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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SWEDEN

2nd monitoring cycle

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

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter may decide to address to the State Party.

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

adopted by the Committee of Experts on 23 March 2006
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1. The Charter's ratification by Sweden

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

2. The instrument of ratification of Sweden is set out in Appendix I of this report. Sweden declared at the time of ratification that Sami, Finnish and Meänkieli are regional or minority languages, protected under Part III of the Charter. It also identified Romani Chib and Yiddish as non-territorial languages spoken in Sweden.

3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The Swedish authorities presented their second periodical report to the Secretary General of the Council of Europe on 30 June 2004.

4. In its previous evaluation report on Sweden (ECRML (2003) 1), the Committee of Experts of the Charter (hereinafter referred to as "the Committee of Experts") outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2003) 1), which were addressed to the Swedish authorities.

1.2. The work of the Committee of Experts

5. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Sweden and through interviews held with representatives of regional or minority languages in Sweden and the Swedish authorities during the "on-the-spot" visit, which took place on 19-22 September 2005. The Committee of Experts received a number of comments from bodies and associations legally established in Sweden, submitted pursuant to Article 16, paragraph 2 of the Charter.

6. In the present second evaluation report the Committee of Experts will focus on the provisions and issues which were singled out in the first evaluation report as raising particular problems. It will evaluate in particular how the Swedish authorities have reacted to the issues detected by the Committee of Experts and where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts' reasoning², before evaluating how the Swedish authorities have reacted. The Committee of Experts will also look at the new issues which arose during the second monitoring round.

7. The present report contains detailed observations that the Swedish authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of

¹ MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

² The boxes which featured in the first evaluation report appear as underlined sentences in the present second report.

general proposals for the preparation of a second set of recommendations to be addressed to Sweden by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter (see Chapter 3.3 of this report).

8. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Sweden, save as otherwise expressly mentioned in the text of the report.

9. This report was adopted by the Committee of Experts on 23 March 2006.

1.3. The presentation of the regional or minority language situation in Sweden: up-date

10. The Committee of Experts refers to the relevant paragraphs of the first evaluation report (paragraphs 9-19) for the basic presentation of the situation of regional or minority languages in Sweden. The regional or minority languages covered under the Charter in Sweden are the Sami, Finnish, Meänkieli, Romani and Yiddish languages. Sami, Finnish and Meänkieli have been granted protection under Part III of the Charter, as indicated in the instrument of ratification.

11. Sweden does not collect official statistics regarding the use of regional or minority languages and the authorities state that figures provided in the periodical reports with respect to the number of speakers are only rough estimates. As has also been pointed out by the Advisory Committee of the European Framework Convention for the Protection of National Minorities³, this makes it difficult for international monitoring bodies, including the Committee of Experts, to evaluate whether Sweden fulfils its international undertakings. The Committee of Experts is also of the view, shared by several language groups, that the lack of reliable statistical data limits the capacity of the Swedish authorities to plan and to take appropriate measures for the protection and the promotion of Sweden's regional or minority languages. It also reduces the visibility of regional or minority languages in Sweden.

12. The Finnish speakers, by far the biggest and most wide-spread minority language group in Sweden, seem to be particularly affected by the lack of reliable statistics. According to official statistics, in 2002 there were 446 530⁴ persons of Finnish origin in Sweden and the authorities estimate that half of them speak Finnish to some degree (see Sweden's second periodical report, p. 4). However, a recent survey, commissioned by Swedish Radio (SR) and Sisuradio (the Finnish-speaking radio service of the SR) and carried out by a research company, contradicts this estimate. Out of a representative sample of 35 829 persons interviewed for this survey, 5.2% indicated that they speak or understand Finnish, Meänkieli or both (3.5%, 0.5% and 1.2% respectively). These figures would correspond to 469 000 persons in Sweden and indicate that the number of Finnish and Meänkieli speakers might be much higher than previously estimated.

13. The Committee of Experts is aware of the sensitive nature of the question of collecting data on people's linguistic background. Nevertheless, it is important to have more reliable data concerning the number of users of regional or minority languages and their geographic distribution. This type of work should be conducted in co-operation with the speakers of regional or minority languages. The Committee of Experts encourages the Swedish authorities to begin this work.

14. The general legal framework governing the use of regional or minority languages has not changed since the Committee of Experts' last evaluation. International legal instruments do not automatically become part of domestic law in Sweden and must be incorporated into Swedish law in order to apply before Swedish courts and public authorities. The two Acts concerning the right to use Sami, Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1175 and 1176) were the only legal acts adopted with a view to implementing the Charter, as the Swedish authorities were of the view that Swedish legislation at the time of the ratification already fulfilled many of the provisions of the Charter (see Sweden's initial periodical report, p. 5). In addition to these Acts, the teaching in or of regional minority languages in Sweden is mainly regulated by the Swedish Education Act (*Skollag*, SFS 1985:1100), the Primary School Ordinance (*Grundskoleförordning*, SFS 1994:1194) and the Grammar School Ordinance (*Gymnasieförordning*, SFS 1992:394). The Sami School Ordinance (*Sameskolförordning*, SFS 1995:205) is relevant for education in Sami.

³ Opinion on Sweden, ACFC/OP/I/(2003)006, para. 9.

⁴ Source: Commission on the Finnish and South Sami Languages, based on SCB data.

1.4. General issues arising in the evaluation of the application of the Charter in Sweden

15. The Committee of Experts appreciates the excellent co-operation it enjoyed with the Swedish authorities in the organisation of its "on-the-spot" visit. However, it regrets the fact that, on the whole, Sweden's second periodical report does not respond to the observations and requests for further information contained in the Committee of Experts' first evaluation report. This significantly reduces the efficiency of the Charter's monitoring mechanism, which is based on a continuous dialogue with the authorities. In view of the lack of pertinent information requested in its first evaluation report, the Committee of Experts was again not able to evaluate the application of a number of undertakings.

Territorial issues

16. While the instrument of ratification deposited by Sweden does not specify territories with respect to which Part III provisions shall apply, the territorial scope of the two principal legal acts implementing the Charter in Sweden, i.e. the Acts concerning the right to use Sami, Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1175 and 1176), is restricted to certain administrative districts in Norrbotten County. Although the municipalities defined in these Acts cover the territory on which Meänkieli has been traditionally present, this territorial limitation poses significant problems with respect to the Sami and Finnish languages. The territorial scope of this legislation excludes notably the territories where South Sami has been traditionally spoken, and the territories where there is a substantial traditional presence of Finnish, so that the percentage of Finnish speakers benefiting from the relevant Act could be as low as 3.5%. The Committee of Experts considers therefore that this geographical limitation (concerning mainly Articles 9 and 10 of the Charter) seems to be incompatible with the spirit of the Charter, in the sense that it limits the protection and promotion of Finnish in areas where it has been traditionally used.

17. The Committee of Experts has been informed that a Government Commission was appointed in January 2004 to examine the possibility of extending the existing legislation on the right to use Finnish to the Stockholm and Mälär Valley areas. In 2005, this Commission was given the additional task of examining the legislation on the right to use Sami to the areas where South Sami has been traditionally spoken. In May 2005, the Government Commission on the Finnish and South Sami Languages submitted its report on the first part of its assignment, making a number of recommendations to the Government. The Committee of Experts will refer to a number of these recommendations in the body of this report.

18. In accordance with its mandate, the Government Commission proposed, *inter alia*, to extend the administrative area for Finnish to Stockholm and the Mälär Valley region, where approximately half of the Finnish speakers live. With respect to the second part of its mandate, the Government Commission proposed in February 2006 to extend the Sami administrative area to 20 further municipalities. The Committee of Experts thinks that these measures would be a significant step towards improving the current situation and encourages the Swedish authorities to implement these proposals without delay.

Implementation of existing legislation

19. There seems to be a consensus among the regional or minority language speakers, as well as the authorities, that the implementation of the relevant legislation for the protection of regional or minority languages (see paragraph 14 above) has been unsatisfactory. This has been confirmed by the evaluations conducted by the County Administrative Board of Norrbotten and by the Constitutional Committee of the Swedish Parliament⁵, as well as the work of the Government Commission on Finnish and South Sami Languages.

20. As was highlighted in the Committee of Experts' previous evaluation report, one of the main obstacles to implementation appears to be the current division of responsibilities between the central and local authorities. The implementation of the Charter is mainly the responsibility of municipalities, in

⁵ Kenneth Hyltenstam & Tommaso M. Milani, "Nationella minoriteter och minoritetsspråk", Rapport för konstitutionsutskottet, December 2004.

<http://www.riksdagen.se/debatt/200405/utskott/ku/uppfoljningsarbete/minoritetssprak.pdf>

Lars Elenius, "Ett uthålligt språk", 2004.

http://www.riksdagen.se/debatt/200405/utskott/ku/uppfoljningsarbete/uthalligt_sprak.pdf

particular in the field of education. However, unlike most other policy areas, where there is a co-ordinating body at the national level monitoring implementation and assisting municipalities in fulfilling their tasks, no national agency is responsible for the protection and promotion of regional or minority languages. As a result, implementation of legislation in this field depends largely on the political will within municipalities and on the awareness of the local authorities about regional or minority languages, both of which are highly variable. Similarly, the monitoring of municipalities' implementation of their obligation to provide teaching in or of regional or minority languages is not within the remit of the National Agency for Education, which has no powers to sanction them in case of non-compliance with these statutory obligations (see paragraph 66 below).

21. The Committee of Experts welcomes some positive initiatives for co-operation between the municipalities in the Norrbotten County concerned by the relevant legislation, within the association of local authorities in Norrbotten (*Kommunförbundet Norrbotten*). However, these are spontaneous projects, with very little resources. While the central authorities have organised conferences where the issue of regional or minority language protection was brought up, their impact seems to have been limited owing to the fact that these issues were only marginally treated among human rights, minority protection and integration issues. Overall, many municipal authorities do not seem to be fully aware of their obligations in the field of regional or minority language protection stemming from the applicable national legislation and Sweden's obligations under the Charter.

22. The Committee of Experts recognises the long tradition of local and regional democracy in Sweden and bears in mind that the principle of local self-government, as expressed notably by the European Charter of Local Self-Government⁶, is among the core values shared by the member States of the Council of Europe. Nevertheless, it recalls that the central authorities remain responsible at the international level for obligations that Sweden has assumed under the Charter. They should therefore deploy all efforts to ensure that these undertakings are complied with, *inter alia*, by informing municipalities of their obligations under the Charter, providing them with the necessary technical and financial support, giving detailed instructions, supervising implementation, as well as by using appropriate incentives, and when necessary, sanctions.

23. The Committee of Experts observes that the Swedish authorities have stimulated some debate about these questions and particularly welcomes the setting up of the above-mentioned Government Commission. This Commission has proposed solutions to these shortcomings, *inter alia*, by addressing the lack of a national agency in the field of regional or minority language protection and promotion (see also paragraph 31 below). The Committee of Experts feels that this could be a sound way of improving the existing situation and encourages the Swedish authorities to follow up these proposals with concrete measures.

⁶ CETS No.: 122.

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

2.1. Preliminary issues

24. During its “on-the-spot” visit to Sweden, the delegation of the Committee of Experts met representatives of the speakers of Elfdalian (Ålvdalska), whose numbers are estimated at around 3 000, situated mainly in three parishes of the Ålvdalen municipality in the Dalarna County. According to these representatives, Elfdalian should not be considered as a dialect of Swedish, and thus corresponds to the Charter’s definition of a minority language. If correct, this would imply that the provisions of Part II of the Charter should apply to it in accordance with Article 2, paragraph 1 of the Charter.

25. The speakers claim, notably, that the speakers of standard Swedish do not understand Elfdalian, that Elfdalian is also very distinct from the surrounding Northern Dalarna dialects and that surveys indicate that there is a real wish among the speakers to protect Elfdalian. It has also been mentioned that some linguists were considering Elfdalian to be a separate language from Swedish as early as the 1930s.

26. The Committee of Experts encourages the Swedish authorities to examine this question and to return to it in the next periodical report.

2.2. Evaluation in respect of Part II of the Charter

27. The Committee of Experts will focus on the provisions of Part II which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions about which no major issues were raised in the first evaluation report and for which the Committee of Experts has not received any new information requiring it to reassess their implementation. These provisions are as follows:

Article 7, paragraph 1.a (see paragraph 33 of the first evaluation report)
Article 7, paragraph 1.b (see paragraph 34 of the first evaluation report)
Article 7, paragraph 1.g (see paragraph 52 of the first evaluation report)
Article 7, paragraph 1.i (see paragraphs 55-57 of the first evaluation report)
Article 7, paragraph 2 (see paragraph 58 of the first evaluation report)

Article 7

Paragraph 1

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

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

28. Resolute action to promote regional or minority languages in order to safeguard them covers several aspects, including the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which have responsibility in this field and provision of adequate financial resources (see also the second evaluation report on the implementation of the Charter in Germany, ECRML (2006) 1, paragraph 24).

29. Sweden has adopted specific legislation on the right to use Sami, Finnish and Meänkieli. While there are certain shortcomings in the implementation of this legislation, which will be examined under Part III, the Committee of Experts observes that it has led to a gradual improvement of the status of regional or minority languages in the areas concerned.

30. However, the territorial scope of this legislation is limited (see paragraph 16 above) to certain municipalities in the Norrbotten County, whereas regional or minority languages are also spoken

Part II

elsewhere in Sweden and Part II of the Charter applies in those areas. The Committee of Experts observes that there has been little improvement in the situation of regional or minority languages outside the Norrbotten County since the ratification of the Charter. This seems partly linked to the absence of a clear legal framework concerning the obligations of the Swedish authorities, and notably of the municipalities other than those concerned by the existing legislation, regarding the protection and promotion of regional or minority languages. The lack of a body which co-ordinates efforts to promote regional or minority languages at the national level also seems to hamper development in this field (see paragraph 20 above).

31. The Committee of Experts was pleased to note that the Government Commission on the Finnish and South Sami Languages had proposed solutions to remedy these two problems. Considering that the existing legal framework was inadequate to ensure compliance with Sweden's undertakings under Part II of the Charter, this Commission proposed the adoption of an Act on "National Minorities and National Minority Languages", which would strengthen the position of regional or minority languages nationwide. It also proposed that the County Administrative Board (*länsstyrelsen*) of Stockholm be given the responsibility to act as a Government Agency, supervising the implementation of this future Act. The Committee of Experts believes that the suggested measures would significantly contribute to the implementation of the Charter by Sweden.

The Committee of Experts encourages the Swedish authorities to take steps to secure the implementation of the Charter throughout Sweden, including where necessary the adoption of specific legislation on regional or minority languages and the establishment of a national agency responsible for supervising implementation, as proposed by the Government Commission on the Finnish and South Sami Languages.

32. One of the views expressed in the above-mentioned reports commissioned by the Swedish Parliament (see paragraph 19) and the findings of the Government Commission on Finnish and South Sami languages is that the financing of the Swedish policy for regional or minority language protection remains inadequate. The Government Commission also proposed increasing the financial support provided to organisations promoting regional or minority languages.

33. For the implementation of the regional or minority language legislation in the Norrbotten County, the Swedish Government allocates 6 million crowns annually. This amount is distributed among the municipalities concerned, the County Administrative Board and the County Council (*landstinget*).

34. At the national level, the Swedish State earmarks 7 million crowns for the cultural activities of the five recognised national minorities, including activities involving the use of regional or minority languages. These funds are distributed by the National Council for Cultural Affairs (*Statens kulturråd*). The Committee of Experts understands that some consultation with regional or minority language speakers takes place, but representatives of speakers expressed the opinion that their involvement had little impact on decisions made. Furthermore, speakers expressed concern about the absence of earmarked funding in relation to each language, which in their view fostered rivalry between the different groups. Based on this, the Committee of Experts encourages the Swedish authorities to take account of the concerns expressed by the speakers of regional or minority languages, and to look into the system with the possibility of revising it.

35. The Swedish Government launched a new bill, entitled "Best Language – a concerted language policy for Sweden" (2005/06:2), which proposes an integrated language policy for Sweden, including a regional or minority language component. This policy should give the national minorities of Sweden the opportunity of using, developing or recovering their language. The bill further proposes the establishment of a language planning body, which would also deal with regional or minority language issues.

Finnish

36. During the “on-the-spot” visit, the Committee of Experts’ attention was drawn to the increasing financial difficulties faced by Sweden Finnish associations. With the recognition of Sweden Finns as a national minority in Sweden, it appears that the authorities in Finland decided to reduce their support to Finnish-speaking organisations, and officially communicated this decision to the Swedish authorities, without this being compensated by an increase in the support provided by the Swedish authorities. This has left Finnish-speaking organisations, and in particular the Finnish Language Council, in a precarious situation and reduced these organisations’ capacity to develop projects for the protection and promotion of Finnish. The Committee of Experts was informed that there is a possibility of the Finnish Language Council being integrated into a new board of the languages of Sweden (see paragraph 35 above). The Committee of Experts considers that for such a move to be successful, it must guarantee the freedom of the Finnish Language Council to act in the best interest of the Finnish language in Sweden and ensure adequate resources for it to do so.

37. The Committee of Experts also received worrying reports that the National Board of Health and Welfare had decided to entirely cut subsidies to the national organisation of Finnish speakers with defective vision, on the grounds that it does not fulfil the criterion regarding the number of local branches, which also applies to majority-language organisations. Given the size and the special needs of the Finnish-speaking community in Sweden, in particular in the area of healthcare, the Committee of Experts encourages the Swedish authorities to earmark funds for Finnish-speaking organisations or introduce some flexibility in the allocation of funds to regional or minority language organisations from general support schemes.

The Committee of Experts encourages the Swedish authorities to reverse the trend of diminishing support for the associations of Finnish-speakers.

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

38. The public service mission of the Swedish public broadcasters includes provision for regional or minority languages. In particular, the current broadcasting licence requires the public service broadcasting companies to increase provision for regional or minority languages and not reduce their funding below the level they had in 2001. The Committee of Experts commends the Swedish authorities for these measures. However, it has received reports that the draft of the new licence, which should come into effect in 2007, contains no equivalent clause and that it would result in less clarity regarding the obligations of public broadcasters with respect to regional or minority languages. The Committee of Experts encourages the Swedish authorities to take into account fully the interests of regional or minority languages and their undertakings under the Charter when deciding on the contents of the new broadcasting licence.

39. Furthermore, during the on-the-spot visit, it was apparent that there was a general concern among speakers of regional or minority languages in Sweden that the amount of television air-time devoted to regional or minority language broadcasting was being reduced. It was explained to the delegation of the Committee of Experts by a representative of the Swedish broadcasting authorities that if there were reductions, these would be compensated for by an increased quality of programmes. The Committee of Experts emphasises the importance of varied and extensive television broadcasting for the maintenance and promotion of regional or minority languages and is concerned about the potential negative impact of reducing the amount of time devoted to them. As one representative of minority language media put it, “for minority languages, quantity *is* quality”.

40. The Committee of Experts’ attention has been drawn to the lack of a structured approach to the provision of healthcare in regional or minority languages. There is a growing need for healthcare and elderly care services in regional or minority languages. The problem seems to be particularly urgent for Finnish-speakers due to the fact that the number of Sweden Finnish retired persons is rapidly increasing, whereas the number of Finnish-speaking social care personnel seems to be decreasing. The Committee of Experts is concerned about the situation as described. It encourages the authorities to take measures to improve the situation and come back to the Committee of Experts in the next periodical report.

Romani

41. As highlighted in the Committee of Experts' first periodical report, Romani remains largely absent from public life in Sweden, in particular in relations with the authorities and in healthcare, where there is a substantial need.

42. In 2004, the Swedish Educational Broadcasting Company (UR) broadcast 11 hours in Romani on TV. According to its 2004 report, Swedish Radio increased the amount of programmes broadcast in Romani to two half-hour programmes per week, and broadcasting time for Romani programmes amounted to 130 hours with re-runs.

43. During the "on-the-spot" visit, the Committee of Experts was informed of a number of measures taken by the City of Stockholm in favour of the Romani language. The Committee of Experts was particularly pleased to hear about the setting up of a Roma Cultural Centre, for which the Stockholm City Council earmarked 1 million crowns per year. The centre focuses on the Romani language, organises national and international cultural activities in Romani, fosters international contacts between Romani-speakers and has a library. The City of Stockholm also supports the publication of a Romani magazine. The Committee of Experts commends the Stockholm authorities for their proactive approach, and encourages other municipalities to draw inspiration from these initiatives.

Yiddish

44. The Committee of Experts has not received any information indicating the presence of Yiddish in broadcasting or otherwise in public life in Sweden. The Committee of Experts encourages the Swedish authorities to present information regarding the situation of Yiddish in the next periodical report.

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

45. The second periodical report refers to SWEBLUL (Swedish Bureau for Lesser Used Languages) as a relevant organisation in relation to this provision. SWEBLUL is the only association within which all five regional or minority languages recognised in Sweden are represented. The Swedish authorities' financial support was only 50 000 crowns in 2005 and no earmarked funding was foreseen for 2006 at the time of the "on-the-spot" visit.

46. While the speakers view their co-operation within SWEBLUL as excellent, the association's capacity to act as a forum for regional or minority languages, to represent regional or minority languages vis-à-vis the Swedish society and to develop long-term projects has been very limited due to a lack of financial and human resources. This trend has a negative impact on the development of links between the groups using different regional or minority languages in Sweden.

The Committee of Experts encourages the Swedish authorities to take steps to maintain and to develop links between groups using different regional or minority languages in Sweden.

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

47. For a basic description of the legal framework concerning provision for the teaching of regional or minority languages in Sweden, the Committee of Experts refers to the relevant paragraphs of its first evaluation report (see paragraphs 46-47), as there have been no changes since the adoption of this report. In Sweden, the terms "mother-tongue education" and "bilingual education" have specific meanings. Mother-tongue education means teaching of a language. Bilingual education means that part of the education (up to 50%) takes place through the medium of a language other than Swedish.

Bilingual education is currently limited to the primary school level, with decreasing hours per week as pupils progress, and only marginally available in municipal schools.

48. As far as pre-schools are concerned, the National Agency for Education only collects global statistics about the number of pre-school children receiving mother-tongue education, which do not include a breakdown according to language. However, the figures indicate that the offer is much lower than the demand (in 2004, only 14% of pre-school age children with another mother tongue than Swedish received such education⁷). The Committee of Experts understands that there is an intermediate stage between pre-school and primary school (*förskoleklass*), but it has not been provided with any information about regional or minority languages at this level. The Committee of Experts requests the Swedish authorities to provide such information in their next periodical report.

49. The provision of mother-tongue teaching of regional or minority languages in primary schools and secondary schools is regulated by two ordinances (*Grundskoleförordning* (SFS 1994:1194) and *Gymnasieförordning* (SFS 1992:394)). These ordinances provide that pupils who have at least one parent with a mother tongue other than Swedish and who use this language as a language of daily communication at home can receive mother-tongue education if they wish to, provided that they have a basic knowledge of the language. The municipalities have an obligation to provide such instruction, if the parents of at least 5 pupils request it and if teachers are available.

50. The ordinances also lay down special rules for mother-tongue education for the Sami, Meänkieli and Romani languages. For these languages, daily use at home is not a requirement and mother-tongue education can be provided even if only one pupil requests it. The Committee of Experts commends the Swedish authorities for the flexible approach shown in relation to these languages. However, as the Committee of Experts observed in its previous evaluation report, this flexibility does not apply to the Finnish and Yiddish languages. In relation to the requirement of daily use at home, the Committee of Experts considers that this is not appropriate from the perspective of language maintenance as set out in the preamble of the Charter. The Committee of Experts notes that the Government Commission on the Finnish and South Sami Languages has proposed to apply the same favourable conditions equally to all five regional or minority languages. The Committee of Experts welcomes this development.

51. While dedicated monitoring mechanisms in the field of regional or minority language teaching are lacking, in November 2005 the National Agency for Education (*Skolverket*) published a report on the educational situation of national minorities, mainly on the basis of replies to questionnaires sent to all municipalities in Sweden, which underlined a number of shortcomings in the provision of regional or minority language teaching and proposed solutions to the identified problems. The Committee of Experts finds this report to be extremely informative and positive in its approach to regional or minority language education. It contains several recommendations which if implemented would present a considerable step forward.

52. According to the findings of this report, in the municipalities where it is available, mother-tongue education takes place outside normal school hours. The amount varies between 40 minutes and 2 hours per week. The report also underlines that both parents and representatives of municipalities consider this offer to be too limited to ensure the transmission of a regional or minority language as a living language. The parents are often not informed about the availability of mother-tongue education, and there is a general lack of teachers and teaching materials. As a result, only 41% of pupils entitled to mother-tongue education in regional or minority languages received it in the 2004/2005 school year⁸. Also, the requirement that children have a basic knowledge of a regional or minority language to be entitled to mother-tongue education appears to be in contradiction with the aims of the Charter, which seeks to promote the teaching of these threatened languages. Furthermore, the municipalities have discretion not to offer mother-tongue education when no suitable teachers are available. They are under no obligation to find or train suitable teachers.

⁷ National Agency for Education (*Skolverket*), "De nationella minoriteternas utbildningssituation", 2005, Appendix 6, p. 1. <http://www.skolverket.se/publikationer?id=1512>

⁸ Agency for Education (*Skolverket*), "De nationella minoriteternas utbildningssituation", 2005, Appendix 6, p. 1.

53. The Committee of Experts considers the 2005 study of the National Agency for Education to be a very positive first step towards addressing these problems and encourages the Swedish authorities to follow up the findings of this report with concrete action. It would welcome further information on measures taken on the basis of this report in Sweden's next periodical report.

The Committee of Experts encourages the Swedish authorities to improve and increase mother-tongue education, so that it becomes an effective method of promoting and maintaining regional or minority languages.

Romani

54. In its first evaluation report, the Committee of Experts observed that there were serious difficulties with respect to Romani education and encouraged the Swedish authorities to improve the teaching of and in the Romani languages, and especially to develop teaching materials as well as teacher training.

55. Serious difficulties persist in the field of Romani education. According to the statistics of the National Agency for Education, of the 1208 pupils entitled to mother-tongue education in Romani in the 2004/2005 school year, only 25% received it. While positive measures have been taken, in particular in Stockholm where this figure is 67%, the lack of teachers remains the most serious problem. During the "on-the-spot" visit, several Roma organisations expressed their frustration about the fact that, having encouraged their members to demand mother-tongue education in Romani, they find themselves in the difficult situation that these demands are denied by municipalities owing to the lack of teachers and teaching materials.

56. A teacher-training course for Roma, which was developed at the University College of Malmö, has unfortunately not produced any results so far. The National Agency for School Improvement is currently examining the possibility of having recourse to distance learning in regional or minority language teaching, which could also improve the existing situation.

The Committee of Experts urges the Swedish authorities to devise innovative solutions to the lack of Romani teachers in co-operation with the speakers and to ensure adequate and sufficient teaching materials.

Yiddish

57. According to the information provided by a representative of Yiddish-speakers, there have been no positive developments for Yiddish education since the ratification of the Charter, except in Gothenburg. This representative was of the view that the concept of mother-tongue education in Sweden is particularly ill adapted to Yiddish, as most Jewish families are bi- or trilingual. There are three private schools for Jewish pupils (two in Gothenburg and one in Stockholm), as well as classes in other cities. However, there seems to be no structured teaching of the Yiddish language in these schools.

58. According to the statistics of the National Agency for Education, 8 pupils, all in Gothenburg, received mother-tongue education in Yiddish in the 2004/2005 school year⁹. The Committee of Experts commends the Gothenburg authorities for their proactive attitude towards the Yiddish language. It encourages the Swedish authorities, in co-operation with Yiddish-speakers, to increase the availability of teaching in or of Yiddish also elsewhere where there is a demand, and in particular in Stockholm and in Malmö, where there is a concentration of Yiddish speakers.

⁹ Agency for Education (*Skolverket*), "De nationella minoriteternas utbildningssituation", 2005, Appendix 6, p. 6.

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

59. The promotion of study and research on Sami, Finnish and Meänkieli at universities is examined in detail in the section dealing with Part III undertakings.

60. In its first evaluation report (para. 54), the Committee of Experts found that there was no promotion for study and research of Romani and Yiddish at university level in Sweden, and encouraged the Swedish authorities to take steps to promote study and research on Romani and Yiddish at university level.

Romani

61. According to the information available to the Committee of Experts, while Uppsala University has recently introduced a short course about Roma culture, it is still not possible to study Romani in Sweden. The Committee of Experts considers that the promotion of the study of Romani should be a priority, particularly in view of the fact that the lack of qualified teachers seems to constitute the main bottleneck in the provision of Romani education. The Committee of Experts encourages the Swedish authorities to create incentives for universities to offer opportunities for the study of and research into Romani, for example by creating a special task for Romani studies, as has been done for Sami and Finnish, or by earmarking funds for research into Romani.

Yiddish

62. While the second periodical report states that it is not possible to study Yiddish at any Swedish University, the Committee of Experts was informed by the National Agency for Higher Education during the “on-the-spot” visit that Uppsala University has offered courses in Yiddish since 2002. The Committee of Experts would welcome further information about the scope and contents of these courses in the next periodical report.

Paragraph 3

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

63. The Committee of Experts recalls that the extent to which a minority language is protected or promoted is, in many respects, a reflection of the majority language speakers’ approach and perception and that awareness-raising within the majority is therefore of the utmost importance. As this provision indicates, education and the media are especially relevant in this respect (see the first evaluation report on the implementation of the Charter in Spain, ECRML (2005) 4, paragraph 182).

64. In its first evaluation report (see paragraphs 59-60), the Committee of Experts observed that school curricula had been amended to include instruction on national minorities and regional or minority languages, and that public broadcasting licences made provision for regional or minority languages. In addition to these measures, the second periodical report (see page 16) refers to a five-year information drive on Sami, which took place between 2000 and 2005. The Committee of Experts considers this an excellent initiative which could serve as a model for other regional or minority languages.

65. However, the general feeling among the regional or minority language speakers is that awareness and understanding concerning regional or minority languages and their needs remain low in Swedish society. There also seems to be a general confusion between issues relating to regional or minority languages and integration issues, even within the local authorities and the Government. While there appears to be some awareness about the Sami language, partly thanks to measures referred to above and the fact that the Ministry of Agriculture has been producing teaching materials on Sami history and culture, this awareness does not extend to other regional or minority languages. The Roma representatives expressed the view that they are particularly affected by the lack of awareness about the

Romani language and culture, despite the fact that Roma have been present in Sweden for more than 500 years. The Finnish speakers also expressed concern that the general public is not aware of their particular needs.

66. The Committee of Experts welcomes the Swedish authorities' positive approach in making specific reference to regional or minority languages in the school curricula. It is evident, however, that there are problems with implementation. These shortcomings could be linked to several factors. There is a lack of adequate teaching materials, which is a view shared by the authorities: regional or minority languages receive only marginal attention or are stereotypically described in mainstream teaching materials at primary and secondary school level. The history and culture reflected by regional or minority languages is also absent from teacher training, and according to the information provided by the National Agency for Higher Education, is not one of the components of the expected results of teacher training. Inadequate statistical information on regional or minority languages also contributes to an erroneous perception of the Swedish society as being traditionally monolingual. Furthermore, the National Agency for Education does not appear to have a clear mandate to monitor the implementation of this aspect of the curriculum.

The Committee of Experts encourages the Swedish authorities to take measures to improve the awareness and understanding of regional or minority languages in Swedish society at large, notably by ensuring the implementation of the relevant sections of school curricula, by addressing the shortage of adequate teaching materials and by giving attention to regional or minority languages in mainstream teacher training.

Paragraph 4

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

67. As has been underlined elsewhere in the report, the lack of a Government Agency responsible for the implementation of regional or minority language legislation at the national level also hampers development in the promotion of regional or minority languages.

68. There is a yearly consultation meeting between the relevant ministers and representatives of all regional or minority languages. According to the information provided by the Ministry of Justice, this consultation procedure will be enhanced by separate meetings with each group in the future.

69. According to the information provided in the second periodical report (see page 13), an Inter-ministerial Working Group on issues relating to national minorities has been set up since the Committee of Experts' first evaluation report. The Committee of Experts was informed during the “on-the-spot” visit that the Group, which also consults the regional or minority languages annually, had resulted in a better dissemination of information and co-ordination within the Government. The study conducted by the National Agency for Education on the status of regional or minority language education (see paragraphs 51-53 above) was notably initiated by this Group.

Romani

70. According to the information provided in the second periodical report, a Council on Roma Issues, chaired by the Minister for Democracy and Integration Issues, was set up in 2002 as an advisory body to the Government. Different groups of Romani-speakers are represented in this body, which also includes representatives of the National Integration Office, the Office of the Ombudsman against Ethnic Discrimination, the Swedish Association of Local authorities and the Living History Forum. The Committee of Experts welcomes this development and would appreciate further information about the activities of the Council in Sweden's next periodical report.

Paragraph 5

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

71. As stated in the Committee of Experts' first evaluation report (see paragraph 61), the Romani and Yiddish languages are considered as non-territorial languages in Sweden.

2.3. Evaluation in respect of Part III of the Charter

72. The Committee of Experts has examined in greater detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter.

73. Following the focused approach which was explained above (see paragraph 6), the Committee of Experts will concentrate on the provisions of Part III in relation to which a number of issues were raised in the first report. It will evaluate in particular how the Swedish authorities have reacted to the observations made by the Committee of Experts in the first monitoring round. In the present report, the Committee of Experts will proceed by recalling each time the key elements of each issue, and by referring to the paragraphs of the first report containing the details of its reasoning, before evaluating how the Swedish authorities have reacted.

74. Consequently, for the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. These provisions are listed below.

In the case of Sami:

- Article 8, paragraph 1.b.iv; f.iii; g;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 1.a.v; paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.a; b; c; d; e; f; h; paragraph 2;
- Article 13, paragraph 1.a;
- Article 14.a; b.

In the case of Finnish:

- Article 8, paragraph f.iii;
- In relation to the Finnish administrative area (see paragraph 155 below):
 - Article 9, paragraph 1.a.ii; a.iii; b.ii; b.iii; c.ii; c.iii; d; paragraph 2.a in relation to the Finnish administrative area (see paragraph 155);
 - Article 10, paragraph 1.a.v; paragraph 4; paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.a; b; c; d; f; paragraph 2;
- Article 13, paragraph 1.a;
- Article 14.a; b.

In the case of Meänkieli:

- Article 8, paragraph 1.e.iii; f.iii;
- Article 9, paragraph 1.d; paragraph 2.a;
- Article 10, paragraph 1.a.v; paragraph 2.g; paragraph 4.a; paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.a; d; f; paragraph 2;
- Article 13, paragraph 1.a;
- Article 14.a; b.

75. For these provisions, the Committee of Experts refers to the conclusions reached in its first report but reserves the right to evaluate the situation again at a later stage.

76. Finally, the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Sweden.

2.3.1. *The Sami language*

77. The Committee of Experts was informed during the “on-the-spot” visit that the Sami Parliament adopted a 10-year language promotion plan for Sami in 2003. Unfortunately, development on the basis of this plan has been limited due to a lack of resources, as earmarked funding for language promotion at the disposal of the Sami Parliament is very limited (2 million crowns per year, according to representatives of the Sami Parliament).

78. Areas where South Sami has been traditionally spoken are not included in the Sami administrative area (see paragraph 16 above), which raises problems for the implementation of the undertakings entered into under Article 8.1.a (pre-school education), Article 9 (judicial authorities) and Article 10 (administrative authorities). The Committee of Experts has been informed that a Government Commission has been appointed to examine this problem and propose solutions (see paragraphs 17-18 above). It welcomes this development and encourages the Swedish authorities to take the necessary legislative measures to ensure the application of these undertakings also to the South Sami language, which is particularly endangered.

Article 8 – Education

79. In certain municipalities, the authorities allege that there is not enough demand for Sami-language education. The Committee of Experts emphasises that the undertakings entered into by Sweden under Article 8 regarding pre-school, primary, secondary, technical and vocational education require a pro-active approach from the authorities. They should be understood as implying that education at these levels should be organised in such a way that it would meet requests by a sufficient number of pupils or their parents for education in Sami (see also the Committee of Experts’ second evaluation report in respect of Germany, paragraph 240).

80. The Committee of Experts observes that one of the main problems affecting education in Sami is the lack of information among parents about their right to request Sami-language education for their children. Furthermore, municipalities and schools do not always seem to be aware of their specific obligations concerning Sami-language education. As an illustration of the problems, the representatives of one municipality that the Committee of Experts met during the on-the-spot visit claimed that the 5-pupil threshold for the provision of mother-tongue education also applied to Sami, despite the more favourable statutory rules applying to this language (see paragraph 50 above).

81. The Committee of Experts finds that suitable agencies, such as the Sami Parliament and the Sami School Board, should be given the means to reach and inform parents about the right to Sami education at all levels, including the secondary level. There should also be clear instructions to municipalities and schools, making them aware of their obligations vis-à-vis teaching in and of Sami and encouraging them to be more pro-active in offering such teaching, as well as appropriate monitoring mechanisms supervising the implementation of these obligations.

The Committee of Experts urges the Swedish authorities to take concrete measures to raise awareness of the right to education in Sami and to ensure that the municipalities are aware of and comply with their obligations.

82. A general problem affecting all levels of education is the lack of adequate teaching materials, in particular in Lule and South Sami. The Swedish State has earmarked 4.5 million crowns over a three year period, allocated to the Sami School Board, for the development of teaching materials.

83. The South Sami language is in a particularly precarious situation. It is an endangered language, spoken by few families dispersed over a large territory lying outside the Sami administrative area. This makes further measures to revitalise the language in the field of education particularly urgent. The Committee of Experts considers that there are opportunities to devise, in co-operation with the speakers and where possible in collaboration with the authorities in Norway, innovative measures adapted to the particular situation of the South Sami language, such as immersion models, distance learning, language nests or whole-family education, paying particular attention to the training of teachers in South Sami.

The Committee of Experts encourages the Swedish authorities to take urgent measures in the field of education to maintain the South Sami language.

Paragraph 1

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

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

84. In its first evaluation report (see paragraphs 68-70), the Committee of Experts concluded that this undertaking was partly fulfilled. It observed that Sami pre-school education was offered in three municipalities (Gällivare, Jokkmokk and Kiruna) on the basis of agreements between the Sami School Board and the relevant municipal authority, but that its organisation depended on the political will of each local authority. The Committee of Experts found that the Swedish authorities, in co-operation with the respective municipalities, should raise awareness of the right to mother tongue instruction in Sami and furthermore that they should facilitate the work of the Sami School Board by providing it with better means to make available pre-school education in the Sami languages.

85. The second periodical report only refers to the applicable legal provisions and the authorities do not comment on the findings of the Committee of Experts. The Committee of Experts also lacks statistical data regarding the numbers of pre-school children receiving Sami education (see paragraph 48 above).

86. The Committee of Experts has been informed that there are presently four pre-schools where education in Sami is available (Gällivare, Jokkmokk, Kiruna and Karesuando). Only North Sami is available in Kiruna and Karesuando, whereas all three Sami languages are used in the pre-schools in Gällivare and Jokkmokk. However, the structural problems referred to in the first evaluation report still apply, and the Sami School Board's competence and resources in the field of pre-school education have remained unchanged. The Committee of Experts has furthermore not been informed of any awareness-raising efforts to inform parents of their right to request pre-school education for their children.

87. The Committee of Experts therefore maintains its previous conclusion that this undertaking is partly fulfilled.

The Committee of Experts emphasises the importance of pre-school education, particularly for introducing children to literacy in Sami. It urges the Swedish authorities to take action to promote Sami pre-school education.

Part III
Sami

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

88. In its first evaluation report (see paragraphs 78-80), the Committee of Experts considered this undertaking formally fulfilled. According to the information available to the Committee of Experts, the only school where secondary education in Sami was offered was Bokenskolan in Jokkmokk. It also noted that teaching materials for secondary education were lacking. It encouraged the Swedish authorities to promote and enhance the teaching of Sami at secondary school level, by encouraging the municipalities to implement the undertaking and developing teaching materials.

89. The Swedish authorities did not provide any additional information in their second periodical report. According to the information available to the Committee of Experts, the situation regarding secondary education in Sami has not improved since its last report. There is no Sami-medium secondary education, and the second periodical report states that Bokenskolan in Jokkmokk remains the only secondary school where Sami is taught as a subject. The Committee of Experts has not received any information as to the number of hours devoted to Sami in this school, however. The representatives of the Sami School Board informed the Committee of Experts during the “on-the-spot” visit that the Board does not have any resources to help organise Sami education at the secondary level, despite an increasing demand from parents for education at this level. The Committee of Experts observes that secondary education in regional or minority languages is a critical prerequisite for teacher-training for all levels.

90. Having received information about only one school where Sami is taught as a subject, the Committee of Experts considers that this undertaking is partly fulfilled. There is a need for secondary education in Sami also in other municipalities and for a degree of co-ordination across the territories where Sami has been traditionally spoken. The authorities could, for instance, consider including Sami upper secondary education within the remit of the Sami School Board and give it the resources for organising such education in co-operation with the municipalities concerned.

The Swedish authorities are encouraged to provide secondary education in Sami in other municipalities as well as Jokkmokk.

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

91. In its first evaluation report (see paragraphs 81-83), the Committee of Experts considered this undertaking formally fulfilled. It observed that no vocational programmes including a Sami-language component existed at upper secondary schools, but that the Sami Education Centre in Jokkmokk offered some vocational courses for adults involving a Sami-language component.

92. Sweden's second periodical report indicates that there are no technical or vocational education programmes which include the teaching of Sami. The Sami Education Centre in Jokkmokk, which is a foundation partly financed by the Jokkmokk municipality and the Norrbotten County Council offers courses in Sami crafts, which include the teaching of the Sami language. On reflection and based on the clarification received from the Swedish authorities, the Committee of Experts considers that the offer at the Sami Education Centre corresponds to the undertaking concerning adult education (Article 8, paragraph 1.f), and not technical or vocational education.

93. In view of these considerations, the Committee of Experts revises its previous assessment, and considers this undertaking not fulfilled.

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

94. While the Committee of Experts found this undertaking fulfilled in its first report and there is still provision in Sweden for the study of Sami, the Committee of Experts is aware of a worrying trend to reduce this provision in the University of Uppsala. There is a need for strategic planning in this area, as recommended also by the National Agency for Education in its 2005 report. The Committee of Experts nevertheless considers the undertaking fulfilled at present.

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

95. In its first evaluation report (see paragraphs 92-95), the Committee of Experts concluded that this undertaking was not fulfilled. It observed that Luleå Technical University had been entrusted with the task to offer teacher training in Sami, but that such training was not taking place in practice due to a lack of demand, despite the great need for Sami teachers. The Committee of Experts encouraged the Swedish authorities to promote and enhance teacher training for all levels of education.

96. The second periodical report does not refer to any measures taken by the authorities to remedy the problems identified in the Committee of Experts' first evaluation report. According to the information available to the Committee of Experts, there has been no improvement in the field of teacher training. While the task of training Sami-speaking teachers is entrusted to Luleå Technical University, no such training seems to take place in Sweden in practice, despite the great need for teachers. This shortage is particularly acute for Lule and South Sami, and needs to be addressed very urgently. According to information provided by the Sami School Board, most teachers currently teaching in Sami schools have received their training in Norway. This is not, however, the result of an initiative by the Swedish authorities. The Committee of Experts emphasises the importance for authorities to plan for the needs of the Sami education sector in Sweden by arranging (where appropriate in collaboration with neighbouring countries) suitable teacher-training for all levels.

97. There seem to be several reasons for the lack of up-take for Sami-language teacher-training in Sweden. Firstly, the availability of secondary education in Sami is very limited (see paragraphs 89-90 above), which in turn reduces the number of young persons interested in studying Sami at university and becoming teachers. It seems that Sami cannot be studied as a principal subject within teacher-training. It has also been reported to the Committee of Experts that the working conditions of Sami teachers in municipal schools are very difficult, due to the fact that very few hours are devoted to mother-tongue education, which forces teachers to take up assignments at a large number of schools and to travel large distances during their teaching week. This, combined with the lack of incentives for teacher candidates to specialise in Sami, such as special grants or other encouraging measures, results in a shortage of trained teachers, which is a structural problem jeopardising the future of Sami education in Sweden, and thus the future of the language.

98. The Swedish authorities did not provide any information regarding further training for Sami teachers. According to the information provided by the Sami School Board, the Government was envisaging further training for Sami-speaking pre-school teachers, but this has not happened in

practice. The Committee of Experts would welcome further information on this aspect of teacher training in Sweden's next periodical report.

99. In the light of these considerations, the Committee of Experts maintains its previous conclusion that this undertaking is not fulfilled. A clear strategy is needed to address the problems identified above.

The Committee of Experts urges the Swedish authorities to take proactive measures to overcome the shortage of trained Sami teachers, for instance, by providing incentives to students to become Sami teachers.

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

100. In its first evaluation report (see paragraph 96), the Committee of Experts observed that there were various levels of responsible bodies in the field of Sami education but it had not received any information regarding the existence or regular monitoring of Sami-language education and the production of periodical reports. It was not aware, in particular, whether a report published by the National Agency for Education in 2001 on the situation of minority languages in the Swedish education system was part of a periodical monitoring and reporting activity, as required by this undertaking. It was therefore not in a position to conclude whether this undertaking was fulfilled.

101. The National Agency for Education published another report on the educational situation of national minorities in 2005, which includes statistical information, as well as an assessment of problems and possible solutions (see paragraphs 51-53 above).

102. This report seems to be again an *ad hoc* report. The Committee of Experts nevertheless considers this undertaking partly fulfilled at present, and encourages the Swedish authorities to entrust the National Agency for Education with the task of producing such reports on a regular basis.

Paragraph 2

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

103. In its first evaluation report (see paragraphs 97-99), the Committee of Experts noted that university education, as well as adult education, was available outside the Sami language area and that the statutory right to receive mother-tongue education applied throughout the country. However, practical obstacles, in particular a shortage of teachers and teaching materials, rendered the implementation of this undertaking difficult in practice. The Committee of Experts considered, therefore, that it was formally fulfilled.

104. Practical obstacles to the provision of mother-tongue education persist. In addition to problems mentioned by the Committee of Experts above in relation to its evaluation under Part II (see paragraph 52), many parents are not well-informed about the statutory right for their children to receive mother-tongue education, whereas head teachers and municipal authorities often are not fully aware of their obligation to provide Sami mother-tongue education, even if only one pupil demands it (see paragraph 50 above).

105. According to the statistics provided by the National Agency for Education with respect to the 2003/2004 school year, of 637 pupils entitled, 404 (63%) received mother-tongue Sami education in primary schools in 29 municipalities in Sweden, including the Sami administrative area¹⁰. However, implementation remains still very uneven, especially considering that the figures do not reflect Sami-speaking families who do not request mother-tongue education. There are also no separate figures for

¹⁰ Agency for Education (*Skolverket*), “De nationella minoriteternas utbildningssituation”, 2005, Appendix 6, p. 12.

North, Lule and South Sami. As an example, the Committee of Experts was informed during the “on-the-spot” visit that an increasing demand for Lule Sami teaching in Stockholm cannot be met due to a shortage of teachers.

106. The Committee of Experts has been informed that the National Agency for School Improvement is launching a pilot distance-learning project for mother-tongue Sami education for three groups located in different municipalities with a teacher based in Stockholm. The Committee of Experts welcomes this initiative and hopes that distance-learning can be used to alleviate the teacher shortage in the future. It encourages the Swedish authorities to take further measures to make mother-tongue education in Sami more systematically available, *inter alia*, by informing parents about this possibility and by giving clear instructions to schools and local authorities. Given the limits of the present model for mother-tongue education in terms of language preservation (see paragraph 52 above), the Committee of Experts also encourages the Swedish authorities to devise or reinforce alternative models of language teaching for Sami.

107. The Committee of Experts considers this undertaking partly fulfilled.

Article 9 – Judicial authorities

Paragraph 1

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

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

108. In its first evaluation report (see paragraphs 100-105), the Committee of Experts concluded that this undertaking was only formally fulfilled. While the Act concerning the right to use the Sami language in dealings with public authorities and courts (SFS 1999:1175) guaranteed the right to use Sami in criminal proceedings, there were many practical and organisational obstacles to the exercise of this right in practice, such as the lack of Sami-speaking judicial personnel, lack of information within courts and among the speakers, as well as the absence of measures of encouragement. The Committee of Experts encouraged the Swedish authorities to take practical and organisational measures to ensure that Sami can be used in criminal proceedings.

109. No information regarding such practical and organisational measures was provided in the second periodical report. The Swedish authorities also did not react to the Committee of Experts’ request for clarification of the precise interpretation of the term “improper purpose” contained in Article 6, paragraph 2 of the relevant Act. In addition to the practical obstacles mentioned above, the Committee of Experts’ attention has been drawn in the present monitoring round to the lack of legal terminology in the three Sami languages, which is another issue that needs to be urgently addressed for the relevant legislation to be properly implemented.

110. In the light of these considerations, the Committee of Experts maintains its previous conclusion that this undertaking is only formally fulfilled.

The Committee of Experts emphasises the importance of practical measures to implement this undertaking, and urges the Swedish authorities to take the steps outlined in the Committee of Experts’ first report.

“iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

111. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on account of its being drafted in a regional or minority language. Furthermore, the Act concerning the right to use the Sami language in dealings with public authorities and courts allows for requests and evidence in Sami. The Committee of Experts considers this undertaking fulfilled.

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

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

112. In its first evaluation report (see paragraph 106), the Committee of Experts concluded that this undertaking was not fulfilled. It noted that there was no obligation for the authorities to produce written documents in Sami under the existing legislation, which only required an oral translation on request. The Committee of Experts encouraged the authorities to produce, on request, documents connected with legal proceedings in Sami. The second periodical report contains no additional information pertaining to this undertaking and there has been no change in the applicable legal provisions. The Committee of Experts therefore maintains its previous assessment, and considers this undertaking not fulfilled.

“b in civil proceedings:

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

if necessary by the use of interpreters and translations;”

113. The above considerations concerning criminal proceedings (see paragraphs 108-110 above) also apply to civil proceedings. The Committee of Experts considers therefore that this undertaking is also only formally fulfilled.

The Committee of Experts emphasises the importance of practical measures to implement this undertaking, and urges the Swedish authorities to take the steps outlined in the Committee of Experts' first report.

“iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;”

114. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on account of its being drafted in a regional or minority language. The Committee of Experts considers this undertaking fulfilled.

“c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;”

115. The above considerations concerning criminal proceedings (see paragraphs 108-110 above) also apply to proceedings before courts concerning administrative matters. The Committee of Experts considers therefore that this undertaking is also only formally fulfilled.

The Committee of Experts emphasises the importance of practical measures to implement this undertaking, and urges the Swedish authorities to take the steps outlined in the Committee of Experts' first report.

“iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;”

116. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on account of its being drafted in a regional or minority language. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

117. In its first evaluation report (see paragraph 110), the Committee of Experts had not been informed of any statutory text, other than the Act concerning the right to use the Sami language in dealings with public authorities and courts, being translated into the three Sami languages. It concluded, therefore, that this undertaking was partly fulfilled and encouraged the authorities to make available the most important statutory texts in Sami, and especially those relating particularly to the Sami population.

118. The second periodical report does not provide any additional information relating to this undertaking. According to the information provided by Sami representatives to the Committee of Experts, no new statutory texts have been translated since the first evaluation report.

119. The Committee of Experts maintains its previous assessment that this undertaking is only partly fulfilled.

The Committee of Experts encourages the Swedish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Sami are made available in Sami too.

Article 10 – Administrative authorities and public services

120. According to a report commissioned by the Constitutional Committee of the Swedish Parliament, while there have been certain positive developments in the use of Finnish and Meänkieli with the authorities since the adoption of the language Acts in 1999, no improvement has been detected for the use of Sami. The report also indicates that many authorities have no staff members who can speak Sami or in-house interpreters, which discourages Sami speakers from using their language in dealings with the authorities. In the great majority of cases, applications in Sami are treated with considerable delays or cannot be treated at all¹¹.

121. The Committee of Experts welcomes the fact that various State bodies, including the Parliament, are closely examining the situation. It encourages the Swedish authorities to devise

¹¹ Lars Elenius, “Ett uthålligt språk”, 2004, p. 10.
http://www.riksdagen.se/debatt/200405/utskott/ku/uppfoljningsarbete/uthalligt_sprak.pdf

solutions to the identified problems, with a view to ensuring a systematic implementation of the undertakings chosen under this Article.

Paragraph 1

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

- a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”**

- “c to allow the administrative authorities to draft documents in a regional or minority language.”**

122. In its first evaluation report (see paragraphs 111-114), the Committee noted that the Act concerning the right to use the Sami language in dealings with public authorities and courts (SFS 1999:1175) provided for the oral or written use of the Sami language in dealings with public authorities in the Sami administrative area, which also applies to State authorities. It observed, however, that substantial practical obstacles, such as the lack of Sami-speaking staff, hindered the successful implementation of these undertakings and that there was in particular a serious lack of competence in producing written documents in Sami. It encouraged the Swedish authorities to take practical and organisational measures to ensure that Sami can be used in administration.

123. In their second periodical report, the Swedish authorities did not report on any measures taken by local and regional State authorities, such as regional public prosecution offices, police authorities, tax authorities, employment offices or the County Administrative Board of Norrbotten, with a view to implementing these undertakings. The Committee of Experts notes that the problems mentioned in its first evaluation report continue to persist.

124. According to a report commissioned and published by the Swedish Parliament, it is often not possible to use regional or minority languages, and particularly Sami, with administrative authorities. The problem seems to be particularly acute for regional authorities and branches of State administration, where the availability of staff members proficient in Sami is much lower than within local authorities (only 14,7 % of the regional authorities and State administration offices within the Sami administrative area have a Sami-speaking staff member)¹². The Committee of Experts also observes that interpreters are not systematically made available when there are no Sami-speaking staff members. In the opinion of the Committee of Experts, a structured human resources policy, taking account of civil servants' oral and written proficiency in Sami, for recruitment as well as for in-house further training, would be the most appropriate solution to these shortcomings.

125. The Committee of Experts considers these undertakings only formally fulfilled.

The Committee of Experts encourages the Swedish authorities to increase the proportion of Sami-speaking staff in the relevant State administration offices, to develop adequate training schemes and to provide incentives for existing staff members to improve their Sami-language skills.

Paragraph 2

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

- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;**

¹² Lars Elenius, “Ett uthålligt språk”, 2004, p. 10.

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

126. In its first evaluation report (see paragraphs 115-117), the Committee of Experts noted that most local and regional authorities did not translate their official documents and information about their operations into Sami. In addition to a shortage of Sami-speaking staff members and interpreters, the Committee of Experts had also observed a lack of information or political will in some of the local authorities, as well as the absence of clear instructions regarding their obligations. While the State allocated funds to municipalities for the implementation of regional or minority language legislation, it could not closely monitor the actual spending. The Committee of Experts encouraged the State authorities to raise awareness among the relevant local and regional authorities of their obligations to produce official documents in Sami, make it possible for users of Sami to submit documents, and thereby contribute to the fulfilment of this undertaking.

127. The second periodical report does not provide any additional information with respect to the implementation of these undertakings. According to the report referred to above (see paragraph 124), approximately half of the municipal offices in the Sami administrative area have no Sami-speaking staff members¹³. The report also shows that the capacity to treat applications in Sami varied considerably: whereas 38.5% of municipal offices in Arjeplog were capable of treating applications in Sami as quickly as those in Swedish, municipal offices in Gällivare were not even able to provide an oral answer with delays. Despite earmarked State funding, there were also great discrepancies between municipalities concerning the amount spent on the implementation of regional or minority language legislation.

128. The Committee of Experts is not aware of any publication of the texts of local and regional authorities in Sami.

129. Nevertheless, the Committee of Experts has also observed that awareness among municipalities about their obligations has increased since the last monitoring round. The Committee of Experts notes that co-operation within Kommunförbundet Norrbotten, with the support of the Norrbotten Administrative Board, has had a particularly positive impact, despite very modest resources. Thus, the municipalities in the Sami administrative area have either adopted or are working on an action plan for regional or minority languages. Such co-operation also allows municipalities to share good practices, such as the existence of a department exclusively working on Sami in the Jokkmokk municipality. The Committee of Experts encourages the Swedish authorities to earmark funds to ensure the future of inter-municipal co-operation.

130. The Committee of Experts considers that the undertakings entered into under Article 10, paragraph 2.c and 2.d are not fulfilled, whereas Article 10, paragraph 2.b is partly fulfilled.

The Committee of Experts emphasises the importance of this undertaking, from the point of view both of communicating with Sami-speakers and of the status of the Sami language, and urges the authorities to take concrete steps to ensure the fulfilment of these undertakings. This could include continuing support for co-operation between municipalities, which the Committee of Experts regards as good practice.

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

131. In its first evaluation report (see paragraphs 118-120), the Committee of Experts considered this undertaking only partly fulfilled. It had been informed that the presence of Sami place names was not yet satisfactory. Bearing in mind that this was an ongoing process, the Committee of Experts commended the efforts made by the Swedish authorities.

¹³ Lars Elenius, “Ett uthålligt språk”, 2004, p. 10.

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132. The personnel of the Sami Parliament in Jokkmokk are working on establishing the correct forms of all relevant place names in co-operation with the inhabitants. While work on North Sami place names has been concluded, it is still in progress for place names in Lule Sami. These place names will be used in road maps and ordinance surveys.

133. While acknowledging the progress achieved with a view to the fulfilment of this undertaking, the Committee of Experts considers it nonetheless still partly fulfilled.

Paragraph 4

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

a translation or interpretation as may be required;”

134. In its first evaluation report (see paragraphs 121-123), the Committee of Experts underlined the importance of the presence of translators and interpreters, as they are the basis of the implementation of a number of undertakings under Article 10. It had been informed that at least in one case the State subsidy, which should cover the translation and interpretation costs, had not been spent for the designated purposes. It considered this obligation formally fulfilled and encouraged the Swedish authorities to take practical and organisational measures to ensure the use of Sami.

135. The second periodical report does not provide any information regarding measures taken to implement this undertaking. According to the information available to the Committee of Experts, there is no systematic availability of translators and interpreters. The Committee of Experts is also concerned about the results of a report, which indicates that 24.6% of the authorities in the Sami administrative area require individuals to bring their own interpreters to receive services in Sami¹⁴. This is in contradiction, both with the present undertaking and with the Swedish legislation.

136. The Committee of Experts considers therefore that this undertaking is still not fulfilled in practice.

Article 11 – Media

Paragraph 1

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

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

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

137. In its first evaluation report (see paragraphs 125-134), taking account of the number of hours devoted to Sami programmes by Swedish public broadcasters, the Committee of Experts considered this undertaking fulfilled.

138. In the present monitoring round, the Committee of Experts has been informed that the number of hours devoted to Sami on SVT, which increased after the first evaluation report to 65 hours in 2004¹⁵, was reduced to 57.5 hours in 2005 and will be further reduced in 2006. According to the representatives of SVT Sameredaktionen, there is no ring-fenced core funding for Sami TV programmes. The Committee of Experts encourages the Swedish authorities to ensure that the presence of Sami programmes on SVT is not further reduced. It also encourages SVT to ensure that Lule and South Sami are adequately represented in its programmes.

¹⁴ Lars Elenius, “Ett uthålligt språk”, 2004, p. 10.

¹⁵ Public service-redovisningen från SVT, 2004.

139. According to the information provided in the second periodical report, radio provision in Sami has increased since the first evaluation report to 203 hours of national programmes and 261 hours of regional programmes in 2004¹⁶. The Committee of Experts commends the SR on this increase. It has been informed that the regional programmes cannot be received in Arjeplog within the Sami administrative area, and encourages the SR to find an adequate solution to this problem.

140. The Committee of Experts nevertheless considers this undertaking fulfilled.

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

141. The Committee of Experts observes that to fulfil this undertaking, it is not sufficient to allow works in regional or minority languages to benefit from general promotion measures, this being already covered by the principle of non-discrimination enshrined in Article 7, paragraph 2, as well as in Article 11, paragraph 1.f.ii of the Charter (also chosen by Sweden with respect to Sami). Consequently, this provision necessitates pro-active measures by the authorities. Although the Charter does not specify what form the measures of encouragement and/or facilitation should take, they should be effective and not purely symbolic or formal. It could be envisaged, for example, that they take the form of technical support, direct or indirect financial support (such as the acquisition of works in regional or minority languages by schools, public libraries, cultural institutions), etc. (see the Committee of Experts' second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 74)

142. In its first evaluation report (see paragraph 135), the Committee of Experts was not in a position to conclude whether this undertaking was fulfilled. While it had been informed by the Swedish authorities that Filmpool Nord had been assigned the task of being a regional actor to co-produce regional films, it was not clear to what extent it had a specific remit in respect of producing and/or distributing Sami language works.

143. Sweden's second periodical report contains no additional information about the remit of Filmpool Nord. The Committee of Experts is not aware of any example of specific measures intended to encourage and/or facilitate the production and distribution of audio and audiovisual works in Sami.

144. The Committee of Experts considers, therefore, that this undertaking is not fulfilled.

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

145. In its first evaluation report (see paragraphs 136-140), the Committee of Experts observed that there were neither newspapers in Sami nor subsidies to encourage and/or facilitate the creation of at least one newspaper in Sami. The Committee of Experts did not consider this undertaking fulfilled and suggested that the authorities explore possibilities of establishing a newspaper in Sami, for example in co-operation with the newspapers in Sami in neighbouring countries and that they be flexible in using funds for that purpose.

146. There is still no Sami-language newspaper in Sweden. As for possibilities for subsidising the establishment of such a newspaper, the second periodical report refers to plans to set up an extensive investigation concerning the situation of the press, including regional or minority language print media. No information is provided, however, as to measures adopted by the authorities to encourage and/or facilitate the creation of a newspaper in Sami.

147. The Committee of Experts is aware that a parliamentary committee submitted a report in January 2006 about the situation of the daily press in Sweden¹⁷. This report proposes to lower the required minimum number of subscriptions for press subsidies from 2 000 to 1 500, as well as consider publications as daily newspapers for the purposes of subsidies, even when they are not in Swedish, provided that at least 25% of their contents are in Sami or Meänkieli. It also proposes that the Government should explore the possibility of transfrontier co-operation with Norway and Finland in

¹⁶ Sveriges Radio public service-redovisning, 2004.

¹⁷ Slutbetänkande av Presskommittén 2004, "Mångfald och räckvidd", 2006.

order to facilitate the publication of a daily newspaper in Sami and Meänkieli. The Committee of Experts hopes that this report will lead to the creation of at least one newspaper in Sami.

148. The Committee of Experts considers that this undertaking is not fulfilled at present.

The Committee of Experts urges the Swedish authorities to take concrete measures to encourage and/or facilitate the creation of a newspaper in Sami.

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

149. In its first evaluation report (see paragraphs 141-144), the Committee of Experts had been informed that existing measures for financial assistance were also available to support productions in Sami. However, it had not received any example of such assistance to audiovisual productions in Sami and requested evidence of such assistance being provided in practice in the second periodical report. It concluded that this undertaking was only formally fulfilled.

150. No evidence of practical implementation was provided in the second periodical report. The Swedish authorities only refer to information provided under Article 11, paragraph 1.d, the distinction between which and the present undertaking is detailed above (see paragraph 141). The Committee of Experts has also received no evidence that the existing measures of financial assistance are designed in such a way that audiovisual productions in Sami could qualify for them in practice.

151. The Committee of Experts observes that the fulfilment of this undertaking requires some degree of practical implementation and therefore considers that it is still only formally fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

152. In its first evaluation report (see paragraphs 161-163), the Committee of Experts concluded that this undertaking was partly fulfilled. It observed that the Royal Library in Stockholm, big university libraries, as well as the “Nordkalotten” Library in Övertorneå and the Sami Museum in Jokkmokk had collections of books in Sami. However, the Committee of Experts did not have enough information as to the nature of these collections and the rules pertaining to them. It noted that there was an investigation in progress concerning the situation of archives in Sweden and stated that it would welcome the results of this investigation.

153. The second periodical report does not provide any additional information regarding the rules pertaining to the collections referred to above. It states that the Government was planning to present a written communication to the Parliament in 2004. The Committee of Experts has no information, however, as to the contents of this communication and its effects on the fulfilment of this undertaking and requests the Swedish authorities to comment on these points in their next periodical report.

154. The Committee of Experts maintains its previous assessment that this undertaking is partly fulfilled, but requests the Swedish authorities to clarify the situation in the next report.

2.3.2. The Finnish language

155. The definition of the Finnish administrative area in the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999: 1175) (which is relevant to Articles 8(1.a), 9 and 10 of the Charter) excludes the vast majority of Finnish speakers in Sweden (up to 96.5%), including a substantial number of speakers in areas where Finnish has been traditionally spoken, in particular in the area of Stockholm. Based on the report of the Government Commission on the Finnish and South Sami Languages which investigated this issue (see paragraphs 17-18 above), the Committee of Experts considers that there are areas outside the Finnish administrative area in which Part III of the Charter should apply to Finnish. While the Committee of Experts' examination of these articles in this report is confined to the Finnish administrative area, this should not be taken as an indication that the Committee of Experts disregards the situation elsewhere, which it expects the Swedish authorities to address.

Article 8 – Education

156. The legislative and organisational framework affecting Finnish education has not changed since the Committee of Experts' first evaluation report, and the Committee of Experts refers to the relevant paragraphs of that report for a basic evaluation of the situation (see paragraphs 177-178).

157. The Committee of Experts emphasises that the undertakings entered into by Sweden under Article 8 regarding pre-school, primary, secondary, technical and vocational education require a proactive approach from the authorities. They should be understood as implying that education at these levels should be organised in such a way that it would meet requests by a sufficient number of pupils or their parents for education in Finnish (see also the Committee of Experts' second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 240). Also, a mere offer to receive education in Finnish in addition to regular school hours is not sufficient to meet the requirements of these undertakings (*idem*, paragraph 247).

158. The problem referred to above in relation to Sami education (see paragraph 80) regarding the lack of awareness concerning the parents' rights to request regional or minority language education for their children also applies to Finnish education. Information campaigns to inform parents, preferably in co-operation with Sweden Finnish organisations, could be envisaged to improve the situation. There should also be clearer instructions for municipalities and schools, making them aware of their obligations vis-à-vis the teaching in and of Finnish and encouraging them to be more proactive in offering this teaching. One additional problem affecting Finnish-speakers in particular is the lack of flexibility of the rules concerning access to mother-tongue education (see paragraph 50 above).

159. Another general problem affecting all levels of education concerns the nature of teaching materials in Finnish. No materials are produced in Sweden. The available teaching materials are obtained from Finland, and as a result, their contents are not adapted to the Swedish curricula or social context. Furthermore, Sweden Finnish children often have difficulties in using such materials, as they do not have the necessary written language skills.

Paragraph 1

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

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

160. In its first evaluation report (see paragraphs 179-184), the Committee of Experts concluded that this undertaking was formally fulfilled, as it was of the opinion that the legal framework was good, but that the municipalities did not implement the laws in an adequate manner. It observed a lack of a pro-active attitude on the part of municipalities to inform the parents of their right to request pre-school education for their children in Finnish, claiming instead that there was not sufficient demand. There was also no special training for Finnish-speaking pre-school personnel. In conclusion, the Committee of Experts encouraged the Swedish authorities to take practical and organisational measures to ensure the use of Finnish in pre-school education.

161. There are no reliable statistics regarding the availability of pre-school education in regional or minority languages in Sweden (see paragraph 48 above), which makes this undertaking particularly difficult to evaluate. The Committee of Experts is of the opinion that it is essential to collect reliable data concerning this undertaking in order to take stock of the existing situation and devise solutions to the shortcomings.

162. The municipalities in the Finnish administrative area (Gällivare, Haparanda, Kiruna, Pajala and Övertorneå) have an obligation to “offer children whose guardian so requests the option of a pre-school place in activities which are wholly or partly carried on in Finnish and Meänkieli respectively” (Section 8 of the Act concerning the right to use Finnish and Meänkieli). However, this option still appears not to be provided systematically. While the Committee of Experts has been informed by the speakers that there are a number of Finnish-speaking pre-school teachers in Haparanda, which allows the children to occasionally use the language, the situation seems to be more difficult elsewhere.

163. In the light of these considerations, the Committee of Experts considers this undertaking only partly fulfilled in the Finnish administrative area.

The Committee of Experts emphasises the importance of pre-school education, particularly for introducing children to literacy in Finnish. It urges the Swedish authorities to take action to promote Finnish pre-school education.

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

164. In its first evaluation report (see paragraphs 185-192), the Committee of Experts considered this undertaking fulfilled. It observed a number of shortcomings, however, and encouraged the

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

165. In the present monitoring round, the Committee of Experts looked more closely at the practical implementation of this undertaking. The eight Sweden Finnish independent schools continue to function well, and provide Finnish-medium education to 959 pupils. However, this provision is very limited, given the number of speakers in Sweden. Independent schools also do not constitute a viable alternative to Finnish education in municipal schools for a number of reasons, including the administrative difficulty of opening new independent schools and the tensions that this seems to create with municipalities, particularly as the latter remain responsible for pre-school education. The representatives of Sweden Finns are of the view that Finnish should be primarily provided within mainstream municipal schools.

166. However, the availability and extent of Finnish education in municipal schools, which has decreased significantly over the last few decades, has continued to deteriorate since the last monitoring round. Bilingual education, i.e. instruction partly through the medium of Finnish, which used to be common up until the beginning of the 1990s, has virtually disappeared. According to a report published by the National Agency for Education in 2005, only 13 municipalities reported that they offer Finnish bilingual education, but were not able to comment on whether this took place in practice or to provide exact figures of the number of pupils participating. As to the reasons for the disappearance of bilingual classes, the municipalities were of the view that this was due to low demand, whereas parents blamed it on the lack of information¹⁸.

167. As to mother-tongue education (i.e. in the Swedish context, teaching of the language for up to two hours a week), it has declined since the Committee of Experts' last evaluation report. Whereas in the 1999/2000 school year, 13530 pupils were entitled to mother-tongue education in Finnish, 42% of whom participated in such education, these figures had dropped to 9992 and 41% respectively in the 2004/2005 school year¹⁹. The availability of mother-tongue education varies considerably from one municipality to another, depending on each municipality's willingness to provide it, partly due to the fact that the existing legislation is more restrictive for Finnish in this respect than for other regional or minority languages. In addition, the Committee of Experts has doubts as to whether mother-tongue education in its current form is sufficient to fulfil even the weakest option (iii) provided for by this undertaking, considering that it is provided outside the regular curriculum and involves between 40 minutes and 2 hours of teaching of the language per week (see paragraph 52 above).

168. In the light of these considerations, the Committee of Experts revises its previous assessment and considers that this undertaking is only partly fulfilled.

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

169. In its first evaluation report (see paragraphs 193-196), the Committee of Experts considered this undertaking formally fulfilled, due to a lack of implementation. The Committee of Experts observed that only 325 pupils completed mother-tongue education courses at the secondary level in the 1999/2000 school year. It also noted the lack of a pro-active attitude by municipalities in providing secondary education. The Committee of Experts encouraged the Swedish authorities to take measures to improve the accessibility at secondary level of teaching in or of Finnish.

¹⁸ National Agency for Education (*Skolverket*), “De nationella minoriteternas utbildningssituation”, 2005, p. 28.

¹⁹ National Agency for Education (*Skolverket*), “De nationella minoriteternas utbildningssituation”, 2005, p. 11f.

170. No such measures have been reported by the authorities in the present monitoring round. While there are no adequate statistics collected concerning regional or minority language education at the secondary level, according to the information published by the National Agency for Education, only 150 pupils received a school leaving certificate mentioning Finnish in the 2002/2003 school year. Even such a certificate does not necessarily imply that pupils have received instruction in or of Finnish, since mere competence in Finnish is enough to obtain this mention. Furthermore, the Committee of Experts has doubts as to whether mother-tongue education in its current form is sufficient to fulfil even the weakest option (iii) provided for by this undertaking (see paragraphs 52 above).

171. In the light of these considerations, the Committee of Experts considers that this undertaking is only partly fulfilled in practice.

The Committee of Experts urges the Swedish authorities to take action, both at primary and secondary level, with a view to:

- ensuring that municipalities are aware of their obligations to offer teaching in or of Finnish and to inform parents of this possibility;***
- ensuring that compliance with these obligations is adequately monitored;***
- removing the requirement that Finnish must be in daily use at home before mother-tongue instruction in Finnish is available;***
- developing bilingual education as an alternative to mother-tongue education, which in its current form is too limited to ensure compliance with these undertakings.***

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

172. In its first evaluation report (see paragraph 197), the Committee of Experts considered this undertaking formally fulfilled, owing to a lack of implementation of existing legislation. It encouraged the Swedish authorities to take measures to improve the accessibility of technical and vocational education in Finnish. No relevant measures were reported by the authorities in the present monitoring round. The Committee of Experts has received no evidence of technical and vocational education taking place in Finnish in practice. The Committee of Experts considers, therefore, that this undertaking is not fulfilled.

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

173. While the Committee of Experts found this undertaking fulfilled in its first report, and there is still considerable provision in Sweden for the study of Finnish, the Committee of Experts is aware of a worrying trend to end this provision in certain universities, namely Gothenburg and Lund. There are also concerns about the situation in Umeå. There is a need for strategic planning in this area, as recommended also by the National Agency for Education in its 2005 report.

174. On the positive side, the Committee of Experts was pleased to learn of plans for introducing bilingual training for journalists at Stockholm University and considers that this may be a good starting point for further bilingual higher education to meet the needs of Finnish-speakers in Sweden, for example in healthcare.

175. The Committee of Experts considers this undertaking fulfilled.

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

176. In its first evaluation report (see paragraphs 202-204), the Committee of Experts observed that the national school curriculum and school syllabi had been amended to include teaching on the history and culture of the Sweden Finns. However, it noted that a stronger structured commitment within the curriculum was needed. It nevertheless considered this undertaking fulfilled.

177. The Committee of Experts' attention has been drawn to several factors in the present monitoring round which indicate that the teaching of the history and culture which is reflected by the regional or minority languages is not systematically ensured (see paragraph 66 above).

178. In the light of these considerations, the Committee of Experts revises its previous assessment and considers that this undertaking is only partly fulfilled.

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

179. In its first evaluation report (see paragraphs 205-208), the Committee of Experts observed that no special teacher training was organised for teachers of Finnish, except occasional courses previously offered at Luleå Technical University. Most teachers of Finnish were trained in Finland. The Committee of Experts considered therefore that this undertaking was not fulfilled.

180. While the task of training Finnish teachers is entrusted to Luleå Technical University in Norrbotten, the Committee of Experts understands that this concerns language training, rather than bilingual didactics or pedagogical training in Finnish. Also, Finnish is much stronger in central Sweden than in the North, which discourages teacher candidates from attending courses in Luleå. The authorities could consider distributing this task between several universities in different geographic areas.

181. The Committee of Experts has been informed that teacher training on a small scale takes place at the newly established Centre for Finnish Studies at Mälardalen University, which initially was financed by the Government, as well as by regional and local authorities. It welcomes this development, and hopes that it will be continued, so as to contribute to addressing the problem of Finnish-speaking teacher shortage in Sweden.

182. The Committee of Experts revises its previous assessment and considers this undertaking partly fulfilled.

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

183. In its first evaluation report (see paragraph 209), the Committee of Experts noted that there was very little monitoring on the organisation of Finnish education at all levels. It was not aware, in particular, whether a report published by the National Agency for Education in 2001 on the situation of minority languages in the Swedish education system was part of a periodical monitoring and reporting activity, as required by this undertaking. It was therefore not in a position to conclude whether this undertaking was fulfilled, and encouraged the Swedish authorities to ensure monitoring and reporting on a periodic basis in accordance with this undertaking.

184. The National Agency for Education published another report on the educational situation of national minorities in 2005, which includes statistical information, as well as an assessment of problems and possible solutions (see paragraphs 51-53 above).

185. This report, which includes a chapter on Finnish, seems to be again an *ad hoc* report. The Committee of Experts nevertheless considers this undertaking partly fulfilled at present, and encourages the Swedish authorities to entrust the National Agency for Education with the task of producing such reports on a regular basis.

Paragraph 2

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

186. In its first evaluation report (see paragraph 210), the Committee of Experts noted the special position of the Finnish language, owing to the fact that 95% of the speakers lived outside the Finnish administrative area. Bearing in mind the deterioration of the educational situation of the Finnish speakers, the Committee of Experts considered this undertaking formally fulfilled and encouraged the authorities to increase their efforts to provide Finnish language education to the Sweden Finnish speakers living outside the County of Norrbotten.

187. The Committee of Experts observes that the rules concerning access to Finnish-language education are applicable throughout Sweden and are confined neither to the Finnish administrative area, nor to other areas where Finnish has been traditionally spoken. For pre-school education special rules exist for the Finnish administrative area. The shortcomings outlined under Article 8, paragraph 1.a-e above apply also to this undertaking, which the Committee of Experts finds to be partly fulfilled.

Article 9 – Judicial authorities

Paragraph 1

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

a in criminal proceedings:

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

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

188. In its first evaluation report (see paragraph 216), the Committee of Experts concluded that this undertaking was not fulfilled. It noted that there was no obligation for the authorities to produce written documents in Finnish under the existing legislation, which only required an oral translation on request. The Committee of Experts encouraged the authorities to provide the translation of documents also in written form. The second periodical report contains no additional information pertaining to this undertaking and there has been no change in the applicable legal provisions. The Committee of Experts therefore maintains its previous assessment, and considers this undertaking not fulfilled.

The Committee of Experts urges the Swedish authorities to ensure fulfilment of this undertaking, including, if necessary, by modifying the relevant legislation.

Paragraph 3

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

189. In its first evaluation report (see paragraph 220), the Committee of Experts had not been informed of any statutory text, other than the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts, being translated into Finnish. It concluded, therefore, that this undertaking was partly fulfilled and encouraged the authorities to make available the most important statutory texts in the Finnish language, and especially those relating particularly to the Finnish population.

190. The second periodical report does not provide any additional information relating to this undertaking. According to the information provided to the Committee of Experts by representatives of the Finnish speakers in Sweden, no new statutory texts have been translated since the first evaluation report.

191. The Committee of Experts maintains its previous assessment that this undertaking is only partly fulfilled.

The Committee of Experts encourages the Swedish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Finnish are made available in Finnish too.

Article 10 – Administrative authorities and public services

Paragraph 1

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

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”

“c to allow the administrative authorities to draft documents in a regional or minority language.”

192. In its first evaluation report (see paragraphs 221-224), the Committee noted that the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1175) provided for the oral or written use of the Finnish language in dealings with public authorities in the Finnish administrative area, which also applies to State authorities. It observed that, although the administration usually had staff with an adequate command of Finnish, the language was mostly used for oral communication only and that there was a serious lack of competence in producing

written documents in Finnish. It encouraged the Swedish authorities to take practical and organisational measures to ensure that Finnish can be used in administration.

193. In their second periodical report, the Swedish authorities did not report on any measures taken by local and regional State authorities, such as regional public prosecution offices, police authorities, tax authorities, employment offices or the County Administrative Board of Norrbotten, with a view to implementing these undertakings. The Committee of Experts notes that the problems mentioned in its first evaluation report continue to persist.

194. According to a report commissioned and published by the Swedish Parliament, the possibility to use Finnish with administrative authorities is much better than for Sami and Meänkieli. According to the findings of this report, 73.4% of regional authorities and branches of State administration in the Finnish administrative area have a staff member proficient in Finnish. However, only 22.9% indicated that they could provide a written reply in Finnish²⁰. In the Committee of Experts' opinion, a structured human resources policy, taking account of civil servants' oral and written proficiency in Finnish, for recruitment as well as for in-house further training, would be the most appropriate solution to these shortcomings.

195. The Committee of Experts considers these undertakings partly fulfilled in the Finnish administrative area.

Paragraph 2

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

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

196. In its first evaluation report (see paragraphs 225-227), the Committee of Experts had been informed that there were usually Finnish-speaking personnel available in regional and local administration especially in the two municipalities bordering Finland. At the local level, oral communication took place in Finnish, whereas written communication was exceptional. As for the regional authorities, they had very few contacts in Finnish. The Committee of Experts also noted that local and regional authorities had not translated their official documents and information about their operations into Finnish, except information about the right to use Finnish. It considered that these undertakings were partly fulfilled and encouraged the State authorities to raise awareness among the relevant regional and local authorities of their obligation to produce official documents in Finnish and thereby contribute to the fulfilment of this undertaking.

197. The second periodical report does not provide any additional information with respect to the implementation of these undertakings. According to the report referred to above (see paragraph 194), the majority of municipal offices have staff members who can speak Finnish (100% of municipal offices in Pajala, Övertorneå and Haparanda)²¹. The capacity to treat applications in Finnish varies between municipalities, but between 20% and 50% of municipal offices are able to treat applications in Finnish as quickly as applications in Swedish.

198. The Committee of Experts is not aware of any publication of the texts of local and regional authorities in Finnish.

199. Nevertheless, the Committee of Experts has also observed that awareness among municipalities about their obligations has increased since the last monitoring round. The Committee of

²⁰ Lars Elenius, “Ett uthålligt språk”, 2004, p. 74.

²¹ Lars Elenius, “Ett uthålligt språk”, 2004, p. 72.

Experts notes that co-operation within Kommunförbundet Norrbotten (see paragraph 21 above), with the support of the Norrbotten Administrative Board, has had a particularly positive impact, despite very modest resources. Thus, in addition to Pajala, which had adopted an action plan at the time of the first evaluation report, the municipalities in the Finnish administrative area have either adopted or are working on an action plan for regional or minority languages. Such co-operation also allows municipalities to share good practices. The Committee of Experts encourages the Swedish authorities to earmark funds to ensure the future of inter-municipal co-operation.

200. The Committee of Experts considers that the undertakings entered into under Article 10, paragraph 2.c and 2.d are not fulfilled, whereas Article 10, paragraph 2.b is fulfilled in the Finnish administrative area.

The Committee of Experts emphasises the importance of this undertaking, from the point of view both of communicating with Finnish-speakers and of the status of the Finnish language, and urges the authorities to take concrete steps to ensure the fulfilment of these undertakings. This could include continuing support for co-operation between municipalities, which the Committee of Experts regards as good practice.

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

201. In its first evaluation report (see paragraphs 228-229), the Committee of Experts considered this undertaking only partly fulfilled, as it had been informed that the presence of Finnish place names was not yet satisfactory. The second periodical report contains no additional information and the Committee of Experts has not been informed of any progress with respect to this undertaking. It maintains its previous assessment, therefore, that this undertaking is only partly fulfilled.

Article 11 – Media

Paragraph 1

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

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

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

202. In its first evaluation report (see paragraphs 234-241), taking account of the number of hours devoted to Finnish programmes by Swedish public broadcasters, the Committee of Experts considered this undertaking fulfilled, reserving its position, however, with respect to reports on reductions made in Finnish programmes on TV. It had noted, in particular, that there was some concern on the part of the speakers about the absence of ring-fenced funding for Finnish programming which could lead to unfair reductions in this programming as a result of global budget cuts. Therefore, the Committee of Experts encouraged the Swedish authorities to collaborate with broadcasters and representatives of the Finnish-speakers to ensure that Finnish language programming does not suffer unfairly as a result of budgetary constraints, including, if necessary, ring-fencing funds for Finnish-language programmes.

203. The Committee of Experts has already made reference to the debate with respect to a new broadcasting licence (see paragraph 38 above). It observes, however, that even under the current licence, there has been a reduction in the number of hours devoted to Finnish on SVT. Whereas SVT broadcast 117 hours of its own productions in 2001, this figure was 81 hours in 2004 (plus 29 hours of

programmes bought from Finland)²². The Committee of Experts expresses its concern regarding the negative trend of the offering of the television programmes in Finnish, especially the significant reduction of the production of Finnish-language programmes in Sweden. The Finnish speakers fear that the provision for Finnish programmes on TV will be further reduced if the new licence is adopted in the proposed terms.

204. While the global budget of SR has been reduced, the number of hours devoted to Finnish programmes by SR Sisuradio has increased since 2001 (7318 hours in 2004 as compared to 5226 hours in 2001²³). Sisuradio broadcasts daily between 6 am and 10 pm on digital radio. There are also analogue broadcasts. The Committee of Experts has been informed, however, that there are reception problems in Northern Sweden and encourages the authorities to resolve this issue.

205. The Committee of Experts considers this undertaking fulfilled for radio and fulfilled at present in respect of television.

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

206. The Committee of Experts previously found this undertaking fulfilled on the basis of arrangements made with Finland for an edited version of a bilingual channel to be broadcast around Stockholm and 26 other localities in Sweden. The Committee of Experts has received information that these arrangements may be in jeopardy. Based on this information, the Committee of Experts requests the Swedish authorities to clarify whether or not the existing offer will be continued or changed. The Committee of Experts would also welcome information as to any encouragement or facilitation for the creation of a television channel in Finnish.

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

207. The Committee of Experts observes that to fulfil this undertaking, it is not sufficient to allow works in regional or minority languages to benefit from general promotion measures, this being already covered by the principle of non-discrimination enshrined in Article 7, paragraph 2, as well as in Article 11, paragraph 1.f.ii of the Charter (also chosen by Sweden with respect to Finnish). Consequently, this provision necessitates pro-active measures by the authorities. Although the Charter does not specify what form the measures of encouragement and/or facilitation should take, they should be effective and not purely symbolic or formal. It could be envisaged, for example, that they take the form of technical support, direct or indirect financial support (such as the acquisition of works in regional or minority languages by schools, public libraries, cultural institutions), etc. (see the second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 74)

208. In its first evaluation report (see paragraph 243), the Committee of Experts was not in a position to conclude whether this undertaking was fulfilled. While it had been informed by the Swedish authorities that Filmpool Nord had been assigned the task of being a regional actor to co-produce regional films, it was not clear to what extent it had a specific remit in respect of producing and/or distributing Finnish-language works.

209. Sweden's second periodical report contains no additional information about the remit of Filmpool Nord. The Committee of Experts is not aware of any example of specific measures intended to encourage and/or facilitate the production and distribution of audio and audiovisual works in Finnish.

210. The Committee of Experts considers, therefore, that this undertaking is not fulfilled.

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

211. In its first evaluation report (see paragraphs 244-247), the Committee of Experts observed that a trilingual newspaper (Haparandabladet, with 30% of Finnish content) received operational subsidies.

²² Public service-redovisningen från SVT, 2004.

²³ Sveriges Radio public service-redovisning, 2004.

Two weekly newspapers, Ruotsin Suomalainen and Viikkoviesti, received operational subsidies in exceptional circumstances. The Committee of Experts concluded that this undertaking was fulfilled.

212. In 2003, Viikkoviesti became a daily newspaper under the name of "Ruotsin Sanomat", however it declared bankruptcy in 2005. The weekly Ruotsin Suomalainen is still published. Haparandabladet, which is printed twice a week, has a narrow geographic focus and its contents in Finnish are limited. It appears that a strategy based on the current subsidy regime has not improved the position of press in Finnish and other strategies are needed.

213. The Committee of Experts considers this undertaking to be fulfilled at present, despite the worrying decline.

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

214. In its first evaluation report (see paragraphs 248-250), the Committee of Experts had been informed that existing measures for financial assistance were also available to support productions in Finnish. However, it had not received any example of such assistance to audiovisual productions in Finnish and requested evidence of such assistance being provided in practice in the second periodical report. It concluded that this undertaking was only formally fulfilled.

215. No evidence of practical implementation was provided in the second periodical report. The Swedish authorities only refer to information provided under Article 11, paragraph 1.d, the distinction between which and the present undertaking is detailed above (see paragraph 207). The Committee of Experts has also received no evidence that the existing measures of financial assistance are designed in such a way that audiovisual productions in Finnish could qualify for them in practice.

216. The Committee of Experts observes that the fulfilment of this undertaking requires some degree of practical implementation and therefore considers that it is still only formally fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

217. In its first evaluation report (see paragraphs 274-277), the Committee of Experts concluded that this undertaking was partly fulfilled. It observed that the Royal Library in Stockholm, as well as the Finnish Institute had collections of Finnish books, but that the Sweden Finnish Archives, in existence since 1975, had financial difficulties and were on the verge of being closed down several times. It noted that there was an investigation in progress concerning the situation of archives in Sweden and stated that it would welcome the results of this investigation.

218. The second periodical report does not provide any additional information regarding the situation pertaining to the collections referred to above. It states that the Government was planning to present a written communication to the Parliament in 2004. The Committee of Experts has no information, however, as to the contents of this communication and its effects on the fulfilment of this undertaking and requests the Swedish authorities to comment on these points in their next periodical report.

219. According to the information provided by Sweden Finnish organisations, the authorities have increased their contribution to the Finnish Institute and an official committee working on the question

of archives proposed that 1.6 million crowns be allocated to the Sweden Finnish archives. The Committee of Experts understands that this proposal has been rejected.

220. The Committee of Experts nevertheless maintains its previous assessment that this undertaking is partly fulfilled, but reserves its position with respect to future developments.

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

221. In its first evaluation report (see paragraph 278), the Committee of Experts considered this undertaking fulfilled, having taken account of the work conducted by the Finnish Language Council in Sweden. As mentioned above, the Finnish Language Council has since then had serious financial difficulties, and its capacity to develop projects has been substantially reduced. The Committee of Experts understands that there are prospects of it being included in a new Language Council, and encourages the Swedish authorities to find a satisfactory solution to secure the financial future of the Finnish Language Council (see paragraph 36 above). The Committee of Experts nonetheless considers this undertaking fulfilled at present, but reserves its position with respect to future developments.

2.3.3. The Meänkieli language

222. In its first evaluation report (see paragraph 293), the Committee of Experts drew attention to the fact that the Meänkieli language lacked a standardised written form. It referred to initiatives taken by speakers to standardise the language and to plans to establish a Meänkieli Language Board. Considering that standardisation is a time consuming and complicated process, it stated that adequate support by the authorities was required.

223. In the present monitoring round, the Committee of Experts has not received any evidence of specific support provided by the authorities with a view to promoting the codification and standardisation of Meänkieli. Codification and standardisation are necessary for the implementation of several undertakings entered into by Sweden with respect to this language, and in particular of Articles 9 (judicial authorities) and 10 (administrative authorities).

224. Many representatives of Meänkieli-speakers expressed their wish that a language board for Meänkieli be established. This board would contribute to the codification of the language, as well as conduct work on Meänkieli vocabulary and grammar. In the Committee of Experts' view, this would be an appropriate response to the particular difficulty faced by Meänkieli. The Committee of Experts encourages the Swedish authorities to provide assistance for the setting up and maintenance of such a language board, possibly in the framework of a general language council for the languages of Sweden as proposed by the Government (see paragraph 35 above).

Article 8 – Education

225. The legislative and organisational framework applicable to Meänkieli education has not changed since the Committee of Experts' first evaluation report, and the Committee of Experts refers to the relevant paragraphs of that report for a basic evaluation of the situation (see paragraphs 294-296).

226. Meänkieli education is strongest in Pajala, where there is a strong political will to promote Meänkieli. The promotion of Meänkieli in education figures in an action plan adopted by the municipality, which took the decision in 1999 that 80%²⁴ of pupils finishing primary school should be able to read and write Meänkieli. Several initiatives have been undertaken since to implement this decision and the situation of Meänkieli has improved significantly as a result. The Committee of Experts commends the Pajala municipality for its pro-active approach which, given the success of the revitalisation efforts in Pajala, could serve as a model to other municipalities in the Meänkieli administrative area.

227. The problem referred to above in relation to Sami and Finnish education (see paragraphs 80 and 158) regarding the lack of awareness concerning the parents' rights to request regional or minority language education for their children also applies to Meänkieli education. Information campaigns to inform parents could be envisaged to improve the situation. While rules regarding the right to mother-tongue education are particularly favourable for Meänkieli (see paragraph 50 above), the availability of this education varies considerably from one municipality to another in practice. Therefore, there should also be clearer instructions for municipalities and schools, making them aware of their obligations vis-à-vis the teaching in and of Meänkieli and encouraging them to be more pro-active in offering this teaching.

228. As for Sami and Finnish, the lack of adequate teaching materials is a problem that affects Meänkieli education at all levels. At present, individual teachers produce their own materials. While this is an excellent short-term measure, it is not a substitute for the promotion of the development of teaching materials in Meänkieli by the authorities.

²⁴ National Agency for Education (*Skolverket*), "De nationella minoriteternas utbildningssituation", 2005.

Paragraph 1

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

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

229. In its first evaluation report (see paragraphs 297-300), the Committee of Experts noted that pre-school education in Meänkieli was not structured in the relevant municipalities. Although pro-active projects had been developed for pre-school children in Pajala, for example, the Committee of Experts observed a lack of pro-active attitude on the part of municipalities to inform parents of their right to request pre-school education for their children in Meänkieli. It considered that the undertaking was partly fulfilled and encouraged the Swedish authorities to take practical and organisational measures to ensure the use of Meänkieli in pre-school education.

230. There are no reliable statistics regarding the availability of pre-school education in regional or minority languages in Sweden (see paragraph 48 above), which makes this undertaking particularly difficult to evaluate. The Committee of Experts is of the opinion that it is essential to collect reliable data concerning this undertaking in order to take stock of the existing situation and devise solutions to the shortcomings.

231. The municipalities in the Meänkieli administrative area (Gällivare, Haparanda, Kiruna, Pajala and Övertorneå) have an obligation to “offer children whose guardian so requests the option of a pre-school place in activities which are wholly or partly carried on in Finnish and Meänkieli respectively” (Section 8 of the Act concerning the right to use Finnish and Meänkieli). However, this option still appears not to be provided systematically, and even in Pajala²⁵ where pre-school education currently receives particular attention, there are concerns that the provision might be reduced. The Committee of Experts has not received information about the way in which this undertaking has been implemented in other relevant municipalities.

232. In the light of these considerations, the Committee of Experts maintains its previous assessment that this undertaking is only partly fulfilled.

The Committee of Experts emphasises the importance of pre-school education, particularly for introducing children to literacy in Meänkieli. It encourages the Swedish authorities to maintain and improve the offering of pre-school education in Meänkieli throughout the area where the language has been traditionally spoken.

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

²⁵ National Agency for Education (Skolverket), “De nationella minoriteternas utbildningssituation”, 2005, Appendix 2, p. 3.

233. In its first evaluation report (see paragraphs 301-307), the Committee of Experts considered this undertaking partly fulfilled. It observed a number of shortcomings, such as the lack of teaching materials, the absence of a pro-active attitude to inform parents of the possibility to request Meänkieli education for their children, and in particular the lack of a structured policy for the implementation of this undertaking, involving both the central authorities and the municipalities. Despite positive practices in Pajala, the Committee of Experts also expressed its concern about a negative trend in the provision of Meänkieli education since the 1980s. It encouraged the Swedish authorities to take measures to improve the accessibility of primary school education in Meänkieli.

234. No additional information with respect to measures taken in connection with this undertaking was provided in the second periodical report. Meänkieli continues to be offered at one independent school in Pajala as the medium of instruction alongside Swedish, and incorporated in the mainstream curriculum at municipal schools as “school’s choice” (*skolans val*) or “language choice” (*språkval*).

235. In other municipalities, Meänkieli mother-tongue education should be offered in accordance with the general legislation. According to the statistics provided by the National Agency for Education, in the 2004/2005 school year, outside Pajala mother-tongue education took place in Kiruna (88 out of 324 entitled pupils, 27%), Gällivare (4 out of 213 entitled pupils, 2%) and in Övertorneå (3 out of 60 entitled pupils, 5%). No statistics are given for Haparanda. Notwithstanding the Committee of Experts’ reservations as to whether mother-tongue education in its current form is sufficient to fulfil even the weakest option (iii) provided for by this undertaking (see paragraph 52 above), these figures show that more decided measures are needed in all municipalities concerned.

236. The Committee of Experts maintains its previous assessment that this undertaking is only partly fulfilled.

The Committee of Experts urges the Swedish authorities to take action with a view to:
- ensuring that municipalities are aware of their obligations to offer teaching in or of Meänkieli and to inform parents of this possibility;
- ensuring that compliance with these obligations is adequately monitored;
- developing bilingual education as an alternative to mother-tongue education, which in its current form is too limited to ensure compliance with this undertaking.

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

237. In its first evaluation report (see paragraphs 308-311), the Committee of Experts noted that no pupils at the secondary level were receiving Meänkieli teaching and that teaching materials at this level were totally lacking. It felt that there was no co-operation between municipalities in this respect or any comprehensive approach to try to improve the availability of secondary education in Meänkieli. The Committee of Experts considered, therefore, that there were no positive results in practice in secondary education, despite the fact that this obligation seemed to be fulfilled from a legal point of view. It encouraged the Swedish authorities to take measures to improve the accessibility at secondary level teaching in or of Meänkieli.

238. While no adequate statistics are collected concerning regional or minority language education at the secondary level, according to the information published by the National Agency for Education, no pupil received a school leaving certificate mentioning Meänkieli in the 2002/2003 school year. According to the information provided in the second periodical report (see page 42), two pupils at the

upper secondary level were to receive mother-tongue education in Meänkieli in Pajala and Övertorneå in 2004. The Committee of Experts would welcome further information about this development, in particular about the extent of this teaching, in Sweden's next periodical report. It observes nonetheless that this figure is marginal in proportion to the number of Meänkieli speakers and pupils learning Meänkieli at primary level.

239. The Committee of Experts considers that this undertaking is not fulfilled.

The Committee of Experts encourages the Swedish authorities to develop strategies, in collaboration with the Meänkieli speakers, to strengthen the offer of Meänkieli secondary education.

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

240. In its first evaluation report (see paragraph 312), the Committee of Experts noted that no education was provided in Meänkieli in technical and vocational education, despite this possibility being provided for by the Law on Education. It observed that no action had been taken by the authorities to ensure that pupils were aware of this possibility and encouraged the Swedish authorities to take measures to improve the accessibility of technical and vocational education in Meänkieli. No relevant measures were reported by the authorities in the present monitoring round. The Committee of Experts has received no evidence of technical and vocational education taking place in Meänkieli in practice. The Committee of Experts considers, therefore, that this undertaking is not fulfilled.

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

241. In its first evaluation report (see paragraphs 315-317), the Committee of Experts observed that the national school curriculum and school syllabi had been amended to include teaching of the history and culture of the Tornedalians. However, it noted that a stronger structured commitment within the curriculum was needed. It nevertheless considered this undertaking fulfilled.

242. The Committee of Experts' attention has been drawn to several factors in the present monitoring round which indicate that the teaching of the history and culture which is reflected by the regional or minority languages is not systematically ensured (see paragraph 66 above).

243. In the light of these considerations, the Committee of Experts revises its previous assessment and considers that this undertaking is only partly fulfilled.

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

244. In its first evaluation report (see paragraphs 318-322), the Committee of Experts observed that no special teacher training was organised for teachers of Meänkieli, except occasional courses offered within the pedagogical section at Luleå Technical University. Many teachers felt that their ability to use Meänkieli, especially in written form, was not satisfactory and they felt an acute need for teacher training and language courses. The Committee of Experts considered therefore that this undertaking was not fulfilled.

245. While the task of training Meänkieli teachers is entrusted to Luleå Technical University in Norrbotten, the Committee of Experts understands that this concerns language training, rather than bilingual didactics or pedagogical training in Meänkieli.

246. The second periodical report refers to certain initiatives in Pajala regarding the further training of teachers. According to the information provided by the National Agency for Education²⁶, all teachers in Pajala follow a three-day mandatory course in Meänkieli and are offered the possibility to follow a university distance-learning course. 50 out of 160 teachers have followed this course. Despite persisting concerns among teachers that their level of Meänkieli is not sufficient, the Committee of Experts considers that this is an excellent initiative and hopes that it will serve as a model for the other municipalities concerned.

247. There does not appear to be any training for the secondary level of education.

248. The Committee of Experts revises its previous assessment, therefore, and considers this undertaking partly fulfilled.

The Committee of Experts encourages the Swedish authorities to introduce training of teachers as part of its strategy to strengthen secondary education in Meänkieli.

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

249. In its first evaluation report (see paragraph 323), the Committee of Experts noted that there was very little monitoring of the organisation of Meänkieli education at all levels. It was not aware, in particular, whether a report published by the National Agency for Education in 2001 on the situation of minority languages in the Swedish education system was part of a periodical monitoring and reporting activity, as required by this undertaking. It was therefore not in a position to conclude whether this undertaking was fulfilled, and encouraged the Swedish authorities to ensure monitoring and reporting on a periodic basis in accordance with this undertaking.

250. The National Agency for Education published another report on the educational situation of national minorities in 2005, which includes statistical information, as well as an assessment of problems and possible solutions (see paragraphs 51-53 above).

251. This report, which includes a chapter on Meänkieli, seems to be again an *ad hoc* report. The Committee of Experts nevertheless considers this undertaking partly fulfilled at present, and encourages the Swedish authorities to entrust the National Agency for Education with the task of producing such reports on a regular basis.

Paragraph 2

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

252. In its first evaluation report (see paragraphs 324-326), the Committee of Experts noted that courses on Meänkieli had been offered at Stockholm University since the 1991/1992 academic year and that distance teaching in Meänkieli had been offered at Umeå University. Despite the statutory right to mother-tongue education applicable on the entire Swedish territory, it had been brought to the Committee of Experts' attention that there were often practical obstacles to receiving education in Meänkieli. The Committee of Experts nevertheless considered that this undertaking was fulfilled.

²⁶ National Agency for Education (*Skolverket*), “De nationella minoriteternas utbildningssituation”, 2005, p. 4.

253. According to the results published by the National Agency for Education, no mother-tongue education in Meänkieli took place outside the administrative area, despite the fact that some municipalities indicated the existence of pupils entitled to such education.

254. The Committee of Experts therefore revises its previous conclusion and considers that this undertaking is only partly fulfilled, and it encourages the authorities to provide information regarding the demand and measures taken to meet such demands for mother-tongue instruction in Meänkieli. The Committee of Experts is of the opinion that more pro-active measures are required in order to inform parents and municipalities about this possibility (see paragraph 227 above).

Article 9 – Judicial authorities

Paragraph 1

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

a in criminal proceedings:

ii to guarantee the accused the right to use his/her regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

255. In its first evaluation report (see paragraphs 327-331), the Committee of Experts concluded that this undertaking was only formally fulfilled. While the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1176) guaranteed the right to use Meänkieli in criminal proceedings, this right had never been used in practice, although some courts had staff able to communicate in Meänkieli. According to the information received by the Committee of Experts, the authorities were considering how to improve the use of Meänkieli before courts. The Committee of Experts considered that this undertaking was only formally fulfilled and encouraged the Swedish authorities to take practical and organisational measures to ensure that Meänkieli can be used in criminal proceedings.

256. No information regarding such practical and organisational measures was provided in the second periodical report. The Swedish authorities also did not react to the Committee of Experts' request for clarification of the precise interpretation of the term “improper purpose” contained in Article 6, paragraph 2 of the relevant Act. According to the information available to the Committee of Experts, there has been no improvement with respect to the implementation of this undertaking.

257. Therefore, the Committee of Experts maintains its previous conclusion that this undertaking is only formally fulfilled.

The Committee of Experts emphasises the importance of practical measures to implement this undertaking, and urges the Swedish authorities to take the steps outlined in the Committee of Experts' first report.

“iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

258. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on

account of its being drafted in a regional or minority language. Furthermore, the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts allows for requests and evidence in Meänkieli. The Committee of Experts considers this undertaking fulfilled.

- “iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,
if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”**

259. In its first evaluation report (see paragraph 332), the Committee of Experts concluded that this undertaking was not fulfilled. It noted that there was no obligation for the authorities to produce written documents in Meänkieli under the existing legislation, which only required an oral translation on request. The Committee of Experts encouraged the authorities to provide the translation of documents also in the written form. The second periodical report contains no additional information pertaining to this undertaking and there has been no change in the applicable legal provisions. The Committee of Experts therefore maintains its previous assessment, and considers this undertaking not fulfilled.

“b in civil proceedings:

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

260. The above considerations concerning criminal proceedings (see paragraphs 255-257 above) also apply to civil proceedings. The Committee of Experts considers therefore that this undertaking is also only formally fulfilled.

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

261. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on account of its being drafted in a regional or minority language. The Committee of Experts considers this undertaking fulfilled.

“c in proceedings before courts concerning administrative matters:

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

262. The above considerations concerning criminal proceedings (see paragraphs 255-257 above) also apply to proceedings before courts concerning administrative matters. The Committee of Experts considers therefore that this undertaking is also only formally fulfilled.

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

263. According to the information provided by the Swedish authorities (see page 23 of the second periodical report), under Swedish legislation, the validity of a legal document cannot be denied on

account of its being drafted in a regional or minority language. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

264. In its first evaluation report (see paragraph 336), the Committee of Experts had not been informed of any statutory text, other than the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts, being translated into Meänkieli. It concluded, therefore, that this undertaking was partly fulfilled and encouraged the authorities to make available the most important statutory texts in Meänkieli, and especially those relating particularly to the Meänkieli-speaking population.

265. The second periodical report does not provide any additional information relating to this undertaking. According to the information available to the Committee of Experts, no new statutory texts have been translated since the first evaluation report.

266. The Committee of Experts maintains its previous assessment that this undertaking is only partly fulfilled.

The Committee of Experts encourages the Swedish authorities to take the necessary measures to ensure that the most important national statutory texts and those relating particularly to users of Meänkieli are made available in Meänkieli too.

Article 10 – Administrative authorities and public services

Paragraph 1

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

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”

“c to allow the administrative authorities to draft documents in a regional or minority language.”

267. In its first evaluation report (see paragraphs 337-339), the Committee noted that the Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts (SFS 1999:1175) provided for the oral or written use of the Meänkieli language in dealings with public authorities in the administrative area, which also applies to State authorities. It observed that, although the administration usually had staff with an adequate command of Meänkieli, the language was mostly used for oral communication only. It considered that these undertakings were partly fulfilled.

268. In their second periodical report, the Swedish authorities did not report on any measures taken by local and regional State authorities, such as regional public prosecution offices, police authorities, tax authorities, employment offices or the County Administrative Board of Norrbotten, with a view to implementing these undertakings. The Committee of Experts notes that the problems mentioned in its first evaluation report continue to persist.

269. According to a report commissioned and published by the Swedish Parliament, the possibility to use Meänkieli with administrative authorities exists. According to the findings of this report, 52.9% of regional authorities and branches of State administration in the Finnish/Meänkieli administrative area have a staff member proficient in Meänkieli. However, only 18.8% indicated that they could provide a written reply in Meänkieli²⁷. In the opinion of the Committee of Experts, a structured human resources

²⁷ Lars Elenius, “Ett uthålligt språk”, 2004, p. 74.

policy, taking account of civil servants' oral and written proficiency in Meänkieli, for recruitment as well as for in-house further training, would be the most appropriate solution to these shortcomings.

270. The Committee of Experts considers these undertakings partly fulfilled.

Paragraph 2

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

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

271. In its first evaluation report (see paragraphs 340-342), the Committee of Experts had been informed that there were usually Meänkieli-speaking personnel available in regional and local administration especially in two municipalities bordering Finland. At the local level, oral communication took place in Meänkieli, whereas written communication was exceptional. As for the regional authorities, they had very few contacts in Meänkieli. The Committee of Experts also noted that local and regional authorities had not translated their official documents and information about their operations into Meänkieli, except information about the right to use Meänkieli. It considered that these undertakings were partly fulfilled and encouraged the State authorities to raise awareness among the relevant regional and local authorities of their obligation to produce official documents in Meänkieli and thereby contribute to the fulfilment of this undertaking.

272. The second periodical report does not provide any additional information with respect to the implementation of these undertakings. According to the report referred to above (see paragraph 269), the majority of municipal offices have staff members who can speak Meänkieli (100% of municipal offices in Pajala and Haparanda)²⁸. The capacity to treat applications in Meänkieli varies from one municipality to another, but between 38.5% and 55% of municipal offices are able to treat applications in Meänkieli as quickly as applications in Swedish. The Committee of Experts was informed during the on-the-spot visit that oral communication in Meänkieli takes place as a matter of course in Pajala municipality in particular.

273. The Committee of Experts is not aware of any publication of the texts of local and regional authorities in Meänkieli.

274. Nevertheless, the Committee of Experts has also observed that awareness among municipalities about their obligations has increased since the last monitoring round. The Committee of Experts observes that co-operation within Kommunförbundet Norrbotten, with the support of the Norrbotten Administrative Board, has had a particularly positive impact, despite very modest resources. Thus, in addition to Pajala, which had adopted an action plan at the time of the first evaluation report, the municipalities in the administrative area have either adopted or are working on an action plan for regional or minority languages. Such co-operation also allows municipalities to share good practices. The Committee of Experts encourages the Swedish authorities to earmark funds to ensure the future of inter-municipal co-operation.

275. The Committee of Experts considers that the undertakings entered into under Article 10, paragraph 2.c and 2.d are not fulfilled, whereas Article 10, paragraph 2.b is partly fulfilled.

²⁸ Lars Elenius, “Ett uthålligt språk”, 2004, p. 72.

The Committee of Experts emphasises the importance of this undertaking, from the point of view both of communicating with Meänkieli-speakers and of the status of the Meänkieli language, and urges the authorities to take concrete steps to ensure the fulfilment of these undertakings. This could include continuing support for co-operation between municipalities, which the Committee of Experts regards as good practice.

Article 11 – Media

Paragraph 1

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

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

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

276. In its first evaluation report (see paragraphs 348-355), the Committee of Experts noted positive steps taken by the Swedish authorities to encourage and increase the provision of regional or minority language broadcasting. It observed that in 2001, 265 hours of radio programmes and 4.35 hours of TV programmes had been broadcast in Meänkieli. It considered this undertaking fulfilled for radio broadcasting, but only partially fulfilled regarding television, and encouraged the Swedish authorities to collaborate with broadcasters and representatives of the Meänkieli-speakers to explore the possibility of providing a regular locally-broadcast TV news programme in Meänkieli.

277. The Committee of Experts has already made reference to the debate with respect to a new broadcasting licence (see paragraph 38 above). In the present monitoring round, the Committee of Experts has received unclear evidence regarding the amount of hours devoted to Meänkieli on television. The official figures from SVT suggest that 5 hours of Meänkieli programmes were broadcast on SVT in 2004²⁹. A representative of SVT Meänkieli edition stated during the on-the-spot visit that television programmes in Meänkieli consisted of a children's programme (8 times 50' per year) and a magazine programme (3 times 30' per year).

278. Sisuradio has a Meänkieli edition with four staff members. The representatives of the speakers were of the view that as a minority within a minority, the visibility of Meänkieli programmes remained low. Nevertheless, according to the statistics provided by SR, 815 hours of Meänkieli programmes were broadcast [with re-runs] in 2004, a net increase from the 2001 figures (549 hours)³⁰.

279. The Committee of Experts maintains its previous assessment that this undertaking is fulfilled with respect to the radio provision and still only partly fulfilled with respect to television.

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

280. The Committee of Experts observes that to fulfil this undertaking, it is not sufficient to allow works in regional or minority languages to benefit from general promotion measures, this being already covered by the principle of non-discrimination enshrined in Article 7, paragraph 2, as well as in Article 11, paragraph 1.f.ii of the Charter (also chosen by Sweden with respect to Meänkieli). Consequently, this provision necessitates pro-active measures by the authorities. Although the Charter does not specify what form the measures of encouragement and/or facilitation should take, they should be effective and not purely symbolic or formal. It could be envisaged, for example, that they take the form of technical support, direct or indirect financial support (such as the acquisition of

²⁹ Public service-redovisningen från SVT, 2004.

³⁰ Sveriges Radio public service-redovisning, 2004.

works in regional or minority languages by schools, public libraries, cultural institutions), etc. (see the second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 74)

281. In its first evaluation report (see paragraph 356), the Committee of Experts was not in a position to conclude whether this undertaking was fulfilled. While it had been informed by the Swedish authorities that Filmpool Nord had been assigned the task of being a regional actor to co-produce regional films, it was not clear to what extent it had a specific remit in respect of producing and/or distributing works in Meänkieli.

282. Sweden's second periodical report contains no additional information about the remit of Filmpool Nord. The Committee of Experts is not aware of any example of specific measures intended to encourage and/or facilitate the production and distribution of audio and audiovisual works in Meänkieli.

283. The Committee of Experts considers, therefore, that this undertaking is not fulfilled.

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

284. In its first evaluation report (see paragraphs 357-362), the Committee of Experts observed that a trilingual newspaper (Haparandabladet, with very little Meänkieli content) received operational subsidies. While there was a publication with approximately 50% of its contents in Meänkieli, this was a magazine and not a newspaper. The Committee of Experts referred to a report commissioned by the Government from the Swedish Press Subsidies Council and requested further information on the contents of this report in the second periodical report. It encouraged the Swedish authorities to explore the possibilities of establishing a newspaper in Meänkieli.

285. While no information is provided regarding this report in the second periodical report, the Swedish authorities refer to the Ministry of Culture's plans to set up an extensive investigation concerning the situation of the press, including minority language newspapers. No information is provided, however, as to measures adopted by the authorities to encourage and/or facilitate the creation of a newspaper in Meänkieli.

286. The Committee of Experts is aware that a parliamentary committee submitted a report in January 2006 about the situation of the daily press in Sweden³¹. This report proposes to lower the required minimum number of subscriptions for press subsidies from 2 000 to 1 500, as well as to consider publications as daily newspapers for the purposes of subsidies, even when they are not in Swedish, provided that at least 25% of their contents are in Sami or Meänkieli. It also proposes that the Government should explore the possibility of transfrontier co-operation with Norway and Finland in order to facilitate the publication of a daily newspaper in Sami and Meänkieli. The Committee of Experts hopes that this report will lead to the creation of at least one newspaper in Meänkieli.

287. The Committee of Experts considers, therefore, that this undertaking is not fulfilled at present.

The Committee of Experts urges the Swedish authorities to encourage and/or facilitate the creation of a newspaper in Meänkieli.

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

288. In its first evaluation report (see paragraphs 363-364), the Committee of Experts had been informed that existing measures for financial assistance were also available to support productions in Meänkieli. However, it had not received any example of such assistance to audiovisual productions in Meänkieli and requested evidence of such assistance being provided in practice in the second periodical report. It concluded that this undertaking was only formally fulfilled.

289. No evidence of practical implementation was provided in the second periodical report. The Swedish authorities only refer to information provided under Article 11, paragraph 1.d, the distinction

³¹ Slutbetänkande av Presskommittén 2004, “Mångfald och räckvidd”, 2006.

between which and the present undertaking is detailed above (see paragraph 280). The Committee of Experts has also received no evidence that the existing measures of financial assistance are designed in such a way that audiovisual productions in Meänkieli could qualify for them in practice.

290. The Committee of Experts observes that the fulfilment of this undertaking requires some degree of practical implementation and therefore considers that it is still only formally fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 1

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

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

291. In its first evaluation report (see paragraphs 374-377), the Committee of Experts considered that the information it had received was not sufficient to conclude whether this undertaking had been implemented.

292. The second periodical report limits itself to stating that “the National Council for Cultural Affairs should give special consideration to minorities when allocating public funds to literature and cultural publications”. No information has been provided as to whether the authorities provided any support for translation, dubbing, post-synchronisation and subtitling activities from Meänkieli into Swedish. The Tornedal Theatre, supported under the scheme referred to by the authorities, translates Swedish works into Meänkieli. This, however, corresponds to sub-paragraph c of the present undertaking, which has not been selected by the Swedish authorities with respect to Meänkieli.

293. The Committee of Experts considers that this undertaking is not fulfilled.

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

294. In its first evaluation report (see paragraphs 387-389), the Committee of Experts concluded that this undertaking was partly fulfilled. It had been informed that the Royal Library in Stockholm, which collects at least one copy of all printed materials published in Sweden, had therefore also a collection of books in Meänkieli. It noted that there was an investigation in progress concerning the situation of archives in Sweden and stated that it would welcome the results of this investigation.

295. The second periodical report states that the Government was planning to present a written communication to the Parliament in 2004. The Committee of Experts has no information, however, as to the contents of this communication and its effects on the fulfilment of this undertaking and requests the Swedish authorities to comment on these points in their next periodical report. The Committee of Experts is not aware of any body with specific responsibility for Meänkieli within the meaning of this undertaking. It has also not received any information regarding audio or audiovisual works.

296. The Committee of Experts maintains its previous assessment that this undertaking is partly fulfilled.

Chapter 3. Conclusions

3.1. Conclusions of the Committee of Experts on how the Swedish authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“take immediate measures to strengthen access to education in regional or minority languages, to develop teaching materials and improve teacher training at all levels of education:”

The authorities refer to a four-year pilot scheme for mother-tongue education in compulsory schools (SFS 2003:306). However, this scheme does not make specific provision for regional or minority languages and appears to have had no impact on their teaching. Outside a few municipalities, which have taken decided measures in this field, the number of children receiving mother-tongue education has remained stable or decreased since the last monitoring round. The lack of teaching materials continues to be an acute problem for all regional or minority languages. The shortage of trained teachers for regional or minority languages remains the main bottleneck in the provision of regional or minority language education, which is closely linked to the near-absence of regional or minority languages at the secondary level. No reliable statistical data exist at the pre-school and secondary levels. The model of mother-tongue education in Sweden, even where provided, does not appear sufficient to meet the needs of the languages, and the more favourable bilingual model seems to have disappeared.

Recommendation no. 2:

“provide favourable conditions to encourage the use of Sami, Finnish and Meänkieli before judicial and administrative authorities in the defined areas in the County of Norrbotten;”

There have not been significant changes with respect to this recommendation. However the Swedish authorities commissioned several studies, which highlighted the deficiencies in this area (see paragraph 19 above). There is a general lack of organisational measures, such as a human resources policy taking account of civil servants' skills in regional or minority languages, facilities and incentives for them to improve these skills, or an adequate framework for translation and interpretation services. The lack of judicial and administrative staff competent in regional or minority languages hampers the implementation of Charter undertakings in this field, in particular with respect to the Sami language. While oral communication seems to take place in Finnish and Meänkieli, particularly at the local level, the authorities' capacity to produce written texts in regional or minority languages needs to be developed considerably.

Information campaigns took place at the time of the adoption of regional or minority language legislation, but very few measures have been taken since then to inform regional or minority language speakers of the possibility of using their language before judicial and administrative authorities. The municipalities concerned have adopted or were going to adopt action plans, which should have a positive impact on the implementation of the relevant undertakings in the future.

Recommendation no. 3:

“encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Sami and Meänkieli;”

In response to this recommendation, the authorities state that the Government intends to appoint a Committee with the aim of making an extensive investigation into the situation of the press, including the situation of national minorities. There is no newspaper in Sami or Meänkieli and no measures of encouragement or facilitation towards their creation have been brought to the attention of the Committee of Experts.

Recommendation no. 4:

“improve the situation of the Finnish language outside the Finnish administrative area in public life, and in particular in education.”

While there has been no concrete improvement in the situation of the Finnish language outside the Finnish administrative area, the Government appointed a Government Commission on the Finnish and South Sami Languages (see paragraphs 17-18 above). This Committee has presented its proposals which include the extension of the Finnish administrative area to Stockholm and to the Mälars Valley, as well as other measures to improve the situation of Finnish and other regional or minority languages in public life, including education. If backed by the Government, the proposals could significantly contribute to the implementation of the present recommendation.

3.2. Findings of the Committee of Experts in the second monitoring round

A. The Committee of Experts commends the Swedish authorities for their continued support for regional or minority languages in Sweden. In particular, it welcomes the appointment of the Government Commission on the Finnish and South Sami Languages and the monitoring of regional or minority language education by the National Agency for Education. The work of the Government Commission in particular demonstrates the seriousness with which Sweden approaches the protection and promotion of regional or minority languages. The Committee of Experts found the reports of these bodies and certain parliamentary reports to be invaluable resources in carrying out its work. Several undertakings which the Committee of Experts found to be fulfilled during the first monitoring round are still fulfilled (see paragraph 74). In accordance with its usual practice, the Committee of Experts has not made detailed comments in relation to these undertakings.

B. The Committee of Experts appreciates the excellent co-operation it enjoyed with the Swedish authorities in the organisation of its “on-the-spot” visit. However, it regrets the fact that, on the whole, Sweden’s second periodical report does not respond to the observations and requests for further information contained in the Committee of Experts’ first evaluation report. This failure to provide information on many points reduces the efficiency of the Charter’s monitoring mechanism, which is based on a continuous dialogue with the authorities. In view of the lack of pertinent information requested in its first evaluation report, the Committee of Experts was again not able to evaluate the fulfilment of a number of undertakings. The Committee of Experts trusts that the Swedish authorities will take the opportunity of making good these omissions in their next periodical report.

C. Sweden does not collect official statistics regarding the use of regional or minority languages. The figures at the disposal of the Committee of Experts are only rough estimates and recent surveys indicate that the actual figures might be significantly higher (see paragraphs 11-13). In the Committee of Experts’ view, the lack of reliable statistical data limits the ability of the Swedish authorities to plan and to take appropriate measures for the protection and the promotion of Sweden’s regional or minority languages. It also reduces the visibility of regional or minority languages in Sweden. Appropriate measures could be developed to tackle this problem on a scientific basis, in co-operation with the representatives of the different regional or minority languages. A specific problem affecting education is the lack of statistical information with respect to regional or minority languages at pre-school and secondary levels.

D. The problem concerning the territorial scope of the two principal legal acts implementing the Charter in Sweden persists (see paragraphs 16). However, the Government Commission on the Finnish and South Sami Languages proposed, *inter alia*, to extend the administrative area for Finnish to Stockholm and the Mälars Valley region, where approximately half of the Finnish speakers live. It also suggested the extension of the Sami administrative area to territories where South Sami has been traditionally spoken, which would remedy the complete absence of formal protection of South Sami under Swedish Law, outside the field of education. If followed by the authorities, these proposals would be a significant step towards improving the current situation.

E. A clear legal framework setting out the authorities’ obligations with regard to the protection and promotion of regional or minority languages is lacking outside the defined administrative areas. Evaluations commissioned by the Swedish authorities since the first monitoring round suggest that the

Conclusions

implementation of the existing legislation in the existing administrative areas has been unsatisfactory (see paragraph 19). One of the main obstacles to implementation appears to be the lack of a co-ordinating agency at the national level monitoring implementation and assisting municipalities in fulfilling their obligations vis-à-vis regional or minority languages. Similarly, the monitoring of municipalities' implementation of their obligation to provide teaching in or of regional or minority languages is not within the remit of the National Agency for Education, which has no powers to sanction them in case of non-compliance with these statutory obligations. As a result, implementation of legislation in this field depends largely on the political will within municipalities and on the awareness of the local authorities about regional or minority languages, both of which are highly variable.

F. The Swedish authorities have stimulated some debate about these questions and the Government Commission for the Finnish and South Sami languages has proposed solutions to these and other shortcomings, *inter alia*, by addressing the lack of nationwide legislation, as well as the lack of a national agency in the field of regional or minority language protection and promotion (see paragraph 31). The Committee of Experts commends the work of the Government Commission and finds that this would be a sound way of improving the existing situation.

G. The Romani language is protected as a non-territorial language under the Charter. It remains largely absent from public life in Sweden, in particular in relations with the authorities. Nevertheless, there have been positive developments, notably regarding the time allocated for Romani programmes on radio. The Committee of Experts commends the City of Stockholm for their particularly proactive attitude towards the Romani language (see paragraph 43). Serious difficulties persist in the field of education, however, which require urgent action, in particular with a view to devising flexible and innovative solutions to the chronic teacher shortage. In this context, special attention should be given to the formal barriers which restrict the availability of Romani education at the secondary level and of Romani teacher training.

H. Yiddish also has the status of a non-territorial language. Unfortunately, the ratification of the Charter seems to have had little impact on the teaching of Yiddish, except for modest improvements in Gothenburg, as the concept of mother-tongue education in Sweden is particularly ill-adapted to the situation of Yiddish (see paragraphs 50 and 57). Yiddish remains absent from public life, and no provision has been made in the broadcasting media.

I. In the field of education, no significant changes have occurred since the Committee of Experts' first evaluation report. In the mainstream education system, provision for regional or minority languages is made almost exclusively through "mother-tongue" education. However, this model has clear shortcomings, which have been detailed in the body of this report (see paragraphs 50 and 52), and in any event, its availability remains patchy. The Committee of Experts has doubts as to whether this model in its current form is sufficient to ensure compliance with Sweden's Part III obligations in the field of education. The model of bilingual education, which is currently restrictive and only marginally available in municipal schools, could be developed as an alternative.

J. The availability of trained teachers appears to be the main bottleneck for the provision of regional or minority language education. The Committee of Experts also observed a vicious circle between the almost total absence of teaching in or of regional or minority languages in upper secondary education and the lack of teachers. Concerted action must be taken both to improve the availability of regional or minority language education at secondary level and to provide incentives for teacher candidates to specialise in regional or minority languages. The National Agency for School Improvement was intending to initiate a pilot project involving distance learning (see paragraphs 56 and 106), which could potentially alleviate this problem. The shortage of teaching materials (see paragraphs 82, 159 and 228) and the lack of information among parents about their right to request regional or minority language education for their children are also problems affecting all regional or minority languages. There should also be clearer instructions to municipalities and schools, making them aware of their obligations vis-à-vis teaching in and of regional or minority languages and encouraging them to be more proactive in offering such teaching, as well as appropriate monitoring mechanisms supervising the implementation of these obligations.

K. As regards Sami education, Sami Schools function well, but there are shortcomings in municipal schools. The Sami School Board provides pre-school education on the basis of contracts

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with municipalities, but has no competence for secondary education. The authorities could consider including Sami upper secondary education within the remit of the Sami School Board and give to the latter body the resources for organising such education in co-operation with the municipalities concerned, in order to address the problems at this level. South Sami is in a particularly precarious situation and needs resolute support and innovative solutions (see paragraph 83), where appropriate, in collaboration with the authorities in Norway, if it is to survive as a living language in Sweden.

L. As regards Finnish education, eight Finnish independent schools provide bilingual education. There are obstacles to expanding the availability of independent schools (see paragraph 165). In any event, this should not be seen as a substitute for the provision of bilingual education within municipal schools. The availability and extent of Finnish education in municipal schools has continued to deteriorate since the last monitoring round. Bilingual education, i.e. instruction partly (up to 50%) through the medium of Finnish, which used to be common in municipal schools up until the beginning of the 1990s, has virtually disappeared. The availability of mother-tongue education has also decreased. There are also serious shortcomings at the pre-school and secondary school levels.

M. The availability of Meänkieli education has remained stable. Pajala municipality has made commendable efforts to improve the availability of Meänkieli education, but more decided efforts are also needed elsewhere. A fundamental issue in this context, and indeed for the use of the Meänkieli language generally, is the need to codify and standardise the language.

N. There appears to be a worrying decline in provision in the higher education sector in respect of Finnish and Sami. There is a need for strategic planning in this area, as recommended also by the National Agency for Education in its 2005 report.

O. The lack of structured policies and organisational measures hampers the implementation of the undertakings regarding the use of Sami, Finnish and Meänkieli in relations with the authorities in the respective administrative areas. The shortage of judicial and administrative staff competent in regional or minority languages seems to be the main factor, in particular with respect to the Sami language (see paragraphs 124 and 127). While oral communication seems to take place in Finnish and Meänkieli, particularly at the local level, the authorities' capacity to produce written texts in regional or minority languages needs to be developed considerably (see paragraphs 194, 197, 269 and 272). Measures such as the development of a human resources policy taking account of civil servants' skills in regional or minority languages, facilities and incentives for them to improve these skills, or an adequate framework for translation and interpretation services are needed. The municipalities within the administrative areas concerned have adopted or were going to adopt action plans, which should have a positive impact on the implementation of the undertakings in this field.

P. Regional or minority languages have a relatively good presence on public radio, and to a much lesser extent on television. However, there are concerns that the anticipated changes affecting public broadcasting licences could lead to a deterioration of the existing situation (see paragraph 38). There are still no newspapers in Sami and Meänkieli, and the offer in Finnish-language newspapers has deteriorated since the first evaluation report. The Committee of Experts has received no evidence of active support for regional or minority language press.

Q. In relation to Finnish, the authorities in Finland have stopped funding Sweden Finnish organisations, which has given rise to serious financial and operational difficulties. The Swedish authorities need to ensure that the work of these organisations continues and is adequately funded.

R. The Swedish State earmarks 7 million crowns yearly for the cultural activities of the five recognised national minorities, including activities involving the use of regional or minority languages. The regional or minority language speakers voiced some concern about the way these funds are distributed by the National Council for Cultural Affairs (see paragraph 34), which deserves consideration by the Swedish authorities.

S. Finally, the Committee of Experts considers that there is still a need to raise the awareness of the Swedish-speaking majority population about Sweden's regional or minority languages as an integral part of Sweden's cultural heritage. To that end, more efforts seem to be needed to implement the existing curricula and syllabi in practice in primary and secondary schools (see paragraph 66), by addressing the shortage of adequate teaching materials and by giving attention to regional or minority

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languages in mainstream teacher training, again as recommended by the National Agency for Education in its 2005 report.

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

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

At its 974th meeting on 27 September 2006, the Committee of Ministers adopted its Recommendation addressed to Sweden, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



Sweden :

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

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

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

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

Appendix I: Instrument of Ratification

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

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

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

13.1.a

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

14.a
14.b

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

Period covered: 1/6/2000 -

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

Appendix II: Comments by the Swedish authorities



Ju2006 / 5503 / D

Ministry of Justice
Sweden

10 July 2006

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

Sweden has received the second report of the Committee of Experts of the European Charter for Regional or Minority Languages and hereby takes the opportunity to submit comments according to Article 16 paragraph 3 of the Charter.

General comments

Since ratification of the European Charter for Regional or Minority Languages, Sweden has presented two periodical reports to the Secretary General of the Council of Europe on the application of the Charter in Sweden. Sweden has now received the second report of the Committee of Experts on the application of the Charter. This procedure is important in following up the measures taken to promote the minority languages in Sweden. The efforts made by the Committee of Experts to receive, gather, evaluate and draw conclusions from information on the situation of the minority languages in Sweden is of considerable value in developing the national minority policy in Sweden. Sweden welcomes the report and appreciates a continued dialogue and exchange of information and views.

Specific comments

The Government Commission on the Finnish and Sami Languages

The Committee of Experts refers several times in its report to the proposals of the Government Commission (Ju 2004:01) appointed to examine the possibility to extend existing legislation on the right to use Finnish and Sami. The Commission's report and proposals are currently being submitted for opinions by the parties concerned. After this procedure is completed the Government will consider the proposals in light of the opinions and other relevant circumstances.

Media

As has been noted by the Committee, a parliamentary committee has submitted proposals to the Government concerning the press subsidies. The committee proposes measures to facilitate the publication of newspapers aimed for minorities. In the proposals, Sami, Finnish and Meänkieli are singled out as especially important. The Government plans to submit a bill on press subsidies and will hereby consider these proposals.

The Parliament recently decided to adopt new guidelines for the three public service companies for the period 2007 to 2012. According to the guidelines, the interests of minorities are to be taken into account in the activities of public service radio and television and these are to be a continued priority. Sami, Finnish, Meänkieli and Romani Chib shall hold a unique position. The Yiddish speakers in Sweden are today too few to motivate a similar position, but the fact that Yiddish has minority language status is still to be taken into account in the public service activities.

Education

The report of the National Board of Education on the school situation of the national minorities, which has been noted by the committee, is currently being considered by the Government in light of the financial consequences of the reports proposals that the Board presented to the Government in April 2006. To promote information to the municipalities on this issue, the report has been printed and distributed to all municipalities in Sweden in March 2006.

In November 2005 the Government decided to support with the amount of 1.5 million SEK the development and production of teaching material in Sami, with special focus on South Sami, in the Sami School. Furthermore, in April 2006, the Government decided to support with the amount of 1 million SEK the development and production of teaching material in South Sami for adults. The Government has also decided to make it possible for adult Sami to receive state grants for short term studies to learn to read and write in Sami.

In December 2005, the Government commissioned the National Board for Education to make an in-depth study on the situation of Roma pupils in Swedish schools. The report is to be presented in February 2007.

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

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Recommendation RecChL(2006)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Sweden

*(Adopted by the Committee of Ministers on 27 September 2006
at the 974th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

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

1. implement the proposals of the Government Commission for the Finnish and South Sami Languages, in respect of extending the administrative areas for Finnish and Sami, as well as adopting specific legislation on regional or minority languages and establishing a national agency responsible for supervising its implementation;
2. take practical measures to strengthen access to education in regional or minority languages by tackling the existing structural and resourcing problems, and in particular, develop strategies to increase the availability of teachers and provide secondary education in regional or minority languages;
3. adapt the existing models for education in regional or minority languages to Sweden's undertakings under the Charter, including improving the quality and availability of "mother-tongue" education and making appropriate provision for bilingual education;
4. adopt, as a matter of urgency, flexible and innovative measures to maintain the South Sami language;
5. establish a structured policy and take organisational measures to encourage the oral and written use of Sami, Finnish and Meänkieli in dealings with judicial and administrative authorities in the defined administrative areas;
6. encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Sami and Meänkieli;
7. take steps to increase awareness and understanding concerning regional or minority languages in Swedish society at large.