to provide such care. The right to care for the elderly in these languages is moreover conditional upon the relevant local authority having access to staff proficient in these languages. The Advisory Committee observes that this means that local authorities should take a proactive approach not only in identifying existing linguistic competencies but also in recruiting appropriately qualified staff.

88. The Advisory Committee notes that the Sami Parliament and the Stockholm County Administrative Board have recently issued their second monitoring report on the implementation of the National Minorities Act, which contains recommendations to improve the situation. In this context, the Advisory Committee considers that practical measures in political decision-making and in the activities of the authorities could secure the linguistic rights of citizens and mainstream these rights in administrative guidance documents, customer service operations, and written communication practices. In addition, the Advisory Committee has been informed that human resources policies of administrative authorities and courts should be adjusted to ensure that qualification requirements regarding language skills are duly indicated and rewarded in recruitment proceedings.

89. As regards the right to use one's minority language freely and without interference in private and in public, the Advisory Committee is concerned by reports of recent cases in which both a private company<sup>15</sup> and school staff<sup>16</sup> have attempted to prohibit or restrict the use of languages other than Swedish between employees or pupils during their breaks. While recognising that these cases do not represent an official position of the authorities, the Advisory Committee observes that the authorities remain responsible for ensuring that the legislation with respect to national minorities and national minority languages is known, understood and effectively implemented.

#### *Recommendation*

90. The Advisory Committee urges the authorities to redouble their efforts to implement effectively the National Minorities Act among public service providers at local level in the municipalities concerned. Particular attention must be paid to language training, language qualifications in public procurement procedures and targeted recruitment of minority language speakers. The implementation of all measures must be closely monitored and their effectiveness regularly evaluated in order to ensure that the linguistic rights of persons belonging to national minorities are fully respected.

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<sup>15</sup> [http://svt.se/2.22620/1.2350862/bussforetag\\_backar\\_om\\_sprakforbud](http://svt.se/2.22620/1.2350862/bussforetag_backar_om_sprakforbud)

<sup>16</sup> <http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=5069918>

## **Article 11 of the Framework Convention**

### **Topographical indications in minority languages**

#### *Recommendations from the two previous cycles of monitoring*

91. In the previous monitoring cycles, the Swedish authorities were encouraged to improve the legal framework and implementation practices on topographical indications in minority languages and to raise further awareness about the importance of minority language place names.

#### *Present situation*

92. The Advisory Committee welcomes the progress made concerning the display of topographical indications in minority languages. In particular, it notes with satisfaction that, in addition to topographical indications in the Sami and Finnish languages, there are now also indications in Meänkieli.

93. Concerning the Sami orthography, the Advisory Committee has been informed that, while some technical problems on computer keyboards still exist in certain municipalities, most of them have been resolved, which has resulted in an increased number of topographical signs and street names in the Sami language.

94. However, the Advisory Committee notes that minority representatives consider that the status of minority languages is, generally speaking, still low. This is moreover reflected in the fact that progress in increasing the number of topographical indications in minority languages has, overall, been slow.

#### *Recommendation*

95. The Advisory Committee strongly encourages the authorities to step up their efforts aimed at ensuring that the local authorities apply the legislation on topographical indications correctly in respect of persons belonging to national minorities, throughout the territory of Sweden.

## **Article 12 of the Framework Convention**

### **Minority-related content of textbooks**

#### *Recommendations from the two previous cycles of monitoring*

96. In previous monitoring cycles, the Advisory Committee called on the authorities to address shortcomings identified in the minority-related contents of textbooks and find ways to reflect national minorities and their culture adequately in the relevant teaching materials.

#### *Present situation*

97. The Advisory Committee notes with satisfaction that the revised curricula for the nine years of compulsory schooling in Sweden that entered into force on 1 July 2011 include elements regarding minority languages as part of the core curriculum in grades 7 to 9. In addition, the revised curricula address the position and rights of the Sami as an indigenous people and of other national minorities in the subject of social science in grades 4 to 6 and 7 to 9. It also notes with interest that the production of educational material about the Roma and other national minorities for the compulsory schooling curriculum is included as part of the government's Strategy for Roma Inclusion.

98. However, the Advisory Committee remains concerned at the overall lack of information on national minorities in textbooks used in Swedish schools, despite the above requirements of the school curricula and despite the findings of the 2006 review of textbooks by the National Agency for Education.<sup>17</sup> Roma also complain that there is very little information about the Roma Holocaust in school teaching materials. There are also reports of inaccuracies in the facts relating to national minorities that do appear in school textbooks.

99. Student teachers are moreover not required to learn about national minorities as part of their teacher training studies. This means that the training they receive in this field is insufficient.

#### *Recommendations*

100. The Swedish authorities should step up their efforts to ensure that national minorities and their cultures are adequately represented in school textbooks and computer-based learning materials. Bearing in mind that education is a highly decentralised domain in Sweden and that textbooks are not centrally approved, the Advisory Committee again emphasises the importance of involving closely national minorities and local and school authorities in this work.

101. The Swedish authorities should also ensure that teacher training programmes equip teachers to fulfil their role in teaching issues related to national minorities, as required by school curricula.

### **Roma children in schools**

#### *Recommendations from the two previous cycles of monitoring*

102. In its previous monitoring cycles, the Advisory Committee encouraged the authorities to take measures to enable and encourage Roma children to enjoy quality education free from harassment and to support and develop teaching assistant initiatives.

#### *Present situation*

103. The Advisory Committee notes with interest that studies continue to draw attention to the situation of Roma children in schools.<sup>18</sup> It also welcomes the authorities' indication that they intend to continue supporting the training of Roma teaching assistants (also referred to as "bridge-builders", mentors or mediators) with the aim, *inter alia* of improving school attendance of Roma children. It welcomes the fact that in some cities where Roma mediators have been employed, this has helped both to build trust between Roma parents and schools and to create a school environment where Roma children do not feel threatened.

104. The Advisory Committee welcomes the fact that under the new Discrimination Act, education providers have an obligation to investigate and take measures against harassment

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<sup>17</sup> *I enlighet med skolans värdegrund?* National Agency for Education, Report 285:2006, referred to in the report of the former Ombudsman against Ethnic Discrimination, Discrimination of National Minorities in the Education System, DO:s rapportserie 2008:2 eng.

<sup>18</sup> See in particular Swedish Equality Ombudsman (*Diskrimineringsombudsmannen*), Roma rights: Discrimination, paths of redress and how the law can improve the situation of Roma, 2011, R2 ENG 2011, pp. 58-62.

once they become aware of it. There is, however, no obligation on education providers to take preventive measures against harassment if no such incident has been reported.

105. The Advisory Committee is concerned that many of the problems already noted in its previous Opinions persist. These include a lack of awareness or acknowledgement of Roma culture in schools and school curricula, bullying and harassment of Roma children by pupils or teachers, and high levels of absenteeism. The school dropout rate is also high amongst Roma children, with many not following compulsory schooling to completion. All these factors have a negative impact on the education outcomes of Roma. While the Advisory Committee is pleased to note that the Roma folk high-school (an adult education centre) has proved highly successful in providing education and training to adult Roma, demand for its courses far exceeds its capacities and this initiative alone cannot compensate for the discrimination still faced by Roma children in schools.

#### *Recommendations*

106. The Advisory Committee calls upon the Swedish authorities to adopt additional measures in order to improve the access of Roma children to quality education in an inclusive environment free of harassment. These measures should include acknowledging Roma culture in school curricula and making the adoption of preventive measures against harassment obligatory in all schools.

107. The Swedish authorities should also step up their efforts to train Roma mediators and place this initiative on a more secure footing, through longer-term funding and a clear commitment to ensuring that Roma teaching assistants are present wherever needed. Such training should be designed and implemented in close consultation with Roma representatives and should be conducted in parallel with initiatives aimed at promoting the training and employment of Roma as teachers.

108. The Advisory Committee recommends that the Swedish authorities take targeted steps to overcome the high level of school dropouts and absenteeism among Roma children. Furthermore, the authorities should raise parents' awareness of the mechanisms available to them to tackle the problems faced by their children in schools, in view of the importance for their children of completing compulsory schooling. Special training should also be provided to teachers, to increase their awareness of the needs and rights of Roma children.

### **Teacher training and teaching materials**

#### *Recommendations from the two previous cycles of monitoring*

109. In its previous monitoring cycles, the Advisory Committee recommended that the Swedish authorities take measures to address the lack of minority language teachers and teaching materials, and emphasised the need to take a strategic approach in consultation with national minorities.

#### *Present situation*

110. The lack of suitably trained teachers remains a serious barrier to receiving education in and of minority languages, affecting in particular teaching in and of Romani Chib as well as in and of the various Sami languages – especially South Sami and Lule Sami – and Meänkieli. For South Sami and Lule Sami, particular difficulties arise as many

persons who speak these languages as their mother tongue were never taught to read and write it and are not equipped to teach the languages in schools. Moreover, there is a general need to replace a generation of minority language teachers nearing retirement age.

111. There are also some concerns that, if implemented, a proposal of the National Agency for Higher Education to remove as from 2018 the current exemption of mother tongue teachers from the formal qualifications ordinarily required of teachers – while serving the aim of ensuring high quality education for all – may hamper efforts to ensure continuity in the teaching of minority languages. The Advisory Committee nevertheless notes that, because of these concerns, the time-frame of 2018 that would apply to mother tongue teachers is longer than that proposed for other teachers.

112. The Advisory Committee further points out that there is also a lack of university courses for minority language teachers and that those that are available have had difficulty in attracting students. This is partly because of the lack of sustainable job opportunities for minority language teachers, due to the relatively small number of schools that offer minority language teaching and the fact that only a few hours of teaching are usually offered in any given school.

113. The Advisory Committee welcomes the authorities' efforts to address the lack of minority language teachers through a Teacher Training Inquiry (SOU 2008:109) and the subsequent Government Bill *Best in the Class – A New Teacher Education* (2009/10:89), which highlighted the importance of clearly allocating responsibilities for teacher training for all national minority languages at different universities. It also proposed establishing a programme that would enable the validation of non-formal and informal learning and would facilitate access to qualification as a subject teacher. However, the latter proposal did not make any provision with regard to the specific needs of national minorities and minority language teacher training and no formal regulations have yet been adopted to give effect to it.

114. The Advisory Committee also strongly welcomes the thorough analysis and comprehensive proposals put forward in late 2011 by the National Agency for Higher Education in its study<sup>19</sup> into means by which to increase the number of minority language teachers. The results of this study have now been sent out for consultation. However, in view of the particular difficulties experienced in recruiting minority language teachers, described above, the Advisory Committee is concerned that the authorities have already indicated that they will not give further consideration to one of the study's proposals, namely that of cancelling repayments of student loans for student teachers of minority languages. It also regrets that the new system of teachers' licences (*läralegitimation*), which came into force in March 2011, does not include any specific provisions with regard to minority language teachers. On the other hand, it notes that a further study has now been commissioned into the possibility of developing distance learning and that the outcome of this study is expected in November 2012. It also observes that options such as the re-training of teachers and the development of bilingual teaching methodologies could usefully be explored.

115. The availability of textbooks in minority languages also continues to be a problem, particularly for the Sami languages, Romani Chib and Meänkieli, and little funding is

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<sup>19</sup> *Läraryförsöjningen för de nationella minoriteterna – hur kan den tryggas?* Högskoleverkets rapportserie 2011:14 R



available to support the development and publication of such textbooks. The Advisory Committee welcomes the fact that the “Mother Tongue Theme” website<sup>20</sup> continues to be developed and that it could moreover usefully complement other educational materials.

116. The Advisory Committee welcomes the fact that the authorities are increasingly aware of the problems posed by the lack of minority language teachers and teaching materials, but is concerned that progress in overcoming this situation remains slow. It emphasises that a strategic approach in this field is now clearly needed. One or two generations of persons belonging to national minorities have already lost to a greater or lesser extent the use of their minority language as a mother tongue, and each year of minority language education lost will make it increasingly difficult to recover the ground lost in this respect. This unsatisfactory situation also has considerable repercussions on the use of minority languages in public life (see Article 10 above).

#### *Recommendations*

117. The Advisory Committee strongly encourages the Swedish authorities to strengthen their efforts to address the lack of minority language teachers. This continues to require a strategic approach, in consultation with representatives of national minorities, so as to ensure that there is adequate provision of higher education in this field and that minority language teaching becomes a sustainable profession. The Swedish authorities should implement the proposals made in 2011 by the National Agency for Higher Education as regards effective access to teacher training in minority languages, including making all the necessary revisions to the applicable legislation and regulations. The authorities should also consider taking special measures to attract students of minority language teaching.

118. The Advisory Committee also encourages the Swedish authorities to pursue their efforts to provide web-based teaching materials in minority languages in co-operation with minority language teachers and other stakeholders, and to combine these efforts with an increased domestic production of quality textbooks for national minorities.

### **Article 13 of the Framework Convention**

#### **Private schools and teaching of minority languages**

##### *Recommendations from the two previous cycles of monitoring*

119. In its previous monitoring cycles, the Advisory Committee encouraged the authorities to continue supporting private minority language and bilingual schools.

##### *Present situation*

120. The Advisory Committee welcomes the positive stance adopted by the authorities with respect to free schools as a source of minority language education, and notes with interest that there have been a number of developments in this field, in particular at pre-school level, following the enlargement of the administrative areas for Finnish and Sami under the National Minorities Act. It notes with particular interest the opening of a Sami pre-school in the municipality of Berg in September 2010, with South Sami as its principal language.

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<sup>20</sup> <http://www.modersmal.net>

121. As the Advisory Committee has previously noted, the heavy reliance on free schools as a source of minority language education makes it particularly important that education structures as a whole are developed in a way that reflects and supports such private initiatives. This requires the close involvement of representatives of national minorities in the decision-making process concerning the status, teaching environment and development of free schools.

*Recommendation*

122. The Advisory Committee again encourages the authorities to continue supporting private minority language and bilingual schools and to involve representatives of national minorities in the decision-making process in order to ensure that initiatives and needs in this sphere are adequately taken into account in the overall education-related infrastructure.

**Article 14 of the Framework Convention**

**Provision of mother tongue instruction**

*Recommendations from the two previous cycles of monitoring*

123. In previous monitoring cycles, the Advisory Committee recommended that the Swedish authorities step up their efforts to improve mother tongue teaching, notably by ensuring that lack of teachers did not serve to free the relevant authorities from their obligations in this field.

*Present situation*

124. The Advisory Committee welcomes as very positive the steps taken by the Swedish authorities to facilitate the access of pupils belonging to national minorities to mother tongue instruction, notably through removing the condition that the national minority language be the pupil's daily means of interaction in the home and removing the condition that at least five pupils request such tuition, which previously still applied to mother tongue instruction in Finnish and Yiddish.

125. It regrets, however, that the authorities have not yet abrogated section 13, paragraph 1 of the Compulsory School Ordinance (1994:1194), according to which a municipality is only liable to provide mother tongue tuition in a language if a suitable teacher is available. This provision continues to constitute an obstacle to access to mother tongue instruction, in particular because it continues to be frequently invoked as a justification for rejecting requests for mother-tongue instruction, notably in Romani Chib, the Sami languages and Meänkieli (see also related comments under Article 12 above).

126. Moreover, access to mother tongue instruction in minority languages still remains conditional on the fulfilment of the condition that pupils have "basic knowledge" of the language concerned. The Advisory Committee is of the opinion that access to minority language education should not be made conditional upon the language proficiency of pupils at the commencement of their schooling. It welcomes the fact that some municipalities already apply a generous approach in interpreting the "basic knowledge" criterion and underlines that increased opportunities for pre-schooling in minority languages would also improve the minority language proficiency of children reaching school age.

127. The Advisory Committee notes that a series of other obstacles hinder access to mother tongue instruction. Teaching hours are often limited to between 40 and 60 minutes per week – an amount insufficient to ensure the revitalisation of the numerically smaller languages. Moreover, such tuition is often provided after school hours, thus limiting its attractiveness since pupils tend to be tired and unreceptive in class.<sup>21</sup> Discontinuity in such tuition, in particular at upper secondary level, impedes access to teaching of national minority languages at tertiary level, and the fact that, unlike some foreign languages, knowledge of minority languages is not considered an advantage for university entrance also pushes some pupils to choose to learn foreign languages that are recognised in this context, in preference to learning their minority language. Additional funding provided by the state to assist municipalities in meeting their obligations in this field is not specifically earmarked for this purpose and may therefore be allocated by municipalities to other, unrelated activities. Some municipalities moreover argue that they cannot provide such tuition because there is insufficient demand. This argument appears to be in conflict with municipalities' obligations under the legislation now in force in Sweden, but serves to discourage parents who are not yet fully aware of their rights under the new provisions. The Advisory Committee notes with interest that civil society has launched initiatives to make the existing demand for instruction of minority languages more visible, *inter alia* through the creation of a Facebook group called "There *is* a demand". There is moreover an objective demand for minority language education in so far as it is necessary to ensure that the numerically smaller languages can continue to be used by persons belonging to the relevant national minorities.

128. The Advisory Committee is concerned that the above situation may not cater adequately for the language acquisition needs of pupils belonging to national minorities in Sweden. It underlines that the current situation is in part the result of previous government policies in force over a number of decades under which the use of minority languages was discouraged in schools, and which contributed to a decline in the use of these languages in daily life, leaving many parents today without the linguistic skills necessary to impart basic knowledge of their mother tongue to their children. This situation is compounded by difficulties in accessing pre-school education in minority languages (see below). The Advisory Committee welcomes the fact that some municipalities take a proactive approach in making mother tongue instruction available to pupils belonging to national minorities and also welcomes the steps already taken by the authorities at national level in response to the recognition that more flexible access to mother tongue instruction is needed for pupils belonging to national minorities. However, it considers that these steps do not yet go far enough to give due effect to the right of persons belonging to national minorities to learn their national minority language under the Framework Convention.

129. The Advisory Committee also notes with concern a district court judgment in which it was ruled that, where a school had refused to provide mother tongue instruction in Romani Chib or Finnish to two Finnish-Roma children, the relevant point of comparison for establishing whether discrimination had occurred was not whether Swedish mother-tongue children were able to receive instruction in Swedish but whether children having another minority language as their mother tongue were able to receive mother tongue

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<sup>21</sup> See, *inter alia* Swedish National Agency for Education (*Skolverket*), With another mother tongue – students in compulsory school and the organisation of teaching and learning, A summary in English of report 321 (2008), *passim*.

instruction in their minority language.<sup>22</sup> This case – which highlights the difficulties inherent in obtaining redress for violations of the rights of persons belonging to national minorities under antidiscrimination legislation in Sweden (see also Article 4 above) – adds to the sense that effective enforcement mechanisms are lacking in cases where municipalities fail to respect their obligations under the legislation on national minorities.

#### *Recommendations*

130. The Advisory Committee strongly encourages the Swedish authorities to pursue and strengthen their efforts to provide mother tongue teaching of national minority languages. They should in particular step up their efforts to ensure that the lack of teachers is not used as a pretext to free municipalities from their obligations to take steps towards addressing the demand in this area.

131. The Advisory Committee encourages the Swedish authorities to remove the requirement that children have “basic knowledge” of their national minority language to receive mother tongue instruction in this language as part of their compulsory schooling. It also recommends that they review the impact in practice of other obstacles to the provision of such instruction, with a view to ensuring that the rights now laid down in domestic legislation are given full effect in practice. This means that the central authorities should ensure that municipalities implement their obligations under national legislation and eliminate factors that may induce parents or pupils not to request or not to pursue mother tongue instruction. Such factors include after-school teaching hours and the lack of recognition afforded to minority languages at university entrance level.

132. The Advisory Committee recommends that the Swedish authorities establish mechanisms to ensure that the legislation on mother tongue instruction in minority languages that gives effect to rights protected under the Framework Convention is properly applied at all levels throughout Sweden.

### **Bilingual education**

#### *Recommendations from the two previous cycles of monitoring*

133. In its previous monitoring cycles, the Advisory Committee called on Sweden to take more decisive measures to increase the availability of bilingual education for persons belonging to national minorities.

#### *Present situation*

134. According to the provisions of the Compulsory School Ordinance (1994:1194), bilingual instruction in minority languages continues to be available only in grades 1 to 6, with the exception of Finnish, where it may also be provided in grades 7 to 9. The total teaching time in the minority language must not exceed 50% overall and tuition must be planned in such a way that the amount of teaching provided in Swedish gradually increases over the course of the relevant period of instruction.

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<sup>22</sup> Eksjö District Court, 21 October 2010, case no. T 1395-09, reported in Swedish Equality Ombudsman, (*Diskrimineringsombudsmannen*), Roma rights: Discrimination, paths of redress and how the law can improve the situation of Roma, 2011, R2 ENG 2011, pp. 31-32. The Equality Ombudsman’s application for leave to appeal against this judgment was subsequently denied.

135. Except for Sami language education (examined further below), bilingual education for persons belonging to national minorities remains marginal and is provided in only a handful of independent schools and two municipal schools. While the authorities attribute this to a lack of potential pupils, minority representatives stress that the availability of and access to bilingual education is well below that needed or desired by national minorities. Efforts by the authorities to expand the provision of bilingual education have moreover been based on pilot projects, which, although positive, are ad hoc and not designed for the long term. Taken together with the difficulties faced in receiving mother tongue instruction (described above), this situation continues to represent a major challenge for national minority policy in Sweden and, in turn, accentuates the problem of the lack of staff fluent in minority languages in administrative authorities (see Article 10 above).

136. The Advisory Committee also notes that in some parts of the country, notably in border regions and administrative areas such as Haparanda, Kiruna and Pajala that cover two or more minority languages, a trilingual or multilingual model may be of more relevance, both for operational reasons but also to cater for the high number of mixed families having Swedish, Sami, Finnish and Meänkieli as family languages in various combinations.

#### *Recommendation*

137. The Advisory Committee calls on the Swedish authorities to step up their efforts to increase the availability of bilingual education for persons belonging to national minorities, and examine the possibility of providing trilingual or multilingual education in areas with a high proportion of persons using several languages as family languages. It underlines that in order to be effective, this will require changes to both legislation and practice; these measures need to be designed and implemented in close co-operation with representatives of national minorities.

### **Pre-school education**

#### *Recommendations from the two previous cycles of monitoring*

138. In its previous monitoring cycles, the Advisory Committee, noting that proposals to expand the legal obligation to provide minority language pre-schools were being considered, recommended that in the meantime, the Swedish authorities ensure the full implementation of existing obligations and encourage local authorities to take more voluntary measures in this area.

#### *Present situation*

139. The Advisory Committee welcomes the fact that the expansion of the administrative areas under the National Minorities Act means that more children are entitled to pre-school activities in which all or a part of such activities is carried out in Finnish, Sami or Meänkieli, if their parents so request.<sup>23</sup> It also notes with interest that there is a Sami pre-school in each of the locations where there is a Sami school at compulsory schooling

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<sup>23</sup> Section 17 of the Act, as amended by Act No. 2010:865 and in force as from 1 July 2011, provides that “When a municipal authority in an administrative area offers a place in the pre-school or such pedagogical operations which are referred to in Chapter 25 of the Education Act (2010:800) which supplement or are offered instead of pre-school, the municipal authority shall offer a child whose parents or guardians so request a place in the pre-school activity where the whole or a part of the activity is carried out in Finnish, Meänkieli or Sami as appropriate.”

levels, and welcomes the fact that some municipalities actively seek to stimulate demand from parents for minority language pre-schooling.

140. Nonetheless, there continue to be significant gaps in the provision of minority language pre-schools and severe difficulties in finding teachers for such pre-schools. While some local authorities point to a lack of demand for such pre-schools, minority representatives indicate that where minority language pre-schools do exist or are established, they are rapidly overwhelmed with demand.

141. The provision of pre-school activities that are partly in minority languages also poses some problems, notably where “partly” is interpreted simply as meaning that a teacher or staff member who knows the language is not prohibited from using the language with a child: practice reportedly shows that it is difficult to use a minority language with a small number of children when the other children do not understand it, and children belonging to national minorities quickly become discouraged from speaking the minority language in such situations. The Advisory Committee notes that models such as bilingual pre-schools (according to a “one teacher, one language” model) could usefully be considered.

#### *Recommendation*

142. The Advisory Committee calls upon the Swedish authorities to encourage municipalities to take more active measures to promote access to minority language pre-school education. They should also ensure that the impact in practice of the current rules on minority language pre-school education, notably as regards pre-school activities where only a part of the activity is carried out in minority languages, is carefully evaluated, in order to pinpoint any shortcomings in the rules or their implementation and identify means for overcoming them.

### **Sami language education**

#### *Recommendations from the two previous cycles of monitoring*

143. In its previous monitoring cycles, the Advisory Committee invited the Swedish authorities to take further measures to ensure that Sami language education fully met the needs of the persons concerned and that pupils and parents were adequately informed about their rights in this area.

#### *Present situation*

144. There have been some welcome developments in the field of Sami language education, such as an increase in the Sami Education Board’s appropriations for integrated Sami tuition of 1 million SEK in 2010 and the opening of a Sami pre-school with South Sami as its main language (see Article 13 above). Initiatives to involve young people in Sami language revitalisation have also been taken, both through setting up elderly speakers of South Sami as mentors for young people and the development of Internet platforms designed to be used by young people.

145. Nonetheless, despite the fact that a strong demand for education in Sami languages continues to exist, a number of obstacles hamper the provision of teaching in and of Sami languages, including capacity and resource problems (see Article 12 above), discontinuity

in Sami language education after the sixth grade of compulsory schooling and difficulties in providing adequate teaching materials in all the Sami languages.

*Recommendation*

146. The Advisory Committee encourages the Swedish authorities to take further proactive measures, in close consultation with Sami representatives, to ensure that Sami language education fully meets the needs of the persons concerned. This should include in particular continuity in Sami language education after compulsory schooling and the availability of quality teaching materials in all the Sami languages.

**Article 15 of the Framework Convention**

**Sami Parliament**

*Recommendations from the two previous cycles of monitoring*

147. In its previous monitoring cycles, the Advisory Committee encouraged Sweden to take further steps to develop the role of the Sami Parliament in decision-making processes, and emphasised the importance of effective participation by Sami in decision-making not only in the reindeer industry but in a wide range of areas, including spatial planning.

*Present situation*

148. Although the Sami Parliament is a popularly elected body, its key function remains that of a state agency responsible for administering policies decided by the *Riksdag* and the central government. The Advisory Committee observes that this situation may result in conflicts between its political and administrative functions.

149. As noted above (see Article 5), despite the transfer of certain powers to the Sami Parliament over the last five years, its role in decision-making processes on issues affecting land and the traditional activities of the Sami people remains limited. It has neither a right of co-determination in legislative matters nor a right of veto in administrative decisions, and there is no automatic referral to it of matters in which Sami interests are at stake.<sup>24</sup>

150. The Advisory Committee maintains its view that increasing the participation of the relevant Sami bodies, including Sami villages, in the preparation, implementation and evaluation of spatial planning decisions is a key area that needs to be addressed. As already noted in the Advisory Committee's second opinion, planning decisions on issues such as the relocation of the centre of the municipality of Kiruna will have a significant impact on reindeer herding in the area and more broadly on several issues of concern for the Sami population.

*Recommendation*

151. The Advisory Committee recommends that the Swedish authorities take further steps to ensure that the Sami Parliament, as the main representative body of the Sami people, is able to participate effectively in decision-making processes in all areas affecting

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<sup>24</sup> See Ombudsman against Ethnic Discrimination (*Ombudsmannen mot etnisk diskriminering*), Discrimination of the Sami – the rights of the Sami from a discrimination perspective, DO:s rapportserie 2008:1 eng, p23.

the Sami people, including public affairs such as spatial planning as well as the reindeer industry and educational and cultural matters.

### **General consultative structures**

#### *Recommendations from the two previous cycles of monitoring*

152. In previous monitoring cycles, the Advisory Committee encouraged the authorities to ensure clarity and consistency in governmental responsibilities for dealing with national minority issues as well as broad, inclusive and effective consultation of national minorities, both at national and at local level.

#### *Present situation*

153. The Advisory Committee welcomes the efforts made at national level to consult persons belonging to national minorities on issues of relevance to them through meetings and consultations with their representatives. However, it notes with regret that there is no specific structure for such consultations and that the perception of representatives of national minorities is that such consultation often occurs too late in the process for their input to have a significant influence on the outcome. It also notes that youth representatives consider that they are not sufficiently involved in government consultations with national minorities. Issues concerning the extent to which their views were taken into account, despite the consultations that were held, in drawing up the Strategy for Roma Inclusion 2012-2032, were also amongst the causes of concern expressed by Roma representatives with respect to this strategy (see Article 4 above).

154. The Advisory Committee underlines that the consultation process also continues to be hampered by changes in the government structures responsible for these issues. While many of the civil servants handling minority questions remain the same, frequent reallocation of minority issues from one ministry to another (most recently, the return of this portfolio from the Ministry of Justice to the Ministry of Integration, within the Ministry of Employment) means constant efforts need to be invested in institutional issues. This is problematic both from the point of view of continuity and for the strength and overall visibility of minority protection in the public sphere.

155. The Advisory Committee also observes that while representatives of national minorities express the need for consultations to be developed further, some consider that this needs to be accompanied by various forms of support, including capacity-building measures, especially where the minority is numerically small.

156. At the local level, there are wide variations in the possibilities open to representatives of national minorities to participate in decision-making processes, with some municipalities and county administrations taking a far more proactive approach than others.

157. Moreover, the Advisory Committee observes that there is a high degree of decentralisation in Sweden. It notes with regret that this has resulted in insufficient coordination both amongst the central authorities themselves and between the central authorities and decentralised authorities dealing with issues related to national minorities. Certain difficulties faced in implementing the rights of persons belonging to national minorities (see in particular above regarding support for minority culture (Article 5), use of minority languages in contacts with the administration (Article 10) and funding of mother



tongue instruction (Article 14)) arise as a direct result of this insufficient coordination. This situation is further compounded by the absence of effective mechanisms to ensure that decentralised authorities respect their obligations arising under international and domestic law.

### *Recommendations*

158. The Advisory Committee strongly encourages the Swedish authorities to ensure that governmental consultations with national minority representatives are placed on a more structured footing and carried out in a consistent manner, in order to ensure that the consultation of national minorities is broad, inclusive and effective at national, regional and local levels. In this context, the authorities should take action to provide various forms of support, including capacity-building measures, in particular for the numerically smaller minorities. They should also take steps to promote the sharing of best consultation practices between the relevant national, regional and local authorities.

159. The Advisory Committee recommends that the Swedish authorities step up their efforts to improve coordination amongst the central authorities responsible for issues related to national minorities and between the central and decentralised authorities, in order to strengthen the content and the implementation of policies aimed at the protection of persons belonging to national minorities.

## **Roma participation**

### *Present situation*

160. The Advisory Committee notes with deep concern that Roma are marginalised and disadvantaged in the socio-economic sphere, suffering discrimination for example in the housing sector, in access to goods and services and in the field of education (see under Article 12 above). It refers to ECRI's detailed findings and recommendations in this regard.<sup>25</sup> It also notes complaints that rules and practices regarding taking children into public care may have a disproportionately negative impact on Roma children in so far as they are frequently placed with non-Roma families and disconnected from their minority background.<sup>26</sup>

161. The Advisory Committee notes with interest that the National Institute of Public Health presented a report in April 2010 analysing the health status of Roma and proposing ways in which health promotion and preventive health measures could be conducted amongst them. It also notes with satisfaction that the National Board of Health and Welfare has compiled and distributed to county councils a document explaining the implications for health authorities of the National Minorities Act.

162. The Advisory Committee welcomes the adoption by the Swedish government on 16 February 2012 of a Strategy for Roma Inclusion 2012-2032 (2011/12:56), covering the fields of education, employment, housing, health, social care and security, culture and language, and the organisation of civil society. It notes that the overall aim of the strategy

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<sup>25</sup> See ECRI's Report on Sweden (fourth monitoring cycle).

<sup>26</sup> The Advisory Committee notes that an investigation carried out by the Swedish National Board of Health and Welfare in 2006 concluded that Roma children removed from their families were not over-represented in the Swedish social welfare system and that the social services had not acted improperly in the 71 cases examined. See *Omhändertaganden av romska barn*, Socialstyrelsen 2006.

is that by 2032, the rights of Roma born in 2012 should be able to be safeguarded within ordinary structures to the same extent as the rights of other twenty-year-olds – in other words, these Roma should then benefit from full and effective equality.

163. The Advisory Committee welcomes the extensive involvement of Roma organisations in the preparatory phases of this strategy and the fact that they consider many elements of the strategy to be positive. At the same time, it notes the concerns expressed by Roma organisations that the focus on achieving equality primarily for children born today may create divisions between young Roma and older generations and that the strategy does not make sufficient provision for Roma to participate as actors in its implementation. The Advisory Committee welcomes the indication that dialogue between the authorities and Roma organisations is continuing with regard to the strategy.

#### *Recommendations*

164. The Advisory Committee encourages the Swedish authorities to pursue their consultations with representatives of the Roma with a view to promoting the participation of Roma, including women, in social and economic life. They must involve Roma directly in ensuring the successful implementation of the strategy for Roma Inclusion 2012-2032 and allocate adequate resources to achieving the desired outcomes. The implementation of the strategy should also be monitored and evaluated regularly, in close co-operation with Roma representatives.

165. The Advisory Committee calls on the Swedish authorities to ensure that where a decision is taken to remove a Roma child from his or her family, special attention is paid to the socio-economic vulnerability of the child. Care should also be taken in placing Roma children with foster families to ensure that families are chosen that can best guarantee the preservation of the children's Roma identity and culture.

### **Article 18 of the Framework Convention**

#### **Nordic Sami Convention/Cross-border co-operation**

##### *Recommendations from the two previous cycles of monitoring*

166. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue further regional co-operation on Sami issues, including by adopting the Nordic Sami Convention.

##### *Present situation*

167. The Advisory Committee is pleased to note that, after many years of delayed progress, the representatives of the Governments of Sweden, Finland and Norway, and the three Sami Parliaments, finally agreed in November 2010 on a model for negotiations with a view to the adoption of the Nordic Sami Convention. Following the agreed model, three delegations each composed of six persons, including representatives both of the respective governments and Sami Parliaments, resumed the negotiations in 2011 with the aim of adopting this Convention in 2016.

168. The Advisory Committee has also been informed that interesting initiatives of cross-border co-operation on minority issues in education and other fields continue to be developed by local authorities. The Advisory Committee is also pleased to note that the

Nordic Working Group for National Minorities<sup>27</sup> continues to meet annually in order to examine policies and other questions related to minority issues. The Advisory Committee observes that such opportunities could be developed further, including in the field of teacher training, and might have an especially positive impact towards revitalising the languages of the numerically smaller minorities.

*Recommendations*

169. The Advisory Committee encourages the Swedish authorities to continue their positive engagement in the process of adopting a Nordic Sami Convention, which should provide a common definition for the Sami people and effective guarantees for their protection as an indigenous people.

170. It also encourages the Swedish authorities to support the expansion of cross-border co-operation activities on issues of interest to national minorities, such as culture, history, and language, in particular where such activities could be beneficial for the revitalisation of the languages spoken by the numerically smaller minorities.

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<sup>27</sup> The Nordic Working Group for National Minorities is a governmental structure, set up in 2004, composed of representatives of Swedish, Finnish, Danish and Norwegian ministries.

### **III. CONCLUSIONS**

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

#### **Positive developments following two cycles of monitoring**

172. Sweden has pursued a constructive approach to the monitoring process of the Framework Convention and maintained an inclusive and open approach towards the personal scope of application. Following the amendment of the Swedish Constitution with effect from 1 January 2011, the Sami are now recognised at constitutional level as an indigenous people.

173. Two laws of particular importance to persons belonging to national minorities were adopted in 2009: the National Minorities and National Minority Languages Act (2009:724) and the Language Act (2009:600). These laws expand the geographical areas in which the Finnish, Meänkieli and Sami languages can be used in contacts with the administrative authorities and increase the opportunities for persons belonging to national minorities to have an impact in decision-making on issues of concern to them. A new integrated strategy for national minorities, aimed at clarifying the responsibilities of national, regional and local authorities, was also adopted in 2011.

174. Sweden has enacted new comprehensive antidiscrimination legislation and established a single Equality Ombudsman empowered to deal with all grounds of discrimination covered by Swedish law. This should enable the Ombudsman to take better account of multiple discrimination. Sweden has also made commendable efforts to improve the prosecution of hate crimes.

175. The expansion of administrative areas under the National Minorities Act means that more children are entitled to pre-school activities in minority languages. The requirement that children speak the language at home in order to be entitled to mother tongue instruction has also been removed with respect to the languages of national minorities, as has the requirement that there be a minimum of five pupils in order to open a class.

176. A Strategy for Roma Inclusion 2012-2032 was adopted in February 2012, following consultations with Roma organisations, and covers the key fields of participation in public and socio-economic life. The overall aim of the strategy is that by 2032, Roma born in 2012 will benefit from full and effective equality in Swedish society. Much of the strategy has been welcomed by Roma organisations.

#### **Issues of concern following two cycles of monitoring**

177. The new Discrimination Act (2008:567) does not expressly cover discrimination based on language – a point of concern given the difficulties experienced by persons belonging to national minorities in exercising their rights with respect to the use and learning of their minority languages. This Act also does not expressly provide for the possibility of adopting special measures in all relevant fields of daily life of persons belonging to national minorities, in particular as regards health and housing, as such

measures are still not generally accepted in Sweden, although they are provided for in Article 4, paragraphs 2 and 3 of the Framework Convention.

178. Overall, insufficient information is available about discrimination against persons belonging to national minorities. The situation may vary from one national minority to another and increased efforts to monitor and address the specific forms of discrimination experienced by them must be made.

179. The sustainability of the long-term cultural activities of national minorities is difficult to ensure because such projects are usually funded for a limited period of one year. Minorities are not always sufficiently involved in decision-making processes on the allocation of resources and the amount of funds available is reportedly insufficient to cover their real needs. This issue is particularly crucial for numerically smaller minorities.

180. The legal situation of the Sami as regards winter grazing land rights needs to be clarified in the light of the Supreme Court's judgment of 27 April 2011 and more efforts are needed to ensure that their traditional way of life is maintained and negative impacts of spatial planning decisions are minimised.

181. While there was a welcome increase in broadcasting hours in minority languages from 2010 to 2011, the availability of minority language media is still insufficient, especially for the numerically smaller minorities.

182. The legal guarantees for the use of minority languages before the local authorities remain only partially implemented. It seems that some local authorities are still unaware of the obligations arising under the new law and their responsibilities deriving from it; others explain that they have insufficient staff who speak minority languages. Linguistic rights are therefore often fulfilled through the use of interpretation or translation services, which results in delays in the handling process and discourages many persons belonging to national minorities from actually using their language. The problem is particularly acute as regards providing care for the elderly in minority languages in the administrative areas for Finnish, Sami and Meänkieli.

183. Problems in the access of Roma children to education persist, including a lack of awareness or acknowledgement of Roma culture in schools and school curricula, bullying and harassment of Roma children by pupils or teachers, and high levels of absenteeism and school dropouts amongst Roma children. All these factors have a negative impact on the education outcomes of Roma.

184. The lack of suitably trained teachers remains a serious barrier to receiving education in and of minority languages as well as bilingual and multilingual education. At the same time, there is a general need to replace a generation of minority language teachers nearing retirement age.

185. Certain additional obstacles hinder access to mother tongue tuition in minority languages, notably the fact that municipalities are only obliged to provide such instruction if a suitable teacher is available and the condition that children belonging to national minorities have "basic knowledge" of their minority language in order to benefit from the right to mother tongue instruction.

186. The high degree of decentralisation in Sweden has resulted in insufficient coordination both amongst the central authorities themselves and between the central authorities and decentralised authorities dealing with issues related to national minorities. Certain difficulties faced in implementing the rights of persons belonging to national minorities arise as a direct result of this insufficient coordination and are compounded by the absence of effective mechanisms to ensure that decentralised authorities respect their obligations arising under international and domestic law.

187. Although the Sami Parliament is a popularly elected body, its key function remains that of a state agency responsible for administering policies decided by the *Riksdag* and the central government. This may result in conflicts between its political and administrative functions. Its role in decision-making processes on issues affecting land and traditional activities of the Sami people also remains limited.

188. Despite the extensive involvement of Roma organisations in the preparatory phases of the Strategy for Roma Inclusion 2012-2032 and the fact that they consider many elements of the strategy to be positive, concerns have been expressed that the focus on achieving equality primarily for children born today may create divisions between young Roma and older generations and that the strategy does not make sufficient provision for Roma to participate as actors in its implementation.

### **Recommendations**

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

#### **Issues for immediate action<sup>28</sup>**

- **Redouble efforts to implement effectively the National Minorities Act among public service providers at local level in the municipalities concerned; pay particular attention to language training, language qualifications in public procurement procedures and targeted recruitment of minority language speakers; monitor the implementation of all measures and evaluate their effectiveness regularly in order to ensure that the linguistic rights of persons belonging to national minorities are fully respected;**
- **Strengthen efforts to address the lack of minority language teachers as well as teachers equipped for bilingual and multilingual education; adopt a strategic approach, in consultation with representatives of national minorities, in order to ensure that there is adequate provision of higher education in this field and that minority language teaching is sustainable as a profession; take special measures to attract students to minority language teaching;**

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<sup>28</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- **Take steps to ensure that the Sami Parliament is able to participate effectively in decision-making processes in all areas affecting the Sami people, including public affairs such as spatial planning as well as the reindeer industry and educational and cultural matters;**

Further recommendations<sup>29</sup>

- Extend the grounds set out in the new Discrimination Act (2008:567) so as to cover expressly discrimination based on language; expand the provision made in domestic law for special measures aimed at achieving full and effective equality as prescribed by Article 4, paragraphs 2 and 3 of the Framework Convention; step up efforts to monitor ethnic discrimination against persons belonging to national minorities;
- Clarify and improve the legal situation of the Sami people in relation to land rights and pursue efforts to preserve their right to their traditional way of life, while ensuring the rights of the other groups settled in the areas concerned;
- Adopt additional measures in order to improve the access of Roma children to quality education in an inclusive environment free of harassment; step up efforts to train Roma mediators, in parallel with initiatives aimed at promoting the training and employment of Roma as teachers; take targeted steps to overcome the high level of school dropouts and absenteeism among Roma children;
- Remove the requirement that children have “basic knowledge” of their national minority language in order to receive mother tongue instruction in this language as part of their compulsory schooling;
- Step up efforts to improve coordination amongst the central authorities responsible for issues related to national minorities and between the central and decentralised authorities, in order to strengthen the content and the implementation of policies aimed at the protection of persons belonging to national minorities;
- Involve Roma directly in ensuring the successful implementation of the Strategy for Roma Inclusion 2012-2032 and allocate adequate resources to achieving the desired outcomes.

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<sup>29</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention