Language Policy/Planning and Linguistic Rights in Sweden

Béatrice Cabau

Abstract: As a result of immigration in recent decades and the long presence of national minorities, Sweden can be defined as a multilingual society. Numerous official documents related to language issues (government reports and bills) have recognized this linguistic diversity within Swedish society. But this recognition provoked a debate in which one of the main concerns was the possible codification of Swedish as the official language of the country in light of the encroachment of English in several domains. This debate was exacerbated with the official recognition of five minority languages in 2000. In 2009, Sweden introduced a Language Act establishing the position and status of Swedish as the "principal" but not de jure official language of the country. The same year, the Swedish Government passed the Act on National Minorities and National Minority Languages, which strengthened the rights of national minorities. This Act also contains provisions about the right to use minority languages in administrative authorities and courts. This paper will analyse the impact of these recent legislative texts on the status and use of Swedish, national minority languages and English. It will investigate complaints and criticisms related to use of language and linguistic rights addressed to the Ombudsman for Justice and the Ombudsman for Equality. It will highlight the impact of Swedish societal concerns on language issues in terms of the enhancement of linguistic rights for national minority language speakers as well as the use of Swedish in and outside the core domain.

Keywords: Sweden; national language policy; Swedish; minority languages; English

1 Introduction

Before considering engaging language issues in the legal arena, Sweden first acknowledged multilingualism as a societal pattern of the country in various official documents (e.g. Regeringens

proposition 1998/99:143; Statens Offentliga Utredningar 2002)[1]. The country recognized five minority languages in 1999, and after a long debate, finally adopted an official language policy in 2005. This was followed some years later by language legislation, with the 2009 Language Act establishing Swedish as the principal language of Sweden. The purpose was to reassert the importance of the national language in the face of the overwhelming presence and privileged position of English in several domains of Swedish society.

This article will first present the development of a language policy and planning in Sweden leading to the adoption of the official status of Swedish and national minority languages. It will then investigate linguistic issues in Sweden by analysing various cases reported to the Ombudsman for Justice (Justitieombudsman, hereafter JO) and the Ombudsman for Equality (Diskrimineringsombudsman, hereafter DO) as for the use of languages other than Swedish (English and national minorities) in different societal spheres (government offices, business/trade and higher education). The main purpose here is to analyse the development of linguistic rights in Sweden as well as the impact of the newly implemented language legislation.

2 Theoretical framework

Until a few decades ago, the multilingual profile of European nations was mainly characterized by the presence of the majority language co-existing with national/regional minority languages. This multilingual setting was then intensified by the presence of immigrant languages together with the increasing importance of English within various domains, which is seen as "challenges for both the law and the courts" (Ervo & Rasia 2012: 64). If the democratization of education, the globalization of communications and the growing importance of linguistic diversity around the world incited some States and public authorities to intervene (Turi 2012: 3), the internationalization of higher education and European Union policy aiming at enhancing linguistic diversity also raised new questions in the field of language policy and planning and linguistic rights (Cabau 2011; 2014). Notably, we can observe in recent years "a noticeable, real trend, a progressive development of respect and embracing of diversity" (De Varennes 2009: 24) at the European

[1] The *Regeringens proposition* is a government bill (hereafter abbreviated as Prop.). The following numbers refer to the year of publication, then the number of the study and, where applicable, the page number. The same reference system applies for the Swedish Government Official Reports Series SOU (Statens Offentliga Utredningar or SOU).

level. The legal intervention of States in the field of languages indicates that the globalization of communications gained such an importance "that it has to be controlled by promoting and protecting, according to circumstances, national, regional and local languages and identities, in other words the linguistic and cultural diversity of our world. In this respect, linguistic law is the realm of 'linguistic regionalisation'" (Turi 2012: 16-17).

The coexistence of several languages within a country often leads to a "dominant-dominated relationship" between linguistic majorities and minorities. The main objective of linguistic legislation is to provide a solution to arising conflicts and inequalities by determining and establishing the status and use of the languages in presence (Turi 2012: 2). Linguistic rights are related to status planning, which concerns issues related to how and where a language is used (Cooper 1989). In the field of language policy and planning, status is seen as "the perceived relative value of a named language, usually related to social utility, which encompasses its so-called market value as a mode of communication, as well as […] a society's linguistic culture" (Ricento 2006: 5). Status planning aims at determining the standing and role of competing languages through "deliberate efforts to influence the allocation of functions among a community's languages" (Cooper 1989: 99).

The official recognition of minority languages is mainly viewed as a basic linguistic human right deriving from general human rights standards, among which non-discrimination is an essential component (De Varennes 2009). While the process of state legitimation is regarded as an important first step in raising the status of a minority language, it has its limitations as regards its actual use, spread, revival and development. This is the reason why May (2012) points out to the necessity of institutionalization of the national minority languages (hereafter NMLs) in civil society, i.e. "the process by which the language comes to be accepted, or 'taken for granted' in a wide range of social, cultural and linguistic domains or contexts, both formal and informal" (May 2012: 6). Hence, the state intervention in language issues resulting in the adoption of an official language policy and language legislation paves the way to a more interdisciplinary and transdisciplinary approach: language scholars in language policy and planning who are traditionally trained in sociolinguistics or applied linguistics have to consider issues related to politics, administration and law for their research investigation (Spolsky 2005: 36). At the same time, education is one of the most, if

not the most, important domains for linguistic rights and language policy (Spolsky 2004: 46; Turi 2012: 5).

In Sweden as in other European countries, linguistic rights for minorities' members are mainly viewed through the prisms of legal equality, protection and anti-discrimination measures (Ervo & Rasia 2012). At the same time, the encroachment of English in several spheres of the society prompted a debate about the status of the national language, Swedish. This is the reason why Swedish authorities had to accept the need to consider linguistic issues from a legal standpoint.

3 Swedish national language policy

3.1 The status of Swedish

Until a few years back, no official document stipulated that Swedish was the national or official language of Sweden. Similarly, there was no direct regulation stating that Swedish was the language to be used in administration and courts. This can be explained by the fact that it has long appeared evident that the common language in the country was Swedish. This belief was sustained by the fact that all legislative documents were and are written in Swedish (SOU 2002: 27, 457). Nevertheless, the recognition of five minority languages in 1999, combined with the overwhelming position of English in various domains of the Swedish society (education, media, business, technology…; Cabau 2011), has led some Swedes to express the need for status planning, since Swedish is not the *de jure* official language of Sweden – whereas it has this status in Finland (Ervo & Rasia 2012) and the European Union (Sweden became an EU member in 1995)[2]. Already in 1998 the Swedish Language Council stressed the need to confirm the status of Swedish by law in its action programme for the Swedish language (Swedish Language Council 1998) commissioned by the government. The Committee on the Swedish Language appointed by Parliament revised the Swedish Language Council document and published in 2002 its report, *Speech: Draft Action Programme for the Swedish Language* (SOU 2002). The most controversial issue was to introduce a special act establishing the status of Swedish as Sweden's principal language to counteract the encroaching presence of English (Cabau 2011). In 2003, the government established a working party to prepare a language policy proposal to be presented to Parliament. In late 2005, the government

[2] For a more in-depth analysis of the Swedish language policy, see Cabau (2011).

finally submitted a bill to implement a new language policy (Prop. 2005/06: 2). The national objectives are that:

> *Swedish is to be the principal language in Sweden;*
> *Swedish is to be a complete language, serving and uniting society;*
> *Public Swedish is to be cultivated, simple and comprehensible;*
> *Everyone is to have a right to language: to develop and learn Swedish, to develop and use their own mother tongue and national minority language and to have the opportunity to learn foreign languages.*

The terminological choice – "main language" instead of "official language" – may be seen as the fear to undermine the newly acquired official recognition of the five minority languages (it is interesting to note here that the Swedish Language Council changed its name into the Language Council in 2006). The Social Democrats rejected establishing Swedish as the official language for two main reasons: it would have been discriminating towards those whose mother tongue is not Swedish; the law would have no normative effect on the Swedish language and no provisions were made in case of non-compliance (Prop. 2005/2006: 2:16). The argument of discrimination provoked some surprise and incomprehension, since it was not even supported by the Discrimination Ombudsman, who in fact favoured a law introducing Swedish as an official language (Cabau 2011).

But the 2005 bill didn't put an end to the debate opposing the Social Democrats and the centre/right parties. In 2007, the newly elected centre-right coalition government appointed a committee of inquiry to draft a proposal for a language act to govern the status of the Swedish language. The committee submitted its report 'Safeguard Languages' (SOU 2008: 26) on which was based the Language Act (Ministry of Culture 2009) introduced on 1 July 2009. The main provisions of the Language Act are as follows:

> *The purpose of the Act is to specify the position and usage of the Swedish language and other languages in Swedish society. The Act is also intended to protect the Swedish language and language diversity in Sweden, and the individual's access to language.*
> *If another act or ordinance contains a provision that diverges from this Act, that provision applies.*
> *Swedish is the principal language in Sweden.*

> *As principal language, Swedish is the common language in society that everyone resident in Sweden is to have access to and that is to be usable in all areas of society.*
> *The public sector has a particular responsibility for the use and development of Swedish.* […]
> *The language of the courts, administrative authorities and other bodies that perform tasks in the public sector is Swedish.* (Ministry of Culture 2009)

The Language Act is a framework law, which sets out the principles, objectives, guidelines and basic rules. It refers to the obligations/responsibilities of the society, i.e. public authorities are to be responsible for the individual's access to language, with no mention of rights of the individuals. The Language Act's requirements are the main rules to be applied as long as there are no exceptions in the law or any other regulation. Hence, it is of the utmost importance for the public authorities to give a clear signal that Swedish is the society's common language (Prop. 2009b). It entails that it is the responsibility of the public authorities to ensure the use and development of the Swedish language, i.e. to secure that Swedish is used in place of other languages as possible with regard to the activity domain and that steps should be taken to prevent the Swedish language from losing ground in all the areas covered by the public sector. The question of the vitality of the Swedish language is definitely a recurrent concern in official texts and language legislation. Whereas no reference is made to any legal sanctions, the JO or the Chancellor of Justice may intervene (Språkrådet 2011), as exemplified later.

3.2 Status of national minority languages and linguistic rights for their speakers

Sweden has a population of nearly 9.5 million, among whom 20% are from foreign backgrounds (Statistiska Centralbyrå 2014). Linguistic and cultural diversity is also represented by national minorities (henceforth NMs). The Roma minority of Sweden is estimated to be 40,000; the Sami, 15,000-20,000; and the Finnish-speaking minority, 240,000-250,000. In addition, there are 75,000 speakers of Meänkieli (a language related to Finnish spoken in the Tornedal district in northern Sweden) and 4,000 Yiddish speakers (SOU 2008: 26).

From the 1990s, the NM representatives and particularly the Finnish minority have been supporting the idea of official recognition of their languages (Cabau 2014). In 1998/99, the government passed

a bill entitled *National Minorities in Sweden* (Prop. 1998/99: 143), which recognized five minority languages, namely Sami, Meänkieli, Finnish, Yiddish and Romani. Sami, Meänkieli and Finnish were identified as regional languages given their long historical presence in the country, and Yiddish and Romani as non-territorial minority languages. Hence, the provisions of the *European Charter for Regional or Minority Languages* (ratified by Sweden in 2000), which grant certain rights to support for cultural development (Art. 12) as well as rights to use minority languages in courts (Art. 9), with the government (Art. 10), and in the media (Art. 11), do not apply to Yiddish or Romani. This distinction entailed restricted rights for Yiddish and Romani, hence an unequal status among NMs. It is important to mention that Finnish was already recognized as a domestic language in 1994 (Regeringen 1994).

In 2009, a new Act on National Minorities and National Minority Languages (Swedish Code of Statutes 2009:724, hereafter Minority Act) was introduced. It contains directions regarding NMs, NMLs, administrative areas and the right to use minority languages in administration and courts already introduced with the ratification of the *Framework Convention and the Minority Language Charter* of the Council of Europe in 2000. It replaced the previous legislation on the right to use Sami, Finnish and Meänkieli (Regeringen 1999a, 1999b). The 2009 Minority Act directly refers to the principles of the Language Act, which clearly reiterated the official status of the NMLs (section 7), suggesting the government intention to raise the status of these languages (Ekberg 2011: 88). Notably, the Language Act mentions, "the public sector has a particular responsibility to protect and promote the national minority languages" (Ministry of Culture 2009). It seems that this statement is to be linked with the new Discrimination Act adopted 2008, whose purpose is to prevent discrimination and to promote equal rights and opportunities regardless of sex, transgender identity, ethnicity, religion, disability, sexual orientation or age. The term ethnicity refers to national or ethnic descent, skin colour, and belonging to a national minority (Öst 2012: 8). It is also not a coincidence that since 1 January 2011, the Sami people are specifically mentioned in the Instrument of Government (Riksdagen 2012; Chapter 1, Section 2, paragraph 6 of the Instrument of Government).

The Minority Act expands the geographical areas in which the Finnish and Sami languages can be used in contacts with the administrative authorities. The administrative area for Finnish was expanded to an additional 18 municipalities on top of the 5 existing

ones in the Norrbotten county in the north of the country and the administrative area for Sami was expanded to an additional 13 municipalities on top of the 4 existing ones. The administrative area for Meänkieli was not expanded, and still consisted of 5 municipalities. It is worth mentioning that the new municipalities included in the administrative area for Finnish are all located outside northern Sweden, in four different counties (Stockholm, Uppsala, Södermanland, and Västmanland) in the middle and southeast of the country. The Minority Act also enables any Swedish municipality to opt to become part of any of the administrative regions for Finnish, Meänkieli or Sami. This means that the geographic territories of the minority language administrative regions are not fixed, which "ensures a high degree of adaptability of the minority language regulations to the needs of changing societies and communities" (Öst 2012: 50).

Individuals have the right to use Finnish, Meänkieli or Sami in their dealings with administrative authorities if their case can be handled by personnel proficient in the language. They are entitled to use their languages in oral and written contacts with administrative authorities (the ombudsmen of the Parliament, the Chancellor of Justice, the Social Insurance Office, the National Tax Board and the Office of the Ombudsman against Ethnic Discrimination) where the matter entirely or partially corresponds to the minority languages' administrative area. Administrative authorities are obligated to provide an oral response in the same language and if requested, provide written translation of decisions and justifications. The authorities may determine a specific time and place where the service is provided in minority languages. It is important to stress that the Minority Act didn't extend the right to use Finnish or Sami before the courts to be applicable in the whole of the new administrative regions. Another point: the Swedish parliament didn't support the project to extend minority language protection for Finnish-speakers on an individual basis (and not on a geographical basis) to give the right to all speakers to use Finnish wherever in the country they found themselves (Öst 2012).

Sections 13-16 of the Minority Act state that a party or a representative of that party is entitled to use Sami, Finnish or Meänkieli in dealings with certain courts of law. The right to use minority languages includes *inter alia* the right to submit documents and written evidence in the minority language, a right to have relevant documents orally translated into that language, and a right to speak this language at oral court hearings (Regeringskansliet 2012:

35). Statutes relating to NMs and NMLs have been translated into the NML concerned. These translations are available on the Government's website. In addition, the website contains information on the right to use minority languages in court. Such information is also provided on the website of the Swedish Courts (Committee on the Elimination of Racial Discrimination 2012).

4 The impact of the new language legislation

4.1 Language policy in higher education

For several years now, the overwhelming importance of English in the domain of higher education (HE) has raised the concern of many Swedish scholars (Cabau 2011). In the 2005 bill, the use of English is presented as a *sine qua non* condition for enabling Sweden to participate actively and continue to assert its position in international research co-operation. Moreover, the necessity of pursuing academic courses in English at all levels in order to attract more foreign students is emphasised (Prop. 2005/06: 2: 45-48). Currently, nine out of ten Ph.D. dissertations are written in English (Cabau 2011). Vague terminology is found in the official language policy document with the introduction of a new requirement, the writing of a "full summary" in Swedish ''to safeguard Swedish terminology and keep the Swedish language alive'' (Prop. 2005/06: 2:45:47). Cabau (2007) underlined the lack of definition of what is to be considered as a "full summary". Since no indication of scale or criterion is provided, we are here confronted with vagueness, a category of semantic indeterminacy in legal texts. Interestingly, vagueness is defined as "a prototypical example of convergence between the interests of linguists and lawyers" (Engberg & Heller 2008: 149).

Considering the preservation and even reinforcement of the status of English in HE in the 2005 official language policy, it is not surprising that the first decision that the JO had to reach regarding the 2009 Language Act (Justitieombudsman 2009) was indeed related to the academic arena. In 2007, a plaintiff reported to the Ombudsman after her two research grant applications were rejected on the grounds that her application was not written in English. In fact, the panel members were told not to consider applications written in Swedish. The rationale was expressed as follows: the background of the language requirement was that it was impossible to meet the objective of quality set by the government if the applications were only to be assessed by researchers who understand Swedish. The other argument was that the panels were composed to encompass the

broadest scope of scientific research. Hence, if some panel members couldn't participate in the assessment process, it put in question the purpose of the panels' profile. The research institution highlighted the difficulty to accurately translate such applications from Swedish to English.

The JO expressed the view that Swedish organisations that provide funding for research had no right to require potential recipients to write their applications in English. His arguments were that since there was no specific regulation for HE in the Language Act, its rules and principles should serve as the basis to assess the compliance of language use in HE. However, the use of English was acceptable if necessary and objectively justified, for example in the case of research grant applications sent to panel members who do not speak Swedish. The result was the classification of the administration of HE – but not research and teaching – as one of the core domains where the Language Act was applicable, i.e. public services, according to the principle that it "should always be possible to communicate with Swedish authorities in Swedish". With such a statement, the ombudsman refers to the individual's rights. In fact, the government specifies that the newly introduced legislation should be applied in a flexible way, recognising the HE arena as a special domain. This is the reason why it proposes to modify the Higher Education Ordinance to make possible the use of a language other than Swedish in research and higher education (Prop. 2008/09: 153; 16; 30).

Hence, contrary to the government's point of view, the Ombudsman viewed research and [higher] education as evident illustrations of antagonistic interests between internationalization [of HE] and the protection of the Swedish language: the origin of the introduction of the Language Act was precisely related to the various concerns about the future of the Swedish language, such as domain losses and capacity losses in the teaching/learning process (SOU 2002). At the same time, the requirement to use Swedish may represent a handicap in international academic exchange. Finally, the Ombudsman rightly concluded that the legislators might have underestimated the weight of legal guidance on how conflicts between the new language policy rules and the needs of research could be solved (Justitieombudsman 2009).

4.2 English in Swedish government offices

In Sweden, politicians in the government and parliament spheres use English rather often at their work place. Moreover, some public authorities have only an English name (e.g. Invest in Sweden Agency, Stockholm Environment Institute). Nevertheless, the Swedish Language Council supported the principle of the use of Swedish in administration, since Swedish was to be "society bearing" (SOU 2002: 27, 123). All state and communal authorities should hence have Swedish names and use Swedish as a tool of communication, and email addresses should be in Swedish.

The Language Defence Network *Språkförsvaret*, a politically independent network working to strengthen the Swedish language in Sweden and Finland, made a complaint to criticise the government practice of using English email addresses only, for example, registrator@primeminister.ministry.se (Justitieombudsman 2010a). According to the plaintiff, it was against the 2009 Language Act, since this creates difficulties for individuals and authorities' employees whose mother tongue is Swedish and who represent the majority of email senders to the government offices. The administration head of the government offices replied that the email addresses were registered in 1994 and at that time, it was not possible to use some letters of the Swedish alphabet (å, ä and ö), hence the use of English email addresses. This form of email addresses was also viewed as facilitating international contacts. Moreover, the Language Act came into force on 1 July 2009, the same date that Sweden presided at the Council of Ministers of the European Union. It was thus not considered appropriate in the current presidency to make any changes in Government Offices email addresses. The plaintiff rejected this justification by stating that other Nordic countries solved similar problems they had with letters of their alphabet without using English email addresses. *Språkförsvaret* representatives also pointed out that it was possible to have Swedish and English email addresses in a parallel way for the same recipient.

The Language Act doesn't ban authorities from having email addresses in foreign languages. Nevertheless, according to the JO, the interest to use another language outside the core domain must always be weighed against the public responsibility for the Swedish language use and development. This responsibility must be dependent *inter alia* from the role and position of authority. Exemptions from the Language Act's requirements must be justified on objective grounds and not go beyond what is necessary in a particular case. Although an

email address worded in English can be difficult for those who do not speak English and want to communicate with an agency, the difficulty should not prevent the individual from using Swedish in their dealings with authorities. Whereas the justification given by the administration head of the government offices according which the use of another language may seem convenient or rational, the JO considered it as not sufficiently grounded, and the use of email addresses in English only at Government Offices was deemed not compatible with the Language Act. While the JO recognizes that international contacts in Government Offices' activities can be facilitated by the use of email addresses in English, he also uses the plaintiff's argument according to which the majority of email senders to the government offices are Swedish nationals. Considering "the unique position" of Government Offices in the Swedish state and society, the use of English-language email addresses is not consistent with the specific responsibilities imposed on the State authorities for the use and development of the Swedish language. To some extent, the use of English could appear as contradictory to the government's statement, i.e. the important role entrusted to public authorities to give a clear signal that Swedish is the common language in society. Finally, the Swedish government adopted Swedish email addresses in 2012, but it is still possible to address emails using the English email address, which are still the primary address for the Foreign Office Department and foreign missions.

It is interesting to note that before the introduction of the Language Act, the JO had already criticized another government office for its use of English (Justitieombudsman 2007). During an inspection at the design and trademark department of the Swedish Patent and Registration Office (*Patent- och registreringsverket* or PRV) in 2006, it appeared that, in some cases, decisions related to international trademark registration were written in English. Representatives of PRV indicated that in cases where the applicant does not have Swedish as his/her native language, decisions are written in English as a service action towards the applicant. At that time, there was no provision stating the compulsory use of Swedish at public authorities. However, the existing rules in the Constitution (Riksdagen 2012a) and the Fundamental Law on Freedom of Expression (Riksdagen 2012b) about the public attendance of acts and hearings entailed the obligation for public authorities and courts to use Swedish. The JO also pointed out that the interpretation system indirectly incorporates the idea that Swedish is the language used in

practice. Hence, official documents such as trademark registrations should be written in Swedish and be translated in English if needed.

4.3 English in the business/trade field

Three complaints were presented to the JO against the commune of Stockholm in 2010 (Justitieombudsman 2010a, 2010b, 2010c). The commune was accused for its widespread use of English, and more precisely for the adoption of several English appellations such as 'Stockholm - The Capital of Scandinavia' to greet visitors on all transport links heading into the city, 'Stockholm Business Region' for the Stockholm Economic Development Agency (*Stockholms Näringslivskontor*), 'Stockholm Visitors Board' by the Tourism Office as well as the designation of a Stockholm area, *Globenområdet*, as 'Stockholm Entertainment District'. According to all three complaints, Stockholm commune was not respecting the Language Act when using these appellations in English.

In these three cases, the JO considered that it is possible to discern two distinct points of reference in the Language Act provisions on the status of Swedish. The first point is that Swedish is what can be termed as the language for public administration and should hence be used in the core domain. This rule is mandatory, meaning that no other language can be used. The core domain covers procedures and acts that are of particular importance in the public sector, such as the policy making process, court proceedings, judgments, minutes, resolutions, regulations, reports and other documents of a similar nature. The second point is that Swedish as the principal language should be used in all domains of society. Outside the core area the regulation is intended to be flexible. The general rule is that Swedish should be used, but the provisions of the Language Act don't include a general prohibition for the public to use languages other than Swedish outside the core domain. In the pre-draft document, the government mentioned the need for action to protect Swedish as the main language, but this need may shift between different sectors of society. It is therefore not possible that the Act clearly stipulates what the responsibility of protecting the Swedish language implies (Prop. 2009). Authorities and other public bodies, where the need for action may be, should however, ponder about their activities and identify how they can live up to the responsibility to protect Swedish as the main language (Justitieombudsman 2010a, 2010b, 2010c).

According to the JO, the reported complaints fall outside the core domain and are hence subject to different assessments. Against

this background and taking into account that it was not the legislature's ambition to regulate in detail the authorities' use of language, the Ombudsman considered that there were no sufficient grounds to criticize Stockholm municipality for the use of English expressions. If no action was to be taken, the municipality of Stockholm was to receive a reminder that the Language Act requires the special responsibility of the public for the use and development of Swedish. The same arguments and decisions were reached in three other cases. A complaint was made by the Language Defence Network against the Swedish Civil Aviation Administration's use of the English appellation "airport" instead of "flygplats" in Swedish (Justitie Ombudsman 2010d). Another complaint was made by an individual against the decision of the commune of Jonköping to also use the English term "airport" instead of the Swedish one (Justitie Ombudsman 2010e). Finally, the municipality of Kristianstad was criticized for the adoption of an English expression, "Spirit of food", as trademark (Justitie Ombudsman 2010f). These three cases were also dismissed by the JO.

The above-mentioned cases point to a differentiation of state intervention, where the (ideological) principle of decision-making process at the local level intervenes. It means that communal decisions related to the business-oriented promotion of Swedish regions are not considered as part of the core domain. Moreover, these cases illustrate the importance given to the international image of Sweden in the trade/business domains *vs.* the importance of social cohesion advocated through the use of Swedish. It is important to mention here that Swedish industrial companies became internationalised – or dependent on other countries – at an early stage and thus became multinational. This was presented as a strong incentive for internationalising higher education, which explains the hegemony of English in this domain, as presented earlier (Cabau 2011, 54).

4.4 The impact of the new language legislation for minority languages

With the 2009 Minority Act, the number of communes in the administrative area for Sami drastically increased (from 4 to 17), and after the introduction of the Language Act in 2009, two more communes successfully applied to be part of this area (Krokom in May 2010 and Dorotea in January 2012, respectively in the centre and northern part of Sweden). The same applies for the Torne Valley Finnish area: whereas the Minority Act did not increase the number

of communes (5) included in the Meänkieli administrative area, a sixth commune (Kalix in February 2011) was integrated. But it seems that it is the Finnish community that has a stronger demand for the recognition of linguistic rights: whereas 23 communes were part of the administrative area for Finnish after the Minority Act, there are now 48.

Most of the complaints related to minority language rights are addressed to the Ombudsman for Equality (DO) and concern failings related to Sami linguistic rights, such as shortcomings in mother tongue teaching in pre-school and school (Öst 2012), as well as a lack of information in the Sami language when dealing with authorities (Pikkarainen & Brodin 2008). For example, the municipality of Vetlanda was accused of discrimination by the DO, since two Finnish Roma children were denied the right to mother tongue instruction in Finnish and Romani on the grounds that there was "no suitable teacher" to provide such instruction (Diskrimineringsombudsman 2009). The case was finally dismissed by the district court (Eksjö Tingsrätt 2010). Once again, it seems that the decision-making power at the communal level prevails, even if public education is part of the core domain.

The Swedish government is aware of the fact that minorities only use to a limited extent their language in contact with authorities and courts (Prop. 2008/09:158, 171ff), and stated "the actual increase in the use of minority languages in dealings with both authorities and courts has been limited. The decisive obstacles […] lie in the attitudes and values attaching to use of language in contacts between officials of the authorities and the language user. Linguistic, psychological and socioeconomic factors have meant that individuals have chosen to use Swedish in contacts with the authorities" (Regeringskansliet 2007: 36). Possible reasons behind this fact could be "deficient information about the legislation or deficient skill in minority languages by the staff. But individuals may also hesitate to use their language in contact with the authorities due to linguistic factors, such as lack of administrative terms, inability to express oneself in written communication in the minority language, or fear that the authority person will not understand" (Ekberg 2011: 90).

In October 2013, the Swedish Parliament approved a Government Bill entitled 'Tolkning och översättning i brottmål' (*Interpretation and Translation in Criminal Proceedings*) (Government Bill 2012/13: 132) introducing more stringent rules in the Swedish Code of Judicial Proceedings for the provision of interpretation at court meetings or police hearings when the person

suspected or accused of a criminal offence does not have a good command of Swedish. This amendment means that courts and criminal investigation authorities are also obliged to translate certain documents in criminal proceedings. The new rules also include the NMLs and apply to all courts in the country. The amendment aims at implementing the European Parliament and Council Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings (Council of Europe 2013: 44-45). The Minority Act has, however, not been amended so that the right to use Sami in courts has been extended to the entire administrative area only. The assessment was that an extension outside the administrative area would mean an increase in costs and practical difficulties, whereas this option would only be used to a limited extent. For these reasons, it was concluded that it was more important to strengthen Sami within areas of society other than the court system (Council of Europe 2013).

Nevertheless, Swedish authorities are concerned over complaints about ethnic discrimination, among which failings related to Sami linguistic rights are recurrent (Pikkarainen & Brodin 2008:16). The lack of action on the part of government and municipal authorities makes the Sami feel they are "a nuisance", and their claims of linguistic rights are often confronted with "ignorance, prejudice and negative conceptions" (Pikkarainen & Brodin 2008:29). For example, the Krokom municipality became part of the administrative district for the Sami languages, as a result of a complaint from a Sami village for inadequate dialogue between the Sami and the municipality. Nevertheless, we can ponder whether the growing interest in minority language issues and activities will be accompanied with a higher number of complaints about language rights. In fact, we can already observe a growing demand in kindergarten, compulsory schools and elderly care service in NMLs. It also seems that municipalities reply positively to complaints against social services not offering services in Finnish, Meänkieli or Sami speakers to national minorities' members (Öst 2012). Most Swedish municipalities have implemented some form of surveys of the needs of each minority language in the areas of preschool, elder care, information, case management, etc. The surveys are providing understandably different results in the different municipalities, but generally they point to an increased demand for preschool activities and elderly care, but demand is low in terms of case management and other communications with the local authority (Länsstyrelsen i Stockholms län och Sametinget 2013: 9). Nevertheless, representatives of NMs addressed a letter to the Advisory Committee

of the Framework Convention and the Expert Committee of the European Charter in which they report "the continued negative development and lack of initiatives in Sweden" in the implementation of minority rights (Peura, Jokirinne, Hjorth, Törmä, Partapuoli, Szajderman-Rytz 2014). They complain among others about the minimalistic interpretation and hence, the need for clarification of the Minority Act stating that if requested "the municipal authority shall offer a child whose parents or guardians so request a place in the pre-school activity where the whole or *a part* of the activity is carried out in Finnish, Meänkieli or Sami as appropriate" and "The municipal authority shall offer a person who so requests the possibility of receiving the whole *or a part* of the service and care which is offered within the framework of the care of the elderly by staff who have a command of Finnish, Meänkieli or Sami".

It seems then that the Language Act together with the Minority Act sent a strong signal to territorial minorities as the Swedish government's intent to enhance their linguistic rights. And the minorities have used this positive development to present further requests in that domain.

5 Concluding remarks

Whereas Swedish decision-makers have long been reluctant to legislate language issues, the ratification of the *Framework Convention for the Protection of National Minorities* and the *European Charter for Regional or Minority Languages* paved the way to the official recognition of the five NMLs in 2000 and the 2009 Act on National Minorities and National Minority Languages. This led NM representatives to require more extensive measures for the protection and preservation of their languages. In some parts of the country, we can observe a linguistic revitalization. Nevertheless, implementation problems and complaints are regularly reported by NM representatives, particularly from the Sami and Finnish minorities. Various reports point to non-respect of linguistic rights, not the least in the field of education, and more precisely as for mother tongue instruction for national minority pupils. Hence, we may consider that there is still a long way to go to achieve operational institutionalization of NMLs in Sweden.

The 2009 Language Act may be regarded as the recognition of a problematic situation and the reply to recurrent concerns about the position of Swedish and English in Sweden. External pressure is also to be found here as for the use of Swedish *vs*. English under the form of economic/business interests, which are considered as not

belonging to the core domain. Furthermore, the observation of the application of the Language Act in different spheres highlights the specificity of higher education as a domain. In fact, it appears as a hybrid domain combining public interests with obligation of the use of Swedish in the administrative sphere together with international interests (in teaching and research) enhancing the importance of English. This hybridity was not found in other domains, such as the governmental sphere or the trade/business sphere, where the clear cut was observed as for the use of Swedish and English. This means that the 2009 Language Act asserting Swedish as the principal language of the country will have little impact on the overwhelming importance of English in the field of research and teaching as well as in the business sector. In these fields, English represents a market value as a mode of communication and is an integral part of Swedish linguistic culture. The Swedish experience hence highlights the difficult position of enhancing linguistic diversity and fighting against discrimination while trying to preserve social cohesion through the use of a common language.

References

Cabau, B. (2011). Language policy in Swedish higher education: a contextualised perspective. *European Journal of Language Policy* 3(1)*:* 37-60.

Cabau, B. (2014). Minority language education policy and planning in Sweden. *Current Issues in Language Planning*. Forthcoming.

Committee on the Elimination of Racial Discrimination (2012). Consideration of reports submitted by States parties under article 9 of the Convention - Sweden. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/472/48/PDF/G1247248.pdf?OpenElement

Council of Europe (2013). Fifth periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter – Sweden. http://www.coe.int/t/dg4/education/minlang/report/PeriodicalReports/SwedenPR5_en.pdf

Cooper, R. L. (1989). *Language planning and social change*. Cambridge: University Press.

De Varennes, F. (2009). Language rights standards in Europe: The impact of the Council of Europe's human rights and treaty obligations. In S. Pertot, T.M.S. Priestly, & C.H. Williams

(eds.), *Rights, Promotion and Integration Issues for Minority Languages in Europe*. Basingstoke: Palgrave MacMillan. 23-31.

Diskrimineringsombudsman (2009). Skadestånd för brott mot lagen (2006: 67) om förbud mot diskriminering och annan kränkande behandling av barn och elever (BEL). http://www.do.se/Documents/forlikningar-domstolsarenden/OMED_2007-1109_St%c3%83%c2%a4mningsans%c3%83%c2%b6kan.pdf

Ekberg, L. (2011). The national minority languages in Sweden – their status in legislation and in practice. In G. Stickhel (ed.) *National, Regional and Minority Languages in Europe - Contributions to the Annual Conference 2009 of EFNIL in Dublin*. Series: Duisburger Arbeiten zur Sprach- und Kulturwissenschaft - Volume 81. Frankfurt am Main: Peter Lang. 87-92.

Eksjö Tingsrätt. (2010). Mål nr T1395-09. http://www.do.se/Documents/forlikningar-domstolsarenden/vetlanda_20101021.pdf

Engberg, J. & Heller, D. (2008). Vagueness and indeterminacy in law. In Vijay, Candlin, & Engberg (Eds.), *Legal Discourses across Cultures and Systems*. Hong Kong: Hong Kong University Press. 145-168.

Ervo, L. & Rasia, C. (2012). Legal bilingualisation and factual multilingualisation: a comparative study of the protection of linguistic minorities in civil proceedings between Finland and Italy. *International Journal of Law, Language & Discourse, 2(4)*, 62-18.

Justitieombudsman (2007). Fråga om en svensk myndighet kan använda sig av ett annat språk än svenska i sina offentliga texter [Question about whether a public authority can use another language than Swedish in official texts]. Diarienummer 4282-2006.

Justitieombudsman (2009). Tillämpning av språklagen; fråga om krav på att ansökningar om forskningsanslag ska vara skrivna på engelska [Application of the Language Act: Question about the requirement to have research grants written in English]. Diarienummer 1811-2008.

Justitieombudsman (2010a). Kritik mot Regeringskansliet, som i bristande överensstämmelse med språklagen enbart använder engelskspråkiga e-postadresser [Criticism Addressed to the Government Offices, which in Non-compliance with the

Language Law only use English Email Addresses]. Diarienummer 3913-2009, 3932-2009.
Justitieombudsman (2010a). Anmälan mot Stockholms kommun [Complaint against the Commune of Stockholm]. Diarienummer 4013-2009.
Justitieombudsman (2010b). Anmälan mot Stockholms kommun [Complaint against the Commune of Stockholm]. Diarienummer 4098-2009.
Justitieombudsman (2010c). Anmälan mot Stockholms kommun [Complaint against the Commune of Stockholm]. Diarienummer 259-2010.
Justitieombudsman (2010d). Anmälan mot Luftfartsverket [Complaint against Luftfartsverket]. Diarienummer 5830-2009.
Justitieombudsman (2010e). Anmälan mot Jönköpings kommun [Complaint against the Commune of Jönköping]. Diarienummer 157-2010.
Justitieombudsman (2010f). Anmälan mot Kristianstads kommun [Complaint against the Commune of Kristianstad]. Diarienummer 6508-2009.
Justitieombudsman (2011). Tillämpning av språklagen (2009:600); fråga om ett statligt universitet kan uppställa krav på att ansökningar om anställning och befordran ska vara skrivna på engelska [Application of the Language Act: Question whether a public university may require that applications for positions and promotion have to be written in English]. Diarienummer 1098-2010.
Länsstyrelsen i Stockholms län och Sametinget (2013). Nationella minoriteter - Rapport om tillämpningen av lagen om nationella minoriteter och minoritetsspråk år 2012. http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2013/nationella-minoriteter-rapport-2012.pdf
May, S. (2012). *Language and Minority Rights: Ethnicity, Nationalism and the Politics of Language*. Oxon: Routledge.
Ministry of Culture (2009). Language Act (2009): 600. http://www.government.se/content/1/c6/13/81/33/c424146c.pdf.
Ministry for Integration and Gender Equality (2009). Minority rights are strengthened. http://www.government.se/content/1/c6/13/67/58/19668cda.pdf
Öst, H. (2012). Legal and Institutional Framework Analysis: Sweden Finnish and Meänkieli in Sweden. Mainz: European Language Diversity for All (ELDIA).

Peura, M., Jokirinne, V., Hjorth, T., Törmä, E., Partapuoli, P.J., Szajderman-Rytz (2014). Continued Lack of Initiatives in the Implementation of Minority Rights in Sweden. http://www.str-t.com/files/1401391193-letter_to_council_of_europe_28_may_2014.pdf

Pikkarainen, H., Brodin, B. (2008). Discrimination of the Sami – The rights of the Sami from a discrimination perspective. DO:s rapportserie 2008:1 eng. Stockholm: Ombudsmannen mot etnisk diskriminering.

Regeringen (1994). Finska språkets stallning i Sverige. Regeringens skrivelse 1994/95:1. http://data.riksdagen.se/fil/8FC30F9F-53B0-4D9E-88AF-C2D9071C4DDA

Regeringen (1999a). Act concerning the right to use Finnish and Meänkieli in dealings with public authorities and courts. SFS 1999: 1176. http://www.government.se/content/1/c6/02/78/18/de444ba7.pdf

Regeringen (1999b). Lag (1999:1175) om rätt att använda samiska hos förvaltningsmyndigheter och domstolar. http://www.notisum.se/rnp/sls/lag/19991175.htm

Regeringen (2009). Lag (2009:724) om nationella minoriteter och minoritetsspråk. http://www.notisum.se/rnp/sls/lag/20090724.HTM

Regeringen (2013). Tolkning och översättning i brottmål [The right to interpretation and translation in criminal proceedings]. Prop. 2012/13:132. http://www.regeringen.se/content/1/c6/21/04/02/5f0fd51c.pdf

Regeringskansliet (2007). Sweden's report on the Council of Europe Charter for Regional or Minority Languages. http://www.coe.int/t/dg4/education/minlang/report/PeriodicalReports/SwedenPR3_en.pdf

Regeringskansliet (2012). Sweden's nineteenth, twentieth and twenty-first report to the UN Committee on the Elimination of Racial Discrimination. http://www.manskligarattigheter.se/Media/Get/447/Ladda20ner20dokument20(pdf)

Regeringens proposition (1999). Nationella minoriteter i Sverige [National Minorities in Sweden]. Prop. 1998/99: 143. http://www.riksdagen.se/webbnav/index.aspx?nid=37&dok_id=GM03143&rm=1998/99&bet=143.

Regeringens proposition (2006). Bästa språket – en samlad svensk språkpolitik [Best Language – A Concerted Language Policy

for Sweden]. Prop. 2005/06: 2. http://www.regeringen.se/content/1/c6/05/07/61/d32f62b5.pdf.
Regeringens proposition (2009a). Från erkännande till egenmakt – regeringens strategi för de nationella minoriteterna [From recognition to empowerment – the government's strategy for the national minorities]. Prop. 2008/09:158. http://www.regeringen.se/content/1/c6/12/27/69/fc387549.pdf
Regeringens proposition (2009b). Språk för alla – förslag till språklag [Language for all: Proposal for a Language Law]. Prop. 2008/09: 153. http://www.regeringen.se/content/1/c6/12/22/88/a5b4f35d.pdf.
Ricento, T. (2006). Theoretical perspectives in language policy: an overview. In Thomas Ricento (ed.) *An Introduction to Language Policy – Theory and Method*. Oxford: Blackwell Publishing. 3-9.
Riksdagen (2008). Diskrimineringslag. Svensk författningssamling 2008: 567. http://rkrattsdb.gov.se/SFSdoc/08/080567.PDF
Riksdagen (2012a). The instrument of government. http://www.riksdagen.se/Global/dokument/dokument/laws/the-instrument-of-government-2012.pdf
Riksdagen (2012b). The Fundamental Law on Freedom of Expression. http://www.riksdagen.se/Global/dokument/dokument/laws/the-fundamental-law-on-freedom-of-expression-2012.pdf
Statens Offentliga Utredningar (2002). Mål i mun – Förslag till handlingsprogram for svenska språket [Speech: Draft Action Plan for the Swedish Language]. SOU 2002: 27. http://www.sweden.gov.se/sb/d/108/a/1443.
Statens Offentliga Utredningar (2008). Värna språken – förslag till språklag [Safeguard Languages: Proposal for a Language Law]. SOU 2008: 26. http://www.regeringen.se/content/1/c6/10/09/59/4ad5deaa.pdf.
Spolsky, B. (2004). *Language policy*. Cambridge: University Press.
Spolsky, B. (2005). Is language policy applied linguistics? In Paul Bruthiaux *et al*. *Directions in Applied Linguistics*. Clevedon: Multilingual Matters. 26-36.
Statistiska Centralbyrå (2014). Summary of Population Statistics 1960 – 2013. http://www.scb.se/en_/Finding-statistics/Statistics-by-subject-area/Population/Population-composition/Population-statistics/Aktuell-Pong/25795/Yearly-statistics--The-whole-country/26040/

The Swedish Language Council (1998). Draft Action Programme for the Promotion of the Swedish Language. http://www.sprakradet.se/2444.
Turi, J.-G. (2012). Language law and language rights. *International Journal of Law, Language & Discourse* 2(4): 1-18.

Bionote

Dr. *Béatrice Cabau* is an associate professor at Hong Kong Baptist University. Her major research interests and publications are in European Language Policies; Scandinavian and European Studies; European Immigration Policies; France-Hong Kong Relations.