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MOT ETNISK DISKRIMINERING

Discrimination of national minorities in the education system

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Discrimination of national minorities in the education system

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Contents

Introduction	5
Background	5
Purpose and questions	7
Implementation of the work	7
Definitions	11
The DO's mandate	13
Complaints to the DO	13
Historical background	18
Rights and freedoms of persons belonging to national minorities	23
The Council of Europe's Framework Convention	23
European Charter for Regional or Minority Languages	25
Swedish legislation concerning national minorities' right to education	26
Protection against discrimination and offensive treatment within the education system	28
Council of Europe criticism of Sweden	29
The Council of Europe's Framework Convention	29
European Charter for Regional or Minority Languages	30
National minorities' experiences of discrimination in the education system	32
Education	33
Harassment	35
Native language education	37
Bilingual education	39
Access to teachers and teaching aids	39

Summary and proposed measures	41
Recognition	42
Knowledge	43
Participation	43
School and preschool	44
Work of the DO	47
References	48

Introduction

Background

Eight years ago, Sweden ratified the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.¹ In conjunction with ratification, the Jews, Roma, Sami, Swedish Finns and Tornedalers² were recognized as national minorities and Yiddish, Romani chib (all variants), Sami (North Sami, Lule Sami and South Sami), Finnish and Meänkieli were recognised as minority languages.³ Realising the rights of national minorities as expressed in the minority conventions is a part of Sweden's obligations to respect human rights.

National minorities and their languages have existed in Sweden for centuries. However, these minorities have in many ways had a subordinate role and periodically been openly opposed by the majority society. The policy of assimilation and education that was pursued in Sweden over an extended period has affected the living conditions of the national minorities and their possibility to acquire their own language.⁴

Until the end of the 19th century, many schools in northern Sweden used Finnish and Sami as the language of education in early primary education. Then, Sweden introduced financial support to schools but restricted that support to Swedish-language state schools only.⁵ The so-called nomad school was compulsory for the children of reindeer-herding Sami until the 1960s.⁶ Sami children were forced to leave their families for extended

1 Hereafter referred to as the framework convention or language charter, respectively, or jointly as the minority conventions.

2 They are also known as Torne Valley Finns.

3 Report of the Standing Committee on the Constitution 1999/2000:KU6 (2000) Nationella minoriteter i Sverige (Eng: National minorities in Sweden) and Rskr. 1999/2000:69.

4 See e.g. Catomeris, Christian (2004), *Det ohyggliga arvet: Sverige och främlingen genom tiderna i Hyltenstam* (Eng: The atrocious legacy: Sweden and the foreigner through the ages) in Hyltenstam, Kenneth, (ed) (1999) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv* (Eng: Sweden's seven domestic languages – A minority language perspective) and SOU 2006:19 (2006) *Att återta mitt språk – Åtgärder för att stärka det samiska språket* (Eng: Reclaiming my language – measures to strengthen the Sami language).

5 Hyltenstam, Kenneth (1999) "Introduction: Ideology, politics and minority languages" in Hyltenstam, Kenneth (ed) *Sweden's seven domestic languages – A minority language perspective*, p. 11.

6 Hyltenstam, Kenneth, Stroud, Christopher and Svonni, Mikael (1999) "Språkbyte, språkbevarande, revitalisering. Samiskans ställning i svenska sammi." (Language replacement, language preservation, revitalisation) in Hyltenstam, Kenneth (ed) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv*, p. 65.

periods and experienced the insecurity associated with living at a boarding school.⁷ In the middle of the 20th century, Roma representatives fought for Roma children to be given access to education. Continuous education was obstructed by the Roma being pushed from place to place. Roma were first given access to continuous education at the end of the 1960s.⁸ The policy Sweden pursued has led to a denial of the cultural and linguistic diversity that characterised the country for centuries and still affect the situation of today. As a direct consequence of the policy pursued, many of the national minority languages are on the verge of disappearing.

In contacts with the Ombudsman against Ethnic Discrimination (DO), national minorities express that discrimination and degradation associated with their ethnic identity are a part of everyday life. This has also been brought up by the Council of Europe, which has criticized how Sweden implemented the Council's minority conventions. One of the Council of Europe's most sharply formulated remarks concerns how Sweden has handled the possibilities of national minorities to acquire access to native language education and how regulations within the education system have been formulated.

The DO can confirm that schools play a special role in society as they have an express democratic objective. The task of schools includes creating equal conditions, regardless of gender, ethnic origin and socio-cultural background. School results are crucial to children's possibilities of further studies, which in turn affect their possibilities of entering working life. It is a serious matter when discriminatory procedures and common approaches are applied in the education system, constituting obstacles to the opportunities of national minorities to obtain an education.⁹

In light of this, the DO has conducted special efforts since autumn 2007 to illustrate the national minorities' experiences of discrimination in the education system. This report presents the experiences of this work.

7 SOU 2006:19 (2006) Att återta mitt språk – Åtgärder för att stärka det samiska språket (Reclaiming my language – Measures to strengthen the Sami language), p. 74.

8 Rodell Olgac, Christina (2005) Den romska minoriteten i majoritetssamhällets skola – Från hot till möjlighet (The Roma minority in the schools of the majority society – From threats to opportunity).

9 Also see SOU: 2005:56 (2005) Det blågula glashuset – Strukturell diskriminering i Sverige (The blue and yellow glass house – Structural discrimination in Sweden), p. 209 and SOU 2006:40 (2006) Utbildningens dilemma – Demokratiska ideal och andrafierande praxis (The Dilemma of Education – Democratic ideals and otherisation practice), p. 9.

Purpose and questions

To work effectively to prevent and combat discrimination against national minorities, the DO and other actors need knowledge about how discrimination of national minorities is expressed. Such a study creates awareness of the situation and a basis to assess what action should be taken to address discrimination. Accordingly, the purpose of this report is to contribute knowledge of how discrimination against national minorities is manifested in the education system by illustrating the experiences of discrimination of Jews, Sami, Swedish-Finns, Tornedalians and Roma. Another purpose of the report is to propose measures for counteracting and preventing discrimination of national minorities in the education system.

Two main areas were seen as central to achieve these purposes. The first area focuses on national minorities' experiences of discrimination.

- How is discrimination manifested in the education system with regards to persons belonging to national minorities?
- What conceptions, structures and patterns can be discerned from national minorities' experiences in the education system?

The second area of inquiry deals with the measures necessary to counteract and prevent discrimination of national minorities in the education system.

- What measures are required to address discrimination of national minorities in the education system?
- How can the DO and other actors work to prevent and counteract discrimination of national minorities in the education system?

Implementation of the work

This report builds on the five national minorities' experiences of discrimination in the education system as they have been expressed in the DO's work. This work was based on the participation of minorities, which is of fundamental importance for efforts on preventing and combating discrimination to be credible both among the minorities and in the majority society. Here, the DO followed the European Commission against Racism and Intolerance (ECRI) recommendation to make experiences of discrimination and racism in an affected minority group visible.¹⁰ Research on discrimination indicates that studies of perceived discrimination provide an illustration of the actual problems that minorities experience in

¹⁰ ECRI (1998), ECRI general policy recommendation no. 4. National surveys on the experience and perception of discrimination and racism from the point of view of potential victims.

contact with the majority society.¹¹ However, it is important to keep in mind that in describing the national minorities' experiences of discrimination the report does not claim to paint a complete picture of how discrimination can express itself, nor does it claim to outline the scope of discrimination in the education system. Furthermore, it is important to emphasize that all experiences of discrimination do not always fulfil the criteria required to establish that discrimination occurred in a legal sense.

The report will form the basis for the future work of the Ombudsman against Ethnic Discrimination to find ways and strategies to counteract and prevent discrimination together with a reference group. This section describes the starting points for the strategy of mutual knowledge development, how the strategy was applied to the DO's work and how the DO conducted the work with the rights of national minorities in the education system.

The strategy of mutual knowledge development

Since 2002, the DO has developed a strategy to prevent and combat discrimination of minorities that are particularly affected by discrimination. This strategy is based on several studies initiated by the DO that indicated that the DO's activities at the time did not reach those who were most vulnerable to discrimination nor gave an accurate illustration of what discrimination looks like in Sweden.¹² This picture had already been confirmed by the DO's Roma project, which took place during 2002–2003.¹³ To collect reports from the victims of discrimination, the DO confirmed that it must actively reach out to minorities with information about legislation and rights and not idly wait for complaints to be submitted to the authority. The strategy, which was primarily developed in the scope of the Roma project, currently forms the basis for the DO's work with minority groups on combating and preventing discrimination.¹⁴

The strategy builds on the insight that the authority needs to conduct a dialogue with the minorities. This is necessary because their participation

11 de los Reyes, Paulina and Wingborg, Mats (2002), *Vardagsdiskriminering och rasism i Sverige – En kunskapsöversikt* (Everyday discrimination and racism in Sweden – a knowledge survey).

12 Lernestedt, Lennart, Lerwall, Lotta, Pettersson, Tove, Tiensuu, Annika (2004) *Genomgång av DO:s individärenden samt förslag till förbättringar* (Review of the DO's individual cases and improvement proposals).

13 DO (2003) *Discrimination of Romanies in Sweden – a report on the DO project in the years 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies.*

14 The minority groups that the DO actively works with and which the authority has identified as particularly exposed to discrimination are African-Swedes, national minorities, native peoples, people of a Middle Eastern background, Muslims and women of a non-European background.

is needed for the authority's work on combating and preventing discrimination. This dialogue aims to increase minorities' knowledge about rights and anti-discrimination efforts, and to provide more detail and visibility within the DO and the rest of society to the knowledge about their living conditions and experiences of discrimination. The strategy is an important force for achieving a positive and long-term change and for minorities to assert their rights to a greater extent.

An important condition for national minorities to obtain access to the individual protection that discrimination legislation provides against both direct and indirect discrimination is that complaints and the authority's other work is administered based on what becomes evident through mutual knowledge development. Without insight and knowledge about the rights and freedoms of persons belonging to national minorities in connection with their experiences of discrimination, it is difficult for the authority to illustrate the complex course of events that may exist in an individual discrimination case. Individual cases are accordingly investigated based on what comes forth in the DO's dialogue with minorities. This strategy thereby contributes to continuous method development at the authority.

With equal opportunities and rights as the overriding objective and with the basic idea that national minorities are the key to positive change processes, the goal of the work is to further develop national minorities' own capacity for counselling and active anti-discrimination work. The strategy is accordingly focused on long-term change processes with the objective of increasing the conditions for national minorities' empowerment and influence over their own conditions.¹⁵

Reference group

Together with a reference group consisting of national minority representatives, the DO identified experiences of discrimination and the protection against discrimination. The reference group comprises Angelina Taikon, supervisor and Roma culture class teacher, Elsy Labba, primary school teacher active at the Sami school, Eva-Christina Blind, lower-secondary school teacher in North Sami who works with Sami integrated education, Esko Melakari, Delegation Secretary of the Sweden-Finnish Delegation, Mikael Dimitri Taikon, Roma culture class teacher, Susanne Sznajdermann Rytz, expert in Yiddish and minority issues for the Official Council of Jewish Communities in Sweden, and Tore Hjort, Chairman of

¹⁵ See the Council of Europe's Framework Convention for the Protection of National Minorities, which emphasizes the importance of national minorities having influence in issues that concern them.

Sveriges Tornedalska Riksförbund – Tornionlaaksolaiset (STR-T) (Sweden's Tornedalian National Association). The work with the reference group has been focused on identifying problems and solutions to combat and prevent discrimination of national minorities as well as to investigate which other actors should take action to address the problems that national minorities experience in the education system. The dialogue with the national minorities consequently primarily focused on experiences of discrimination and how minority rights are violated in the education system. Particular attention was therefore paid to the legal protection against discrimination and to the rights and freedoms of persons belonging to national minorities.

The reference group also had a dialogue with Jarmo Lainio, Professor of Finnish at Mälardalen University and Sweden's expert in the Council of Europe's Advisory Committee, and Senior Lecturer Leena Huss, active at the Centre for Multiethnic Research at Uppsala University. This dialogue was devoted to relating the experiences that the reference group has to a historic perspective and discussing what the Council of Europe's minority conventions set forth and the criticism directed at how Sweden has implemented national minority rights within preschool and compulsory school.

In parallel with the efforts to illustrate national minority rights in the education system, the DO pursued efforts focused on the discrimination of the Sami people. These efforts also illustrated Sami experiences of discrimination in the education system and are described in the report, *Discrimination of the Sami – the rights of the Sami from a discrimination perspective*. The conclusions of the report regarding the education system are also presented in this report.

The DO can confirm that the reference group's work has been of central importance in creating long-term changes in the DO's work. It provides a forum for participation, strengthens the groups and the DO, and provides a credible tool for creating change. The Institute for the Study of Human Rights at Göteborg University evaluated the DO's efforts to promote mutual knowledge development. The Institute believes that work with reference groups is a strategic way of reaching out with limited resources so that more people will gain access to protection against discrimination. The method provides desired effects and is considered to be "positive and necessary for the authority to achieve set objectives and confirm the central place of the rights perspective in the authority's work".¹⁶

16 Gustavsson, Josefine (2007) Extern utvärdering – Effekterna av informationsinsatser riktade till grupper särskilt utsatta för diskriminering (External evaluation – The effects of information efforts directed at groups particularly exposed to discrimination). p. 67.

Definitions

The following section describes the definitions, perspectives and delimitations that apply to the report. In accordance with the framework convention, the DO uses a definition of *national minority* that comprises all of the individuals who identify themselves as Jewish, Sami, Swedish-Finnish, Tornedalian¹⁷ and Roma.¹⁸ The Sami are also an indigenous people and are as such granted additional rights and freedoms under Swedish law and international conventions and declarations.¹⁹ The term *minority language* refers to Yiddish, Sami (North Sami, Lule Sami and South Sami), Finnish, Meänkieli and Romani chib (all variants).²⁰ The term *education system* refers to preschools and compulsory schools. Accordingly, the report does not discuss how the situation looks for students who attend upper-secondary school, university or municipal adult education.

The DO's work contains both an individual and a structural perspective of discrimination of national minorities in the education system. The *individual perspective* means that the work is based on the national minorities' experiences of discrimination in the education system.

With a *structural perspective* of discrimination, it is possible to capture how the majority society in various ways systematically subordinates and creates stigmatising conceptions of minorities "Jews", "Sami", "Swedish-Finns", "Tornedalers" and "Roma". The directive for the study Power, integration and structural discrimination defines the concept in the following manner:

"Structural discrimination due to ethnic background or religious affiliation refers to [...] rules, norms, procedures, accepted practice and behaviour in institutions and other social structures that constitute obstacles to achieving equal rights and opportunities regardless of ethnic background or religious affiliation. Such discrimination can be visible or hidden, and can occur intentionally or unintentionally."²¹

17 They are also known as Torne Valley Finns.

18 See Article 3 of the Council of Europe's Framework Convention for the Protection of National Minorities, which establishes that "every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."

19 See DO (2008) Discrimination of the Sami – the rights of the Sami from a discrimination perspective.

20 Prop. 1998/99:143 (1999) Nationella minoriteter i Sverige (National minorities in Sweden) p. 32–35 where the Swedish Government presents the criteria for why the five minorities and their languages are to be considered as national minorities.

21 Dir. 2004:54 (2004) Makt, integration och strukturell diskriminering (Power, integration and structural discrimination).

In terms of this report, individual and structural discrimination are placed in a linguistic context. It is a question of illustrating how various factors can interact and reinforce one another and thereby impact a language's capacity to develop and survive. Kenneth Hyltenstam, Professor of Linguistics, believes that the concept of a minority language can be viewed from two perspectives. It can be seen as a language spoken by a "smaller number" of people or as a language that has a "subordinate" position in society. The latter aspect is related to power relationships and resource distribution between various groups in society. Languages spoken in dominant groups easily attain a dominant position and subordinate groups' languages are attributed a lower status, which according to Hyltenstam can occur in both the view of the majority and the minority.²²

Multiple studies indicate that it is not uncommon for minorities that have lived in a majority society to abandon their own language and instead begin speaking the majority language.²³ This is particularly common if the minorities are subjected to a strong assimilation or unification pressure on the part of the majority. This is called the language replacement process. According to researchers in the field, it is a process where a language gradually loses functions, speakers and means of expression.²⁴ An advance stage language replacement process can lead to a language dying out.²⁵

Many who speak national minority languages are currently in a language replacement process, although at different stages. Researchers believe that it is possible to reverse this language replacement process through active

22 Hyltenstam, Kenneth (1999) "Inledning: Ideologi, politik och minoritetsspråk" (Introduction: Ideology, politics and minority languages) in Hyltenstam, Kenneth (ed) Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv p. 25 f.

23 See e.g. Huss, Leena, Wande, Erling (2006) "Emancipation i vardande? Drag i tornedalings och sverigefinnars språkpolitiska utveckling." (Emancipation in the making? Characteristics of the language policy developments of Tornedalers and Swedish Finns) in Junila; Marianne and Westin, Charles (ed) Mellan majoriteter och minoriteter – Om migration, makt och mening (Between majorities and minorities – About migration, power and intent), p. 229–267; Runblom, Harald and Tydén, Mattias (1990) "Judar" (Jews) in Svanberg, Ingvar and Runblom Harald (ed) Det mångkulturella Sverige – En handbok om etniska grupper och minoriteter (The multi-cultural Sweden – A handbook about ethnic groups and minorities, p. 189–201.

24 Hyltenstam, Kenneth, Stroud, Christopher and Svonni, Mikael (1999) "Språkbyte, språkbevarande, revitalisering. Samiskans ställning i svenska sammi." (Language replacement, language preservation, revitalisation. The status of Sami in Swedish Sapmi) in Hyltenstam, Kenneth (ed) Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv, p. 91.

25 Lainio, Jarmo (1999) "Språk, genetik och geografi – om kontinuitetsproblematiken och debatten om finska som minoritetsspråk" (Language, genetics and geography – on problems of continuity and the debate on Finnish as a minority language) in Hyltenstam, Kenneth (ed) Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv pp. 165 and 191, and Hyltenstam, Kenneth (1999) "Svenskan i minoritetsspråksperspektiv" (Swedish from a minority language perspective) in Hyltenstam, Kenneth (ed) Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv, p. 234.

measures on the part of the society and a strong awareness and desire to preserve one's own language and culture among the minorities themselves. However, Hyltenstam et al emphasize the importance of understanding why a language replacement process occurs and believe that, in reality, the possibilities for an individual to influence the process are extremely limited. Research shows that the language replacement process primarily takes place beyond the individual's control and the process is due to the prevailing overall social situation.²⁶

As an interpretive framework for this report, the perspectives of individual and structural discrimination have multiple advantages. They illustrate routine activities that benefit the interests of a certain group and the structures that affect the superordination and subordination of different groups and thereby obstruct equal rights and opportunities for individuals, regardless of background. Placing individual and structural discrimination in a linguistic context illustrates the complex interaction that exists between factors on the social and group level and how they affect a language's possibilities of developing and surviving.

²⁶ See e.g. Hyltenstam, Kennet (ed) (1999) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv* (Sweden's seven domestic languages – A minority language perspective).

The DO's mandate

The five national minorities are covered by Swedish discrimination legislation and have particular rights in accordance with national and international law. This chapter presents the task of the DO and the complaints received by the authority since 2000.

The DO is a national authority charged with working to prevent and combat discrimination associated with ethnic background, religion or other belief. The protection against discrimination includes both direct and indirect discrimination and national legislation, European law and international conventions form the basis of the DO's activities. The national laws protect against discrimination in working life, preschool, compulsory school and in higher education as well as in the social insurance system, healthcare and all commercial activities such as retail trade and the housing market. Direct discrimination means that an individual person is disadvantaged in relation to another person in a comparable situation if the special treatment is associated with ethnic background. Indirect discrimination means that an individual is disadvantaged through the application of regulations or criteria, which initially appear to be neutral, but in practice particularly disadvantage persons with a certain ethnic background. The protection also includes a ban on harassment and on giving instructions to discriminate.

In recent years, protection for the rights of the individual has been reinforced in conjunction with new discrimination legislation that entered into effect in 2003. The DO thereby obtained greater possibilities of promoting the ability of individuals to exercise these rights. Since 2006, a special law (2006:67) has been in effect that prohibits discrimination and other offensive treatment of children and students. This law also charges schools with actively promoting the equal rights of all students and forestalling and preventing harassment due to ethnic background.

A central activity in the DO's work is to receive and investigate complaints of discrimination from private persons. The DO works for the person discriminated to receive redress, primarily through voluntary agreements. If this is unsuccessful, the DO is empowered to bring action in court on behalf of the individual. The authority also exercises supervision over the work of employers, universities and schools to promote equal rights and prevent ethnic and religious discrimination. In accordance with the EU directive regarding implementation of the principle of equal treatment of people regardless of racial or ethnic origin, the DO also prepares reports on and submits recommendations in matters concerning how discrimination

can be combated and prevented.²⁷ Altogether, the DO's various strategies and approaches aim to shape a society based on the principle of the equal value and rights of all people regardless of ethnic background or religion and to contribute to social change in this direction.

Central to the work on safeguarding the five national minorities' human rights is the issue of discrimination. This is expressed in a number of international conventions and declarations which charge states with both taking action to protect national minorities from discrimination and with promoting equal rights in all areas of society. The rights and freedoms that national minorities are granted under international and national law, should therefore be seen as measures intended to guarantee, in practice, equal rights and opportunities of persons belonging to national minorities relative to the majority population.

With these starting points and based on its mandate, the DO becomes a key player in the work on guaranteeing and strengthening the human rights of persons belonging to national minorities.

Complaints to the DO

An important part of the DO's activities is investigating complaints from men and women regarding ethnic discrimination. However, studies show that the inclination to report discrimination to the authority is low, which is why the number of unreported cases is estimated to be large.²⁸

Since 2000, the authority has received some 30 complaints from the Sami. In most cases, they have concerned discrepancies associated with the Sami's linguistic rights. They have concerned lacks in native language teaching in preschool and school and the lack of information in Sami at authorities. The DO has also received complaints concerning the establishment of Sami preschools.²⁹

²⁷ Council Directive (2000) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Official Journal of the European Communities. No. L 180, 19/07/2000, pp. 0022–0026.

²⁸ See e.g. Lange, Anders (1999) *Invandrare om diskriminering. En enkät och intervjuundersökning om etnisk diskriminering på uppdrag av Diskrimineringsombudsmannen (DO) (Immigrants on discrimination. A survey and interview study about ethnic discrimination on behalf of the DO)* and Lernstedt, Lennart, Lerwall, Lotta, Pettersson, Tove, Tiensuu, Annika (2004) *Genomgång av DO:s individärenden samt förslag till förbättringar (Review of the DO's individual cases and improvement proposals)*.

²⁹ See e.g. DO, Case no. 373-2000, 340-2000, 782-2001, 96-2002, 1183-2003, 1197-2003, 81-2008, and 283-2008.

Significantly more complaints have come from the Roma.³⁰ The DO has received 30 to 40 complaints per year since 2001. Almost half of these concern denial of access to public facilities such as shops, restaurants and hotels. Approximately 15% of the complaints from Roma concern the right to housing. Complaints that concern administration and treatment in the social services comprise almost the same percentage as those received regarding housing. A few of the received complaints concern the conditions of Roma children in school, including harassment. On the issue of harassment, the issue was whether the school had taken sufficient action to address ethnic harassment after an event came to the school's attention. Other complaints have concerned ethnic harassment and discriminatory treatment by school personnel and municipalities.³¹

From Swedish Finns, around 120 complaints have been received since 2000. Of these, a few complaints have concerned language rights such as language bans at the workplace³² and elderly care in Finnish³³. Due to a complaints of a language ban at a workplace, the DO initiated an inspection. It concerned the Municipality of Uppsala, which had a collective agreement that could be interpreted as a ban on speaking any language other than Swedish at work, which affected the Swedish-Finnish minority group, among others. The DO put forward to the municipality that such a ban and agreement may conflict with discrimination legislation, both in terms of individuals' rights and the requirement of prevention work in the aim of combating discrimination at the workplace. The DO also made it clear that the rights of national minorities are a part of Sweden's obligations to respect human rights and that discrimination includes both arbitrary special treatment and failure to respect the right of special treatment. The municipality and the union organisation signed a new collective agreement. Occasional complaints have been received by the authority from Jews³⁴ and Tornedalers³⁵ regarding the education situation.

In the DO's dialogue with the reference group, the number of complaints and the inclination to submit reports were discussed. These discussions concerned the minorities' lack of trust in authorities and fear that a complaint against a school might contribute to greater exposure of the

30 Since 2001, the authority actively works on preventing and combating discrimination of the Roma, which is the reason more reports come from Roma.

31 See e.g. DO, Case no. 879-2003 and 1109-2007.

32 See e.g. DO, Case no. 551-2003, 745-2005, 528-2006, 529-2006 and 530-2006.

33 See e.g. DO, Case no. 685-2006.

34 See e.g. DO, Case no. 1249-2002, 1489-2006 and 1293-2008.

35 See e.g. DO, Case no. 224-2001, 14-2004, 969-2007 and 1536-2007.

child. It is in light of this, national minorities' experiences of authorities and perceptions of how schools treat and have treated national minorities, that the number of unreported cases should be seen and understood. This view also includes research that shows that the inclination to report discrimination is generally low.

Historical background

To work effectively to prevent and counteract discrimination of national minorities in the education system, it is necessary to understand how discrimination against minorities has been manifested through Sweden's history. Knowledge of the history of national minorities in Sweden is limited; the knowledge gaps are large.

This chapter provides a general review of the Swedish state's education and assimilation policy from the 19th century up to the present. This review does not claim to provide a complete picture of the situation of national minorities in Sweden, but rather provides some examples of how state policy has affected the living conditions of national minorities and thereby their possibilities of gaining access to education.

A knowledge overview issued by the National Agency for Education portrays how schools functioned. Schools have not only been an institution for knowledge acquisition, but rather also an institution that created and maintained differences between students of different backgrounds.

“Educational history research illustrates how students were brought up for their anticipated places in a gender, class and ethnicity-structured pattern. Knowledge content, skills and socialisation were clear and knowingly related to gender and class factors. Clear differences in the schools' contents and methods illustrate the school system's function to create and maintain the [...] unequal society.”³⁶

Professor Kenneth Hyltenstam describes how the state policy from the end of the 19th century up to the 1970s was founded on a nationalistic view and based in the interests of the majority. This led to a denial of the linguistic and cultural diversity that influenced Sweden for centuries. However, in the 1950s and 1960s, labour immigration brought to the fore the consequences of the conducted policy and it became clear that a policy based on linguistic and cultural homogeneity neither reflected nor met the needs that existed. At the same time, more pluralistic ideas prevailed internationally, where the value of cultural and linguistic diversity was emphasized, according to Hyltenstam. These ideas and greater immigration led to the state policy changing direction in the 1970s. Native language education was introduced within the scope of various bilingual models, interpretation services and support for cultural activities in languages other than Swedish. Yiddish, Finnish, Meänkieli, Sami and Romani chib were included in this policy since they were languages other than Swedish.

36 Tallberg Broma, Ingegerd, Rubenstein Reich, Lena, Hägerström, Jeanette (2002) *Likvärdighet i en skola för alla – Historisk bakgrund och kritisk granskning* (Equality in a school for all – Historical background and critical review) p. 105.

However, no special efforts were made for these languages and cultures that had existed in Sweden for centuries. The distance between the new native language education and its implementation was already large from the outset, however, and became even larger in association with the decentralisation and financial cut-backs of the 1980s and 1990s. Hyltenstam believes that the gap between legislation and implementation indicates that the nationalistically based ideas still prevail in the Swedish state's education and language policy.³⁷

The school system that prevailed in northern Sweden from the end of the 19th century up to the 1960s provided examples of how the school system, with the aim of segregation, sorted children into ethnic groups. At the end of the 19th century and a bit into the 20th century, Sami children could attend the Lapp primary school, which was supposed to be the equivalent of the public primary school. The Lapp primary school was a five-year school and the language of instruction was Finnish and Sami, which is why it was also open to Finnish and Tornedalian children. It was oriented along the majority's cultural and religious values. The idea was that Sami and Finnish would be used as auxiliary languages until the children learned Swedish sufficiently well.³⁸

During the period of 1913 up to the 1940s when "Lapp-should-be-Lapp" ideas prevailed, the Lapp primary school was replaced with the nomad school, which was compulsory for the children of reindeer-herding Sami.³⁹ Researcher Ellacarin Blind, who interviewed Sami about their experiences of attending the nomad school, confirms that although the nomad school was a school for Sami children, the Sami language and culture were not a part of the regular activities. The school conveyed, according to Ellacarin Blind, a negative picture of the Sami language. Many Sami children had Sami as their mother tongue when they began attending the school, but

37 Hyltenstam, Kenneth (1999) "Inledning: Ideologi, politik och minoritetsspråk" (Introduction: Ideology, politics and minority languages) in Hyltenstam, Kenneth (ed) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv* p. 11 ff.

38 Hyltenstam, Kenneth, Stroud, Christopher and Svonni, Mikael (1999) "Språkbyte, språkbevarande, revitalisering. Samiskans ställning i svenska sammi." (Language replacement, language preservation, revitalisation. The status of Sami in Swedish Sapmi) in Hyltenstam, Kenneth (ed) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv*, p. 65.

39 DO (2008) *Discrimination of the Sami – rights of the Sami from a discrimination perspective* and Mörkenstam, Ulf (1999) *Om "Lapparnes privilegier" – Föreställningar om samiskhet i svensk samepolitik 1883–1997* (About "the Lapps' privileges" – Notions of being Sami in Swedish Sami policy 1883-1997).

since the children had no contact with their parents for large parts of the year, they lost their language.⁴⁰

Special tents were developed for education and boarding school stays. The tents were built of wood with floors of peat and bush wood and outfitted with reindeer skins and skin rugs. The stated objective of the tents was to prevent the children from acquiring a taste for common housing. The tents were draughty and many children fell ill. There is also information that children died due to the sanitary conditions.⁴¹ Only in 1964 were reindeer-herding Sami no longer required to send their children to the nomad school.⁴² At the same time, the nomad school was opened to all Sami children, Sami became a required subject and was permitted to cover a maximum of two hours weekly and 9-year compulsory school attendance was introduced. In 1981, the nomad school was replaced by the Sami school.⁴³

An example of a regulation directed at linguistic assimilation is the state grant to schools introduced at the end of the 19th century. It was required that only Swedish could be used as teaching language, and the requirement applied both during classes and on breaks. It was not until the end of the 1950s that the National Agency for Education issued information that no ban was permitted on students speaking e.g. Finnish or Sami during breaks.⁴⁴

An example of decisions that affected minorities' possibilities of participating in the political arena is the fact that the Sami without permanent residences were not given the right to vote until 1911.⁴⁵ Another example is the requirement that one must be registered in a certain municipality to be able to vote, which has prevented the Roma from

40 SOU 2006:19, Att återta mitt språk – Åtgärder för att stärka det samiska språket (Reclaiming my language – Measures to strengthen the Sami language), Appendix 7 "Att förlora sitt språk – Samers berättelser om nomadskoletiden" (Losing ones' language – The Sami speak about the time of the nomad school).

41 Catomeris, Christian (2002), *Det ohyggliga arvet* (The atrocious legacy) p. 211 ff.

42 Catomeris, Christian (2002), *Det ohyggliga arvet* (The atrocious legacy) p. 211 ff.

43 Sami children can receive an education with a Sami focus at the Sami school. Education corresponds to the first six years of compulsory school.

44 Hyltenstam, Kenneth (1999) "Begreppen språk och dialekt – Om meänkielis utveckling till eget språk." (Concepts of language and dialect – About Meänkieli's development into an independent language) in Hyltenstam, Kenneth (ed) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv*, p. 127.

45 Hyltenstam, Kenneth, Stroud, Christopher and Svonn, Mikael (1999) "Språkbyte, språkbevarande, revitalisering. Samiskans ställning i svenska sapmi." (Language replacement, language preservation, revitalisation. The status of Sami in Swedish Sapmi) in Hyltenstam, Kenneth (ed) *Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv*, p. 52.

receiving voter registration cards. The permanent residency of the Roma was made impossible by domiciliary rights and local regulations that permitted municipalities to drive the Roma from place to place. This also prevented Roma children from gaining access to continuous education. It was not until the 1960s that Roma children gained access to school.

In her dissertation, Christina Rodell Olgac describes the Roma minority's relationship to the majority society's school since the middle of the 20th century until the present. Olgac has interviewed Roma on their schooling during the period from 1970 up to 2000. It is clear that openly racist notions of the Roma have influenced their schooling and contributed to an animosity towards schools as an institution. Many say that they have experiences of offenses that are associated to their ethnic background. None of those interviewed experienced their Roma culture being portrayed as an asset in school. Because their parents most often did not attend school, they were often not aware of what compulsory school attendance meant. From the interviews, it is also apparent that the only means Roma parents had to protect their children from racist attacks and from getting into trouble was to keep the children home from school. Altogether, this contributed to the schooling of Roma children being defective.⁴⁶

The treatment of national minorities in Sweden has been characterised by persecution and victimisation in other ways as well. In 1921, Sweden became the first country in the world to establish a national racial biology institute under the guidance of Herman Lundborg. Racial biology was developed during the 19th century and increasingly came to form the basis of a racial policy that included an expressed strategy of the sterilisation of Roma and Sami. Far into the 1960's, the medical diagnosis of "Gypsy blood" was a reason for sterilisation.⁴⁷ Swedish-Finns, Tornedalers and Jews were also subjected to racial biology studies. With the help of measurements, photographs and blood tests, the racial biology institute could present studies that stated that racial mixes negatively impacted the development of mankind.⁴⁸

In a study, the Official Council of Jewish Communities in Sweden described the conditions required for Yiddish to continue as a living language and to develop. It is clear that the Jewish culture and the Yiddish language have had an obscure role in Sweden. Many Jews describe the offence

46 Rodell Olgac, Christina (2005) *Den romska minoriteten i majoritetssamhällets skola – Från hot till möjlighet* (The Roma minority in the schools of the majority society – From threats to opportunity).

47 Lindquist, Bosse (1991) *Förädlade svenskar* (Refined Swedes), especially see pp. 106 and 136.

48 Catomeris, Christian (2002) *Det ohyggliga arvet* (The atrocious legacy).

and loss involved in being denied their language and their culture by the assimilation policies that were pursued in Sweden. Many have experiences of compulsory morning gatherings that meant clasping ones hands and saying non-Jewish prayers, of showing certificates for leave during Jewish holidays, and of going home on lunch breaks to be able to eat a kosher meal.⁴⁹

This general review of the history of national minorities in Sweden shows that they were subjected to state-sanctioned discrimination and pressure to assimilate from the majority society. Discrimination and persecution in both the education system and the rest of society have been recurring elements of the lives of the minorities. In the DO's dialogue with national minorities, particular attention was paid to education and assimilation policy. National minorities express that Sweden's pursued policy has affected their self-image. Many express the violation inherent in not being permitted to assert their identity and having been denied their mother tongue. The minorities express that the only possibility of being accepted in society has been to suppress their ethnic identity and instead adapt to the majority society.⁵⁰

49 Sznajderman-Rytz, Susanne (2007) Jiddisch – Ett språk utan land med hemvist i Sverige. Åtgärder för att stärka och utveckla jiddisch år 2007 (Yiddish – A language without a country resident in Sweden. Measure to strengthen and develop Yiddish in 2007), p. 5.

50 See also SOU 2006:19 (2006) Att återta mitt språk – Åtgärder för att stärka det samiska språket (Reclaiming my language – Measures to strengthen the Sami language), p. 74 ff.

Rights and freedoms of persons belonging to national minorities

The ratification of the Council of Europe's minority conventions is a clear distancing from previous assimilation reasoning. The conventions establish that the signatories shall raise the status of the minorities' languages and cultures and protect the minorities from all actions aimed at assimilation.⁵¹ The following section presents the extended rights that Jews, Sami, Swedish-Finns, Tornedalers⁵² and Roma have as national minorities. This section aims to illustrate what the international law commitments mean for the rights of Sweden's national minorities within the education system.

Since the 1950s, international organisations such as the UN and the Council of Europe have emphasized the need to safeguard minority rights and have therefore drafted conventions, declarations and recommendations. The language charter and the framework convention were drafted in the Council of Europe and build on the insight that there is a large number of minorities in Europe that have long lived in the area and have their own language and culture.⁵³ The Council of Europe's minority conventions provide cultural and linguistic protection for national minorities and minority languages in the countries that ratify them. Sweden ratified them in 2000 and has since been obliged under international law to comply with the commitments that Sweden has towards the minorities recognised as national minorities.

The Council of Europe's Framework Convention

The introduction of the framework convention confirms that

“... a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity.”

In section 1 of the framework convention (articles 1-3), fundamental starting points are established for its contents and application. It confirms that the protection of national minorities comprises an integrated part of the international protection of human rights, that every person belonging to a national minority may him or herself choose whether they want to be

51 Prop. 1998/99:143 (1999) National minorities in Sweden p. 11ff. Also see the Council of Europe's Framework Convention for the Protection of National Minorities, article 5 in particular.

52 They are also known as Torne Valley Finns and Tornedalings.

53 Prop. 1998/99:143 (1999) National minorities in Sweden, p. 9.

treated as such, and that the rights in the conventions may be exercised individually and in unity with others.

Section 2 of the framework convention (articles 4-19) presents more substantial rights with regard to the protection of national minorities. The right to not be discriminated against is particularly emphasized. Furthermore, the state shall take appropriate action to promote complete and effective equality between persons who belong to national minorities and those who belong to the majority population, which should be read as a requirement of positive special treatment in matters where equality does not exist between the groups. It is also established that the state shall promote the conditions for people who belong to national minorities to preserve and develop their culture. Actions and methods that aim to assimilate people belonging to national minorities against their will are prohibited. The state shall instead encourage tolerance and inter-cultural dialogue and promote mutual respect and understanding between residents regardless of origin. This is particularly emphasized within education, culture and mass media.

Linguistic rights are central to the convention. Among other elements, it is stipulated that national minorities have the right to use their language in private and public contexts and that they under certain conditions shall be given the possibility to use minority languages in contact with authorities.

In terms of education, it is particularly emphasized that national minorities have a right to learn their minority language and that the states have a corresponding obligation to offer native language instruction or education in the native language. Furthermore, states shall take action to promote knowledge about the national minorities in the country, the possibility of teacher training in the area, equal opportunities for persons belonging to the national minorities to gain access to education at all levels and the minorities' right to establish their own private educational bodies.

Section 3 of the framework convention (articles 20-23) contains stipulations that associate the rights established in the convention to both national and international law. It is established that nothing in the convention shall be able to be interpreted such that it entitles anyone to carry out actions that conflict with fundamental principles of international law and that the framework convention's rights are subordinate to the European Convention with regard to the interpretation of corresponding principles found there.

Section 4 of the framework convention sets out the procedures that apply for the monitoring of the convention. States that signed the convention shall submit a report to the Council of Europe regarding issues that concern the implementation of the convention every three years. States

normally prepare the report in consultation with the minorities, a method strongly recommended by the Council of Europe. The monitoring process, which is initiated when the report from the state has been presented to the Council of Europe's Advisory Committee, takes place in consultation with NGOs and representatives of the minorities. Based on what comes forth in the monitoring process, the Advisory Committee submits a report to the Committee of Ministers. The Committee of Ministers presents recommendations to the governments in the states that have ratified the convention. These recommendations are the most authoritative instruments in the convention.

European Charter for Regional or Minority Languages

In the introduction to the European Charter for Regional or Minority Languages, it is established that

"... the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions, [...] and the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms."

The charter comprises five parts. The first brings up definitions of central concepts, which include what is meant by regional or minority languages. The languages are divided into two categories, on one hand regional languages that have a strong territorial association, and on the other territorially independent languages, where an association to a specific area within a state cannot be proven. Which languages are to be viewed as minority languages is not defined, but rather left to each respective state to decide. The second part of the charter only consists of article 7 and it lists a number of objectives and principles that the state pledges to comply with upon ratification. These include that states shall combat and prevent discrimination related to the use of minority languages and build up a legal and administrative structure that recognises and respects minority languages. This article furthermore includes a paragraph that emphasizes consultation and influence for the national minorities covered by the charter.

"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."

The third part of the charter consists of a number of principles containing options that adopting states can choose from for adoption. The importance of education is established in its first item. This item brings up principles for education in and with minority languages in virtually all kinds of public school education. The charter also presents measures that aim to relate instruction on history and culture to the country's minority languages and to provide teacher training.

The fourth part of the charter describes the reporting system concerning compliance to the charter, which is described on page 23.

Swedish legislation concerning national minorities' right to education

In connection with Sweden ratifying the minority conventions, two new laws were introduced that provide an extended right to use Sami, Finnish and Meänkieli in public contexts. No corresponding laws and rights exist concerning Romani chib and Yiddish.

The parts of the convention commitments concerning educational issues were considered to largely already be regulated in the Swedish school statutes. New regulations were considered to be required only in matters regarding preschool and that students have knowledge of national minorities and minority languages.⁵⁴

Right to minority languages within certain geographic areas

The current Swedish minority legislation is built up around the model that there shall be geographically delimited areas where protection and support for the minorities is stronger. The idea of special language rights within a so-called administrative district is that a minority and its language are concentrated to a certain geographic area.⁵⁵ Within the administrative districts, national minorities have extended rights to use the minority languages in contact with authorities and courts and to receive certain public services in these minority languages. The Sami administrative district consists of the Municipalities of Arjeplog, Gällivare, Jokkmokk and Kiruna. The administrative district for Finnish and Meänkieli consists of the Municipalities of Gällivare, Haparanda, Kiruna, Pajala and Övertorneå.

54 Prop. 1998/99:143 (1999) National minorities in Sweden, pp. 58-59.

55 There are two laws that establish the right to use Sami or Finnish and Meänkieli at administrative authorities and courts (SFS 1999:1175 and 1999:1176).

As to education, Sami, Swedish-Finnish and Tornedalian children in the administrative districts are entitled to preschool where all or parts of the activities are conducted in Sami, Finnish or Meänkieli.

Right to education in and with one's own language

The right to education in minority languages is not tied to certain geographical areas, but rather guaranteed through native language teaching in compulsory school. The school's obligation to provide such teaching is regulated in Chapter 2 Sections 9-14 of the Compulsory School Ordinance. A student is entitled to teaching in her/his mother tongue if one or both of her/his guardians has a language other than Swedish as their mother tongue and if the student has basic knowledge of the language.⁵⁶ However, a municipality is obliged to arrange native language training in a language only if a suitable teacher is available.

There is also an obligation to offer native language support in preschools. In accordance with the 1998 preschool curriculum, preschools shall contribute to children belonging to national minorities receiving support in developing a multi-cultural identity. Preschools shall contribute to children with mother tongues other than Swedish receiving the possibility of developing both the Swedish language and their mother tongue.

Bilingual instruction may only be arranged for students in grades 1-6 that have a language other than Swedish as their language of daily conversation with one or both guardians, pursuant to Chapter 2 Section 7 of the Compulsory School Ordinance. For students with Finnish as their language of ordinary conversation, such instruction may also be arranged for grades 7-9. A municipality may, however, arrange pilot programmes with bilingual instruction also for students other than Finnish in grades 7-9.⁵⁷

Pursuant to Chapter 8 Section 8 of the Education Act, Sami children may complete their compulsory school attendance during grades 1-6 in the Sami school. For the Sami school, instruction shall be given in Swedish and Sami and the subject of Sami shall be in all grades, see Chapter 3 Section 2 of the Sami Ordinance.

⁵⁶ The DO welcomes the recently implemented change where the criteria of it being a language of daily intercourse was removed, and the requirement on the minimum number of students for Sweden-Finnish and Jewish students. For independent schools, the same obligation to provide native language education applies in the same way as a municipality is obliged to provide such education.

⁵⁷ The Ordinance regarding pilot activities with bilingual education in compulsory school (2003:306).

Protection against discrimination and offensive treatment within the education system

The framework convention's stipulations regarding equality and protection against discrimination are implemented in Sweden with regard to schools through the Act (2006:67) prohibiting discrimination and other degrading treatment of children and school students. The law accordingly covers children and students who belong to the national minorities and their educational situation and right to various educational efforts such as native language teaching.

The law provides protection against discrimination, harassment and other degrading treatment on the part of the school and charges the school with working to prevent harassment and other degrading treatment. The law also outlines the school's obligation to conduct efforts to promote the equal rights of children and students.

Council of Europe criticism of Sweden

Signatory states of the Council of Europe's minority conventions shall submit reports to the Council of Europe every three years regarding issues that concern the implementation of the conventions. Monitoring is carried out by the Council of Europe's Advisory Committees, which audit the states' reports. The Advisory Committees then prepare reports for the Council of Europe's Committee of Ministers, which presents recommendations to the respective state based on what comes to light in the reports.

The Council of Europe's Framework Convention

Sweden has submitted two reports to the Council of Europe regarding how it has implemented the framework convention. The latest report was subjected to review and the Council of Europe's Advisory Committee submitted its report regarding Sweden's application of the stipulations in the framework convention on 8 November 2007.⁵⁸ The report points out a number of deficiencies with regard to the minorities' educational opportunities.

The Advisory Committee welcomes the National Agency for Education's review of how national minorities are presented in teaching aids and there is a website for native language education, but confirms that the criticism presented in the previous monitoring round still applies.⁵⁹

The committee maintains that relevant authorities should find ways of addressing the image of the national minorities' culture and history that exists in textbooks, as indicated by the National Agency for Education's review. According to the committee, this requires close cooperation between national minorities and the school system.⁶⁰ The lack of teachers who master minority languages is identified by the committee as a major problem for Sweden. The committee welcomes the Government's initiative to establish a plan to offer university education for teachers in minority languages, but seeks concrete results. The lack of teachers in the minority languages of Romani Chib and South Sami is particularly serious, according to the committee, and demands strong and prompt action.

⁵⁸ Sweden will submit its next report to the Council of Europe regarding the application of the framework convention in June 2011.

⁵⁹ Council of Europe (2007) Advisory committee on the framework convention for the protection of national minorities (2007) Second opinion on Sweden on 8 November 2007. items 21–22.

⁶⁰ Council of Europe (2007) Advisory committee on the framework convention for the protection of national minorities (2007) Second opinion on Sweden on 8 November 2007. item 119.

The Advisory Committee notes that there is a clear demand for bilingual education among the national minorities. Furthermore, the committee confirms that the independent schools have had a central role in offering education in the minority languages and encourages Sweden to provide further support for initiatives in this area. According to the committee, Sweden should consider the introduction of a statutory obligation to arrange bilingual education.

The committee additionally notes that the Jewish school has been defined as a confessional school, without Jewish representatives having the possibility of participating in the decision process. According to the committee, this decision is unfortunate. The committee proposes that Swedish authorities promptly take action so that Jewish representatives can participate in decisions concerning the school and ensure that decisions made are not discriminatory.

The committee devotes particular attention to the conditions of Roma children in school. The committee welcomes the fact that the question of Roma children's schooling has received attention, but seeks concrete results that mean a real improvement of the situation of Roma children in school. The committee emphasizes the importance of further measures that ensure Roma children's possibility of receiving an education that is free from harassment and that respects the Roma and their culture.

European Charter for Regional or Minority Languages

Sweden has submitted three reports to the Council of Europe regarding the application of the language charter. The latest report, which was submitted to the Council of Europe in October 2007, is now subject to examination by the Advisory Committee. The Committee of Ministers will then, during 2009, submit recommendations to the Government for the third time regarding Sweden's application of the language charter. When the Council of Europe submitted its second report in 2006 regarding Sweden's application of the stipulations in the charter, a number of deficiencies were confirmed and a number of recommendations were provided regarding measures that Sweden should implement.

The Committee of Ministers points out how important it is that Sweden creates specific legislation for the protection of the five minority languages and that Sweden establishes a body charged with monitoring this legislation. The committee especially emphasizes the importance of expanding the administrative districts for Finnish and Sami.

In addition, the Committee of Ministers emphasizes that Sweden should undertake measures to strengthen the access to education in and on the

minority languages. The committee points out that resources need to be added and action needs to be taken to remove the structural obstacles that exist today. The Committee of Ministers believes that long-term strategies to resolve the lack of teachers and the lack of access to lower-secondary education in the minority languages are needed to address this.

The Committee of Ministers devotes particular attention to children's opportunities of receiving native language education in minority languages. It is stressed that both the quality of and the access to native language education must be improved and that Sweden should undertake measures so that Sami, Swedish Finnish, Tornedalian and Roma children will be able to be offered bilingual education.

The Committee of Ministers furthermore stresses that Sweden should take action to promote the use of Finnish, Meänkieli and Sami in contact with administrative authorities and courts in the administrative districts.⁶¹

⁶¹ Council of Europe (2006) Recommendation of the Committee of Ministers Council of Europe on the application of the Charter by Sweden.

National minorities' experiences of discrimination in the education system

Schools play a special role and have a special responsibility in society. During the latter half of the 20th century, schools were differentiated as both tools and means in the ambition of abolishing social gaps. When the common compulsory school was introduced at the beginning of the 1960s, the vision was that it would be a place where all students regardless of background would be offered the same opportunities of education and continued studies.

An illustration of the special task of schools can be found in the preschool and compulsory school curricula, which state that the school is a place where children regardless of background shall be offered equal education. Schools shall be founded on and shaped in agreement with fundamental democratic values.⁶² The values that schools shall shape and convey, according to the 1994 curriculum, are “the inviolability of human life, individual freedom and integrity, the equal value of all people, equality between women and men and solidarity with the weak and vulnerable”.⁶³ Furthermore, the curriculum sets forth objectives that indicate the direction of the work of schools. Schools shall strive for each student to “show respect for the individual and organise daily work in democratic ways”.⁶⁴ Upon completion of compulsory school, each student shall have “knowledge about the national minorities’ cultures, languages, religions and history”.⁶⁵

Despite express intentions to work based on a common set of fundamental values and to safeguard the students’ knowledge and experiences, research and the DO’s dialogue with national minorities show that it is the majority society’s perceptions that matters in the school world. This chapter describes Jewish, Sami, Swedish-Finnish, Tornedalian and Roma experiences of discrimination in the education system as they were expressed in the DO’s dialogue with the national minorities. It is important to emphasize that the five national minority groups differ from one another and have different conditions with regard to preserving and developing

62 Lpo 94 (1994) 1994 curriculum for the compulsory school system, the pre-school class and the leisure-time centre. 1 Fundamental values and tasks of the school.

63 Lpo 94 (1994) 1994 curriculum for the compulsory school system, the pre-school class and the leisure-time centre. 1 Fundamental values and tasks of the school.

64 Lpo 94 (1994) The curriculum for the compulsory school system, the pre-school class and the leisure-time centre, 2.1 Norms and values.

65 Lpo 94 (1994) The curriculum for the compulsory school system, the pre-school class and the leisure-time centre, 2.2 Knowledge.

their languages. The following presents the shared experiences from the five national minorities, as well as specific experiences for some of the national minorities.

Education

How education is shaped is of central significance to the survival of national minority languages and cultures in Sweden. Research indicates that if the minorities' possibilities of transferring the languages to the next generation are not ensured, the languages may die out. It cannot be emphasized enough that the role and activities of schools and preschools can be of crucial significance for the possibilities of individuals to acquire the minority language and culture. In the DO's dialogue with national minorities, it becomes clear that many have experiences of municipalities having insufficient knowledge about national minorities and the rights that these minorities have in accordance with the minority conventions. This is confirmed in a report from the National Agency for Education that confirms that there is little knowledge about national minorities' rights and consequently there is no work based on the special rights of national minorities.⁶⁶

In the DO's dialogue with national minorities, it is clear that they have experiences of schools not contributing to strengthening their identity, language or culture. It occurs extremely seldom that children have their identity, culture or language affirmed in an educational context. This is also illustrated in a report from the National Agency for Education that analyses a selection of textbooks in compulsory and upper-secondary schools in terms of if, how and to what extent they deviate from the fundamental values of the curricula. The report confirms that many textbooks can be perceived as degrading or discriminatory by students with national minority backgrounds.⁶⁷ The books reviewed in sociology and history are too brief, so that they are unable to provide space for greater detail or problem discussion of e.g. the situation of the Sami in Sweden. The review also indicates that the books provide a slanted view of current conditions. For example, Jews are mentioned on several occasions in the textbooks, but only in connection with persecution and mass murder. Jewish contributions

66 National Agency for Education (2005) De nationella minoriteternas utbildningssituation (The national minorities' education situation), Rapport 2005:272.

67 National Agency for Education (2006) I enlighet med skolans värdegrund? En granskning av hur etnisk tillhörighet, funktionshinder, kön, religion och sexuell läggning framställs i ett urval av läromedel (In accordance with fundamental school values? An examination of how ethnic origin, disability, gender, religion and sexual orientation are presented in a selection of teaching aids) p. 45.

to culture and science are rarely mentioned. The situation, culture or language of the Roma, Swedish Finns or Tornedalers are not discussed at all.⁶⁸ Researcher Harald Runholm, who conducted the textbook review on behalf of the National Agency for Education, stresses that compulsory school books “do not live up to the requirements set in the compulsory school curriculum for social studies”.⁶⁹

It is the DO’s view that education about and with national minorities about their culture and language can contribute to strengthening these minorities’ language and position. Knowledge that is conveyed in teaching aids and educational contexts can be said to reflect what is considered suitable knowledge to teach to children. It cannot be emphasized enough that teaching aids must present a nuanced illustration of the minorities’ history and situation in Sweden. Such education can contribute to strengthening the position of the national minorities and thereby contribute to combating and preventing discrimination of these minorities both in educational contexts and in the rest of society.

In the preparatory work for the Act (2006:67) prohibiting discrimination and other degrading treatment of children and school students, it is confirmed that it is of major significance that

“...the textbooks and other teaching aids that are produced for instruction are not dated and do not spread prejudice and antiquated notions and hereby conflict with fundamental and democratic values and the UN conventions on human rights.”⁷⁰

Using literature in educational contexts that contains gross generalisations or provides a negative description of the situation of national minorities in Sweden cannot be seen as promoting the equal opportunities of students. There is a risk that schools convey and contribute to creating simplified and stereotypical notions of national minorities given the state of the teaching aids today. Such literature is also at risk of resulting in children belonging to national minorities feeling degraded and consequently not being able or

68 National Agency for Education (2006) I enlighet med skolans värdegrund? En granskning av hur etnisk tillhörighet, funktionshinder, kön, religion och sexuell läggning framställs i ett urval av läromedel (In accordance with fundamental school values? An examination of how ethnic origin, disability, gender, religion and sexual orientation are presented in a selection of teaching aids) p. 22 f.

69 National Agency for Education (2006) I enlighet med skolans värdegrund? En granskning av hur etnisk tillhörighet, funktionshinder, kön, religion och sexuell läggning framställs i ett urval av läromedel (In accordance with fundamental school values? An examination of how ethnic origin, disability, gender, religion and sexual orientation are presented in a selection of teaching aids) p. 23.

70 Prop. 2005/06:38 (2006) Security, respect and responsibility – the prohibition of discrimination and other degrading treatment of children and school students p. 68, which describes the bases of the Act (2006:67) Prohibiting Discrimination and Other Degrading Treatment of Children and School Students.

wanting to acquire the content of instruction, which can affect children's school results.

The use of textbooks with degrading content can lead to harassment in a legal sense and result in an obligation to pay damages. This is entirely dependent on how the instructing teacher handles the material in relation to the students.⁷¹ A school that uses literature that can be perceived as degrading in relation to national minorities should therefore replace such literature as a part of the work to promote equal rights and prevent discrimination and harassment. If the school becomes aware that a student has felt harassed due to literature used in school education, the school has an obligation to investigate the circumstances and, where appropriate, undertake the measures that can reasonably be required to prevent continued harassment.

Harassment

In the DO's dialogue with national minorities, it becomes apparent that Jewish, Sami, Swedish-Finnish, Tornedalian and Roma children have experienced harassment associated with their ethnic background. They have been subjected to this by both other students and by teachers. Harassment is a term that refers to degrading behaviour that is associated with one of the discriminatory grounds of gender, ethnic origin, religion or other beliefs, sexual orientation or disability.⁷² This expresses itself through verbal abuse such as "Lapp bastard", "Gypsy kid", "Jew kid" and "Finn bastard" and other degrading verbal abuse. One example of how harassment can be expressed in classrooms involved two girls who wrote "Jew" on a boy's neck with a red pen.⁷³

Another example is a Sami woman who told how her son was assaulted at school by three other boys who shouted "Lapp bastard" and "kill the Lapp bastard". The assault was so serious that he had to be taken to hospital. The mother has indicated that the head teacher made light of the event and that

71 Compare HomO's factsheet *Kränkande kurslitteratur i högskolans undervisning* (Offensive course literature in university education). See also Prop 2007/08:95 (2008) *A stronger protection against discrimination* p. 196 which states: "material with partially dated contents being used cannot normally be considered discriminatory, but it can generally be desirable that the education provider tries to avoid such material, the use of which can be perceived to involve harassment or other discrimination."

72 The Act (2006:67) *Prohibiting Discrimination and Other Degrading Treatment of Children and School Students*, Section 2, and Prop. 2005/06:38 (2006) *Security, respect and responsibility – the prohibition of discrimination and other degrading treatment of children and school students* p. 81.

73 DO, Case no. 1293-2006.

she feels that the school did not take action to prevent similar events in the future.⁷⁴

In an assessment of the report of ethnic discrimination against the Municipality of Vetlanda, the DO found that the municipality or the school did not undertake sufficient measures to address the ethnic harassment to which two Roma children were subjected. The parents spoke with the head teacher multiple times about the children being subjected to racial slurs in school. The children were both physically and verbally harassed and discriminated without the school taking action. Furthermore, the youngest child was subjected to ethnic discrimination by having been disadvantaged by the school's personnel in connection with development discussions. The child had development discussions with teachers without the guardian being present.⁷⁵

Another experience that comes forth in the DO's dialogue is that Roma parents do not always inform the school that their children are Roma and speak a variant of Romani Chib. They have instead indicated that they come from Poland, for example, and request native language training in Polish. The reason that Roma parents do not always indicate their Roma identity is experience of discrimination and the racist attitudes that the Roma often meet.⁷⁶ In a study commissioned by the DO, 40% indicated that they were not open about their Roma identity in school.⁷⁷ By Roma parents hiding their child's Roma identity, the parents protect them from anticipated ethnic discrimination. This is a clear example of what Hyltenstam means when he describes how the majority's negative view accordingly "spills over" onto the minority's possibilities of developing and preserving its own language and culture.⁷⁸

It has also come to light that Jewish parents in discussions with the school have been told that their children should not wear the star of David, because it may create problems of ethnic discrimination for the children in school. Another experience is that Jewish, Sami, Swedish-Finnish, Tornedalian and Roma children have been told by teachers and other

74 See DO (2008) Discrimination of the Sami – the rights of the Sami from a discrimination perspective p. 24.

75 DO, Case no. 1109-2007.

76 DO (2003) Discrimination of Romanies in Sweden – a report on the DO project in the years 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies.

77 DO (2003) Discrimination of Romanies in Sweden – a report on the DO project in the years 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies.

78 Hyltenstam, Kenneth (1999) "Inledning: Ideologi, politik och minoritetsspråk" (Introduction: Ideology, politics and minority languages) in Hyltenstam, Kenneth (ed) Sveriges sju inhemska språk – Ett minoritetsspråksperspektiv p. 11 ff.

school personnel to not speak their minority language in e.g. the school cafeteria and on breaks. This conflicts with the objective of the minority conventions that provide extended rights to use national minority languages in public contexts.

Native language teaching

Jews, Sami, Swedish Finns, Tornedalers and Roma experience that municipalities do not observe their right to native language teaching as it is expressed in the minority conventions. The national minorities also experience that some municipalities even openly work against possibilities of native language teaching. It is clear that in many cases a child's possibility of native language teaching is reliant on parents' involvement and knowledge about their rights as a national minority.

Many parents have experience of having to arrange native language teachers in the national minority language themselves. When parents have ultimately gotten a hold of a teacher, municipalities have claimed that the teacher suggested by the parents does not meet the requirements of the Compulsory School Ordinance of being a "suitable teacher". Another experience is that municipalities do not offer native language teaching due to a lack of suitable teachers, although the municipality did not actively seek a teacher by e.g. advertising for such a position.⁷⁹

The national minorities have also experienced deficiencies in the native language education. They experience that it is often arranged on an exceptional basis. The solutions are often short-term and unstructured. The DO has received one report against a school regarding native language teaching in South Sami that illustrates the conditions that national minorities pointed out in the DO's dialogue with these minorities. Instruction takes place at a different school than the children normally attend and since the municipality does not provide school transport for this, the parents have to drive the children to that school themselves. Sometimes the teacher and the students are locked out of the classrooms and since the native language teacher has not been allowed keys to the school, lessons have to take place in the corridors instead. Textbooks were in some cases missing and in others delayed. The 40-minute lessons take place after regular school hours on Friday afternoons and other teachers have several times speeded up the lessons to be able to lock the school and

⁷⁹ See e.g. DO, Case no. 1109-2007.

go home for the day. When parents have tried to call the head teachers attention to the situation they have not gotten a response.⁸⁰

The right to native language teaching is established in the Framework Convention and, as previously stated, the language charter is guaranteed in Sweden through the Compulsory School Ordinance. The Swedish rules surrounding native language education are formulated as an obligation to arrange teaching and not as a right for national minorities. A problem with the formulation of the Swedish rules is that the national minorities' possibilities of demanding their rights are very limited. There is also no sanction possibility associated directly with the Compulsory School Ordinance if a municipality does not offer teaching in accordance with the ordinance.

Another problem is that the Compulsory School Ordinance ties the obligation to arrange native language teaching to certain conditions: in part that students have "basic knowledge" in their native language, in part that there be a "suitable teacher". These requirements are problematic based on several of the national minority languages only having a few speakers and that the minority protection in international law aims to preserve, develop and strengthen the national minority languages, even those that are on the verge of dying out. In addition, the requirement of a suitable teacher has been interpreted by municipalities as a requirement for a certified teacher, which is naturally difficult or impossible to find when there are few speakers of a language and when there is no university education in a language. In this context, it is also naturally important to remember that the current situation for the national minority languages and their speakers is rooted in historical assimilation ambitions and discrimination.⁸¹

The Council of Europe's Advisory Committee and the Council of Europe's Committee of Ministers have directed criticism at Sweden with regard to education in the national minority languages, both in terms of access to and the quality of such education. According to the DO, the Swedish rules concerning native language education and the application of them are a structural problem that impedes and obstructs students belonging to the national minorities from gaining access to the rights they are granted under international law. Based on this, it can be called into question whether Sweden lives up to its international obligations with regard to the national minorities' linguistic rights.

In the DO's work, it has also come forth that municipalities also do not always arrange native language teaching in the minority languages in

⁸⁰ DO, Case no. 81-2008.

⁸¹ See the section on the Historical background p. 18.

accordance with the Compulsory School Ordinance. Not offering students belonging to the national minorities the native language teaching that a municipality is obliged to offer could, under certain circumstances, be discrimination and lead to an obligation to pay damages under the discrimination legislation.

Bilingual education

Research indicates that language is an important tool for the child's possibilities of learning and instruction in the native language affects the child's possibilities of acquiring the majority language. It has been confirmed that children and students who are given the possibility to develop their mother tongue can more easily develop their cognitive ability and learn other languages.⁸²

Bilingual teaching in national minority languages exists in the Sami school, the Swedish-Finnish schools, the Jewish school, the Romani culture class and other remaining bilingual classes under municipal direction. In the DO's dialogue with the national minorities, greater support from society is sought to strengthen the possibilities of gaining access to such teaching. It is apparent that there are poor conditions for gaining access to bilingual teaching. The municipalities lack incentive to arrange bilingual teaching. Moreover, efforts are sought for skills development of teachers, as well as to increase the possibilities of teacher training for bilingual teaching.

Access to teachers and teaching aids

In the DO's dialogue with national minorities, it is clear that access to teachers for the national minority languages is a problem that to some extent differs between these groups. This is particularly problematic, because the lack of teachers means that municipalities need not offer education in the native language, pursuant to Chapter 2 Sections 9-14 of the Compulsory School Ordinance. At the same time, as previously stated, there are experiences of municipalities not trying to investigate if there are suitable teachers available by, for example, advertising for the position of native language teacher.⁸³

The National Agency for Education provides statistics in a report over how many native language teachers there were in 2005. It is clear that the number of native language teachers does not correspond to the number of

82 SOU 2006:19 (2006) Reclaiming my language – Measures to strengthen the Sami language, p. 323.

83 See e.g. DO, Case no. 1109-2007.

students who are entitled to education in national minority languages. For example, the number of teachers in Romani Chib is given as only fifteen. This figure can be compared with the reported number of students entitled to education in Romani Chib in the variants of Kalé and Lovari/Kelderash, which was 1,208.⁸⁴

In the DO's dialogue with national minority groups, the view of native language teaching was discussed and associated with how attractive it is to be a native language teacher. It is viewed as work of a low status and a partially marginalised role relative to other teachers in compulsory schools. Furthermore, there is a lack of teaching aids on and in the national minority languages, which is why it is not uncommon that teachers must create their own teaching materials.⁸⁵ Many native language teachers also have insecure terms of employment. From the Romani minority group, the issue of the requirement of being a certified teacher also has a particular set of problems that require special solutions. Few Roma have graduated from upper-secondary school, consequently, few Roma have formal qualification to work as native language teachers. The problem situation also includes the fact that there is no university programme in Romani Chib.

As stated, the situation for Jewish, Roma, Sami, Swedish-Finnish and Tornedalian children's possibilities of acquiring their minority language is dependent on a number of structural problems that affect children's possibilities of developing and preserving the language and thereby their possibilities of asserting the rights stated in the convention for the language to be a natural part of the society. This has also been noted by the Council of Europe, which has directed sharp criticism at how Sweden lives up to the conventions.

84 National Agency for Education (2005) *De nationella minoriteternas utbildningssituation* (The national minorities' education situation) 272:2005, p. 49–50.

85 SOU 2006:19 (2006) *Reclaiming my language – Measures to strengthen the Sami language*, p. 336 f.

Summary and proposed measures

The objective of this report is to contribute knowledge about the situation of national minorities in the education system today by illustrating their experiences of discrimination in the education system and propose measures to prevent and combat discrimination. The idea is that the report shall serve as a basis for the future, continued work of the Ombudsman against Ethnic Discrimination and other actors to prevent and combat discrimination.

The general description of the assimilation and education policy pursued in Sweden illustrates how the code of rules and norms limited and obstructed minorities from enjoying their rights in various ways. The majority society has in various ways systematically subordinated and created an education policy that stigmatises national minorities. Language prohibitions and segregated forms of school have directly impacted the schooling of national minorities. The racial biology of the 20th century and other racist structures have in various ways influenced the majority society's perceptions of and actions toward minorities. The obvious violations of research and authorities, such as sterilisations, took place based on racist notions of the national minorities' special characteristics and ways of life. Policy has influenced national minorities' possibilities of claiming their language and their culture. When problems were formulated and solutions proposed, the national minorities did not participate, nor did they have influence in issues concerning them. A consequence of this is that many Jews, Sami, Swedish Finns, Tornedalers and Roma have lost their language and never had the opportunity to learn Yiddish, Sami, Finnish, Meänkieli or Romani Chib. As stated in the report, many of these languages are in a language replacement process.

In the DO's dialogue with national minorities, it is clear that the pursued policy has affected these minorities' self-image and many have experience of not participating in society. Although Sweden ratified the Council of Europe's minority conventions and thereby committed to promote the rights of national minorities, this report shows that discriminatory structures still exist, which affect national minorities' possibilities of asserting their rights.

National minorities' experience of discrimination indicates that additional measures are required for Sweden to live up to the international commitments. This is also confirmed by the Council of Europe, which has criticized how Sweden complies with the conventions. The DO believes that this criticism must be taken seriously and result in concrete measures and better implementation of the minority conventions. The following section presents a number of proposals that aim to improve the education

situation for national minorities. Some of the proposals are not directly linked to the education situation, but affect national minorities' possibilities of asserting their rights. Among these are the proposals presented under the three following headings: recognition, knowledge and participation.

Recognition

By ratifying the Council of Europe's minority conventions, Sweden has assumed specific obligations towards national minorities. As a ratifying state, Sweden is obliged to work so that the rights established in the conventions are granted to the minorities.

In the bill National minorities in Sweden, the Government states the measures necessary for Sweden to be able to ratify the conventions, and the proposals were to be seen as an initial step towards a coordinated minority policy.⁸⁶ The DO believes that a next step is needed for Sweden to live up to the intentions of the minority conventions.

The DO also believes that Sweden should have a higher level of ambition in these matters. The Council of Europe has particularly noted that the administrative districts should be expanded and that laws are lacking outside the administrative districts that regulate national minorities' linguistic rights. Furthermore, the Council of Europe is of the opinion that a body should be established that monitors and follows up on how Sweden lives up to the minority conventions. Therefore, the DO proposes:

- that the Government take the initiative to measures that mean that the level of ambition for minority policy is significantly raised and that Sweden ensure the rights and freedoms of persons belonging to national minorities.
- that the Government give the Working Committee on Constitutional Reform a supplemental directive with the aim of investigating how the national minorities and the special rights can be given stronger constitutional protection.
- that the Government take the initiative to an act on national minorities and minority languages with the aim of ensuring human rights of persons belonging to national minorities in accordance with the minority conventions.
- that the Government take the initiative to a supervisory authority charged with monitoring Sweden's compliance with the minority

⁸⁶ Prop. 1998/99:143 (1999) National minorities in Sweden, p. 30.

conventions and other international documents concerning national minorities. This charge should also include working for greater knowledge about the rights of national minorities. This is because more knowledge is needed about the situation and rights of national minorities, as are clearer governance and monitoring of the implementation of national minority rights.

Knowledge

The DO can confirm that the lack of research and statistics is a problem when evaluating compliance to rules that will ensure rights and freedoms of persons belonging to national minorities and monitoring changes that occur over time. Therefore, the DO proposes:

- that the Government allocate funds for research on the situation of Jews, Sami, Swedish Finns, Tornedalers and Roma and in particular the existence of discrimination in various public bodies to increase the knowledge of the situation of national minorities in Sweden.

Participation

The DO considers it to be important that national minorities' possibilities of real participation and influence in society be ensured. Authorities, particularly national and municipal, play an important role and have great responsibility for Sweden fulfilling its commitments regarding human rights. Today, municipalities are responsible for a large part of the social services that directly affect individual citizens, and a number of these are of great importance to the realisation of national minorities' human rights.

In light of the problems identified in the DO's work with the rights and freedoms of persons belonging to national minorities, the DO proposes:

- that the Government and concerned authorities, in a dialogue with national minorities, ensure the participation and real influence of Jews, Sami, Swedish Finns, Tornedalers and Roma in matters that concern them in accordance with that prescribed by the minority conventions.
- that the Government review the possibilities for both financial and methodological support for national minorities' own activity and work against discrimination and for human rights.
- that the Government, in cooperation with national minorities, focus information and educational efforts on county administrative boards and municipalities regarding the situation and human rights of Jews, Sami, Swedish Finns, Tornedalers and Roma.

School and preschool

Discriminatory structures in schools affect the school results of children and thereby impact their possibilities of further studies, which in turn affect their opportunities to make their way out into working life.

The task of the school includes offering an equal education, based on the different needs and conditions of each girl and boy. It is a serious matter when there are structural obstacles in the education system that conflict with national minority rights. It is clear that measures are required in preschools and schools to address this. How resources are distributed, as well as an absence of efforts, can be expressions of structural discrimination.

It is apparent that the extended rights that Swedish-Finnish, Tornedalian and Sami children have in preschool, which are valid in the administrative districts, are not always provided to these children. Moreover, many Swedish Finns, Tornedalers and Sami live outside the administrative districts, meaning that many children are not covered by the language rights that apply in these areas. Furthermore, Romani Chib and Yiddish are not covered by these rights as they are considered to be non-territorial languages. The DO can confirm that the national minority languages of Yiddish and Romani Chib have not at all received the national involvement that the languages deserve and are in need of. Therefore, the DO proposes:

- that the Government take the initiative to measures to implement the proposals presented in the inquiries *The Right to My Language – Strengthened Minority Protection* (SOU 2005:40) and *Reclaiming My Language – Measures to strengthen the Sami language* (SOU 2006:19).
- that the Government take the initiative to measures for tying language rights to important public functions to a greater extent.⁸⁷
- that the Government take the initiative to measures aimed at breaking the language replacement process for Romani Chib and Yiddish.

Jewish, Sami, Swedish-Finnish, Tornedalian and Roma children and students have experiences of schools not contributing to strengthening their identity. Furthermore, they have experience of being subjected to ethnic harassment and discrimination. Therefore, the DO proposes:

- that the Government charge the National Agency for Education to conduct special work to combat and prevent discrimination in the education system in dialogue with national minorities.

⁸⁷ Also see the DO's official report comments, Ref. no. 375-2008.

- that schools, as a part of their planning work to promote children's and students' equal rights and prevent discrimination and harassment, inventory course literature and examine how the education for and about national minorities takes place.

The language replacement process for the national minority languages must be broken. Prompt action is required for the languages to be preserved and developed. It cannot be ruled out that schools' and municipalities' handling of native language education and the unequal position of native language teachers relative to other teachers in schools are reflected in the children's perception of their mother tongue and their culture. Native language teaching is one of several important measures in the promotion of the national minority languages. The lack of teachers in these languages is a major structural problem that must be solved to ensure the survival and development of the languages. Another obstacle is the knowledge that schools convey about national minorities and their rights. Therefore, the DO proposes:

- that the National Agency for Higher Education investigate how it can be ensured that teachers receive knowledge about the languages, cultures and human rights of national minorities in the scope of the teacher training programme.
- that the Government charge the National Agency for Higher Education with stimulating access to more teachers in the national minority languages by e.g. reviewing the admission criteria for teacher training programmes.
- that the Government take the initiative to measures to guarantee education in and on the national minority languages by promoting the education of teachers in these languages.
- that the Government charge the National Agency for Education to work out criteria together with the national minorities for the development of teaching aids in and on the national minority languages.
- that the Government charge the Inspectorate of Schools to ensure in a dialogue with national minorities that schools reflect national minority languages and cultures in their activities.
- that the Government charge the Inspectorate of Schools to inspect compliance to the extended rights of national minorities as a part of its regular activities.

From the Compulsory School Ordinance it is clear that there are no sanction possibilities directly linked to the Compulsory School Ordinance, which impedes the possibilities of national minorities from demanding their language rights. Therefore, the DO proposes:

- that the rules surrounding native language education be changed so that the right to education in the national minority languages can effectively be demanded and that powerful sanctions be tied to the failure of municipalities from offering native language education.

From the Compulsory School Ordinance, it is apparent that a municipality is obliged to arrange native language teaching in national minority languages only if there is a suitable teacher. In light of the problems described in the report, the DO proposes:

- that the Compulsory School Ordinance's requirement on a "suitable teacher" be repealed in accordance with the proposal found in Reclaiming my language – Measures to strengthen the Sami language (SOU 2006:19) and that an obligation for the municipalities to arrange native language teaching be prescribed. If a teacher is not available, the student shall be offered distance education until a teacher has been found.

Several of the minority languages have few adult language bearers that can carry the languages further due to the pursued assimilation and education policy. Consequently, the DO believes that the Compulsory School Ordinance's requirement that the student shall have basic knowledge in the national minority languages to receive native language teaching shall be repealed, and that a rule shall be introduced that makes it possible for students to learn the languages. Therefore, the DO proposes:

- that the Compulsory School Ordinance's requirement of "basic knowledge" be repealed in accordance with the proposal in The Right to my language – Strengthened minority protection (SOU 2005:40). This is so that Jewish, Romani, Sami, Swedish-Finnish and Tornedalian children and school students shall be given the possibility of learning their minority language in the scope of school activities.

To address the situation where many children and parents from the national minorities are not aware of their linguistic rights, the DO proposes:

- that municipalities be charged with providing information in conjunction with registration for preschool or when a student is registered in compulsory school about the right to their native language and ask which children and students desire native language teaching.

To break the language replacement process, measures are needed that ensure bilingual education for national minorities. An experience from the DO's work is that few municipalities arrange such education. One reason

may be that there is a lack of both incentive and resources for municipalities to provide bilingual teaching. Therefore, the DO proposes:

- that the Government undertake measures that aim to ensure national minorities' possibilities of choosing bilingual teaching.

Work of the DO

With equal opportunities and rights as the overriding objective and with the basic idea that national minorities are themselves the key to positive change processes, the DO's work aims for these minorities to develop their own capacity for counselling and active anti-discrimination work in the long term. To achieve this objective, it is important that the DO, and the future Ombudsman against Discrimination, continues to work based on the strategy of mutual knowledge development. In this work, it is important that the following be observed. Through the dialogue, a legitimacy and far-sightedness is created in the work. The DO proposes:

- that the future Ombudsman against Discrimination utilise national minorities' experiences of discrimination through continued dialogue with representatives for national minorities.

It is important that national minorities themselves, and as many actors as possible, work to prevent and combat discrimination. To strengthen national minorities' possibilities of empowerment, the DO proposes:

- that the future Ombudsman against Discrimination contribute to a development that increases national minorities' knowledge of human rights and work against discrimination by training instructors, among other efforts.
- that the future Ombudsman against Discrimination compile and develop a handbook in the work for human rights that can be used by national minorities for continued independent work.

There is a lack of knowledge and a collective view of national minorities' living conditions. Through research-oriented efforts, a more comprehensive view of how national minorities perceive discrimination and racism can be achieved. Therefore, the DO proposes:

- that the future Ombudsman against Discrimination particularly shed light on whether men and women from the national minorities have different experiences of discrimination.
- that the future Ombudsman against Discrimination contribute to a social change by driving legal developments in the area of national minorities forward.

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