

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

until and including SFS 2018:1367

Swedish Code of Statutes (SFS) no: 2009:724

Ministry/authority: Ministry of Culture

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General provisions

Section 1

This Act contains provisions concerning national minorities, national minority languages, administrative areas and the right to use minority languages in dealings with administrative authorities and courts as well as provisions concerning elderly care. The Act also contains provisions concerning follow-up of the application of the Act. Act 2018:1367.

Section 2

The national minorities are the Jews, the Roma, the Sami, the Swedish Finns and the Tornedalers in accordance with Sweden's undertakings under the Council of Europe Framework Convention for the Protection of National Minorities (SÖ (Swedish Treaty Series) 2000:2) and the European Charter for Regional or Minority Languages (SÖ 2000:3).

The Language Act (2009:600) states that the national minority languages are Finnish, Yiddish, Meänkieli, Romany Chib and Sami.

Section 3

Municipalities and county councils shall inform the national minorities about their rights and the responsibility of the public institutions under this Act and the regulations that this Act refers to. The same applies to administrative authorities of central government whose activities are of importance for the national minorities or the minority languages. Act 2018:1367.

Section 4

The Language Act (2009:600) states that the public institutions have a particular responsibility for protecting and promoting the national minority languages.

The public institutions shall also generally promote the national minorities' possibilities of retaining and developing their own culture in Sweden. Children's development of a cultural identity and use of their own minority language shall be promoted specially.

Section 5

Administrative authorities shall give the national minorities the possibility of influencing questions that affect them and consult, as far as possible, with the minorities in such questions.

Consultations under the first paragraph shall be held by the administrative authority conducting a structured dialogue with the national minorities in order to be able to take their views and needs into account in the authority's decision-making. Act 2018:1367.

Section 5a

Administrative authorities shall specially promote the possibilities for children and young people to exert an influence and engage in consultations in matters that affect them and shall adapt the forms for this to their circumstances. Act 2018:1367.

Section 5b

Municipalities and county councils shall adopt objectives and guidelines for their minority policy work.

Information about objectives and guidelines adopted under the first paragraph shall be supplied on request to the authority that has responsibility for follow-up under Section 20. Act 2018:1367.

Administrative areas

Section 6

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

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

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

Section 7

Municipalities other than those stated in Section 6 can be allowed, on application, to be included in the administrative area for Finnish, Meänkieli or Sami. A decision that a municipality may be included in an administrative area is made by the Government.

A municipality that is included in an administrative area following a decision by the Government can apply to the Government to exit the administrative area. The Government may only approve exit if there are exceptional reasons.

The Government may issue regulations on joining or exiting an administrative area. Act 2018:1367.

Right to use Finnish, Meänkieli and Sami in contacts with administrative authorities

Section 8

Individuals have the right to use Finnish, Meänkieli and Sami respectively in their oral and written contacts with an administrative authority whose geographical area of activities coincides wholly or partly with the administrative area of the minority language. This applies to matters in which the individual is a party or a representative of a party, if the matter has a link to the administrative area.

If the individual uses Finnish, Meänkieli and Sami in such a matter, the authority is obliged to give an oral answer in the same language. Individuals who do not have a legal counsel are also entitled to receive, on request, a written translation of decisions and reasons for decisions in Finnish, Meänkieli or Sami respectively.

The authority shall also generally endeavour to respond to individuals in these languages.

Section 9

Outside an administrative area, individuals have the right to use Finnish, Meänkieli and Sami respectively in oral and written contacts in administrative authorities' matters in which the individual is a party or a representative of a party, if the matter can be processed by personnel who have a command of the minority language.

Section 10

Individuals always have the right to use Finnish, Meänkieli and Sami in written contacts with the Parliamentary Ombudsmen and the Equality Ombudsman. The same applies to individuals' written contacts with the Chancellor of Justice, Försäkringskassan [*the Swedish Social Insurance Agency*], the Swedish Tax Agency and Arbetsförmedlingen [*the Swedish Public Employment Service*] in matters in which the individual is a party or a representative of a party. Act 2018:1367.

Section 11

Administrative authorities shall work to ensure access to personnel with a knowledge of Finnish, Meänkieli and Sami respectively when this is needed in individuals' contacts with the authority.

Section 12

Administrative authorities may decide on special times and a special place for receiving visits by individuals who speak Finnish, Meänkieli and Sami respectively and to have special telephone hours.

Right to use Finnish, Meänkieli and Sami in contacts with courts

Section 13

A person who is a party or a representative of a party in a case or matter at an administrative court, a district court, a land and environment court or a maritime court whose district coincides fully or partly with the municipalities of Gällivare, Haparanda, Kiruna, Pajala and Övertorneå has the right to use Finnish or Meänkieli during the processing of the case or matter if the case or matter has a link to any of these municipalities. The same applies to Sami at such a court whose district coincides fully or partly with the municipalities of Arjeplog, Gällivare, Jokkmokk or Kiruna if the case or matter has a link to any of these municipalities.

The right to use Finnish, Meänkieli and Sami respectively also covers the courts to which a judgment or order in a case or matter referred to in the first paragraph is appealed.

Act 2010:943.

Section 14

The right to use Finnish, Meänkieli or Sami in cases or matters at courts under Section 13 covers the right to submit documents and documentary evidence in that language, the right to have the documents that belong to the case or matter translated orally into that language and the right to speak that language at oral proceedings before the court. The court shall translate documents and documentary evidence into Swedish unless this is manifestly unnecessary.

The court shall also generally endeavour to use the minority language in its contacts with the party or their representative.

In all cases and matters covered by the right to use Finnish, Meänkieli or Sami at courts under Section 13, a party or a representative of a party who does not have legal counsel has the right to receive, on request, written translations of operative parts of the judgments and reasons for rulings in judgments or orders and reasons for orders into that language.

Section 15

A person who wants to use Finnish, Meänkieli or Sami during the processing of a case or matter at a court under Section 13 shall request this in conjunction with the opening of the case or matter or the first time the party has to state an opinion in the case or matter.

A request to receive a translation under Section 14, third paragraph shall be presented within a week from when the judgment or decision was issued if such a request has not been presented previously during the processing of the case or matter.

If a request to use a minority language or to have a translation produced is presented later than stated in the first and second paragraphs it may be refused. Such a request may also be refused if it manifestly has an improper purpose.

Section 16

If a party or a representative of a party has the right to use Finnish, Meänkieli or Sami in a trial, an interpreter shall be engaged under the provisions of Chapter 5, Sections 6–8 and Chapter 33, Section 9 of the Code of Judicial Procedure and Sections 50–52 of the Administrative Procedure Act.

Finnish, Meänkieli and Sami in preschools, certain other educational activities and elderly care

Section 17

The right for individuals to be offered preschool and certain other educational activities in Finnish, Meänkieli and Sami is regulated in Chapter 8, Section 12a and Chapter 25, Section 5a of the Education Act (2010:800). Act 2018:1367.

Section 18

A municipality included in an administrative area shall offer a person who so requests the possibility of receiving the whole or a significant part of the service and care which is offered within the framework of elderly care from staff who have a command of Finnish, Meänkieli and Sami respectively. Act 2018:1367.

Section 18a

A municipality not included in an administrative area shall offer a person who so requests the possibility of receiving the whole or a significant part of the service and care which is offered within the framework of elderly care from personnel who have a command of Finnish, Yiddish, Meänkieli, Romani Chib or Sami if the municipality has access to personnel with such language skills. The same applies to a municipality included in an administrative area for a certain language with respect to the other languages. Act 2018:1367.

Section 18b

Within the framework of care offered under Sections 18 and 18a, the municipality shall take account of the older people's need to maintain their cultural identity. Act 2018:1367.

Section 18c

The municipality shall inform a person applying for assistance within the framework of

elderly care about the possibilities of service and care stated in Sections 18 and 18a. Act 2018:1367.

Exemptions

Section 19

If there are special reasons, the Government may issue regulations providing that a particular authority under the Government shall be exempted from the application of Section 8.

The equivalent applies, following authorisation by the Government, to municipalities and county councils regarding local government authorities.

Follow-up etc.

Section 20

The application of this Act by administrative authorities shall be followed up. The Government issues regulations about which authority or authorities shall be responsible for follow-up. This responsibility follow-up does not entail any restriction in the supervisory responsibility assigned to other authorities.

Section 21

An authority with a responsibility for follow-up shall also assist other administrative authorities in the application of the Act through information, advice and similar activities.