

Language Rights in Education in Sweden (2005)

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1. Background

1.1. The importance of language in nation building

Sweden, as most nations in Europe, has since its creation had peoples speaking different languages. The indigenous Samis have been living in the territories of what is Sweden today before the nation state of Sweden was a fact. What is Finland today was before 1809 part of Sweden for many hundred years and Finnish has been spoken in Sweden for a very long time. There existed a Finnish congregation in Stockholm already in 1533 and Romani, as well as Finnish, has been spoken in Sweden since the 16th century.¹

Through time borders have altered and in the wake of war and territorial adjustments the education system has been used as a means to build the nation. One early example is when the southern counties of what is Sweden today, for example Scania, through the peace of Roskilde in 1658 were incorporated with Sweden. It became important for Sweden to make the newly acquired territories Swedish. Two of the most effective measures were to establish a Swedish university in Lund in Scania so the students did not have to go to Copenhagen in Denmark to study, and the arrangement of education in Swedish. Thousands of Swedish schoolbooks and psalm books were printed and the parish clerks and organists were ordered to teach the children to read and write in Swedish.²

Finnish and Sami were used in elementary school in the north of Sweden until the end of the 19th century. Over the last hundred years the nationalistic approach has led to denial of cultural and linguistic pluralism. Linguistic assimilation of both Samis in northern Sweden and Finnish speakers in Tornedalen (north-eastern part of Sweden on the border to Finland) was an important political goal in Sweden. Through immigration in the 1950's and onwards a large number of languages came to be spoken in Sweden. In the end of the 1960's and in the beginning of the 1970's alternative ideologies of pluralism grew stronger and Swedish politics changed course. Home-language instruction was introduced for immigrants as well as interpretation services and support to cultural activities in other languages than Swedish. In the area of education it meant language support to students with another mother tongue than Swedish. These decisions were taken with the immigrants in mind but were also beneficial for the traditional minorities in Sweden.³

1.2. The formal recognition of languages

Swedish is by far the most spoken language in Sweden. However, there is no law in Sweden stating that Swedish is the official language of the country.⁴

In 1999 the Swedish Parliament recognised five national minorities: the Sami, the Swedish Finns, the Tornedalers, the Roma and the Jews and their languages. By ratifying the European Charter for

¹ Kenneth Hyltenstam (ed.) (1999), 'Sveriges sju inhemska språk: ett minoritetsspråkperspektiv', *Studentlitteratur*, pp. 21-23.

² Gunnar Richardson (1999), 'Svensk utbildningshistoria, Skola och samhälle förr och nu', *Studentlitteratur*, pp. 12-13 and 55.

³ Kenneth Hyltenstam (ed.) (1999), 'Sveriges sju inhemska språk', *Studentlitteratur*, pp. 11-13.

⁴ In a recent Official Report it has been suggested that there should be a new language law and that Swedish should be the official language in Sweden, Government Official Report Series, SOU 2002:27, p. 465. A government bill on the Swedish language is to be presented 29 September 2005. As of the day of writing it is not known what will be proposed in the bill. Government Official Reports (SOU) can be found at www.regeringen.se

Regional or Minority Languages⁵ and the Framework Convention for the Protection of National Minorities⁶ Sweden has undertaken a national commitment to protect the national minorities and to support the cultures and languages of these minorities.

The Sami language consists of several varieties and in Sweden three varieties are spoken, North Sami, Lule Sami and South Sami. Upon ratification of the Language Charter the three varieties were ratified as one minority language. The Sami population amounts to approximately 15 000 – 20 000 people and there are about 9 000 speakers of Sami in Sweden. Sami is spoken mainly in the northern parts. The Swedish Finnish population amounts to approximately 450 000 people and it has been estimated that half of the population use the Finnish language to some degree. Finnish is spoken all over Sweden with some concentrations in the most northern part of Sweden and in the region around Lake Mälaren in central Sweden. Meänkieli or Tornedal Finnish is spoken by people in the region of Tornedalen and a figure mentioned is that roughly 40 000 have some knowledge of Meänkieli. As in the case of the Sami, the different varieties of Romani spoken in Sweden are ratified as one minority language. The number of Roma living in Sweden is approximately 40 000 – 50 000 people. How many persons that have a command of any variety of Romani is uncertain. The Jewish community in Sweden amounts to 20 000 – 25 000 people and it is estimated that about 3 000 of these have command of Yiddish.⁷

2. Language rights in education – legal principles

In the Education Act it is stated that all children and young persons shall irrespective of gender, geographic residence and social and financial circumstances have equal access to education in the national school system. The education shall be of equal standard within each type of school, wherever in the country it is provided.⁸ Language is not mentioned in the article and the law is not the same as regards all languages when it comes to education.

Pre-school is governed by the curriculum for the pre-school⁹, an ordinance with binding provisions issued by the Government. The curriculum sets out a number of goals. One of the goals is that the pre-school should strive to ensure that children with a mother tongue other than Swedish develop their cultural identity and their capacity to communicate in Swedish as well as in their mother tongue. Sami, Finnish and Meänkieli and their use in pre-school is regulated separately as a result of the ratification of the Language Charter. In April 2000 Swedish law entered into force ensuring right to use Sami, Finnish and Meänkieli in administrative authorities and courts of law in some parts of Sweden (in so called administrative areas). The law also requires municipalities in these administrative areas to offer parents or guardians of a child the option of placing their children in pre-schools where parts or all of the activities are conducted in Sami, Finnish or Meänkieli.¹⁰

Children and young people whose first language is not Swedish are entitled to first language/mother tongue instruction in *compulsory and upper secondary school* under certain conditions. In addition to mother tongue instruction, if necessary, students may also receive help in their mother tongue for other subjects. Participation is not compulsory but municipalities are basically required to provide mother tongue instruction. However, certain restrictions apply depending on the language in question and the

⁵ European Charter for Regional or Minority Languages, ETS No. 148, ratified by Sweden 9 February 2000, entered into force in Sweden 1 June 2000. Hereinafter Language Charter.

⁶ Framework Convention for the Protection of National Minorities, ETS No. 157, ratified by Sweden 9 February 2000 and entered into force in Sweden 1 June 2000. Hereinafter Framework Convention.

⁷ Second Periodical Report of Sweden under the European Charter for Regional and Minority Languages, MIN-LANG/PR (2004) 2, 30 June 2004, pp. 3-5.

⁸ Education Act (SFS 1985:1100), § 2. Laws can be found at www.riksdagen.se

⁹ Ordinance on the curriculum for the pre-school (Lpfö 98), (SKOLFS 1998:16), entered into force 1 August 1998, published in the Code of Statutes (SKOLFS) of the National Agency for Education, www.skolverket.se

¹⁰ The Act on the Use of Sami in Administrative Authorities and Courts of Law (SFS 1999:1175) and The Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS 1999:1176).

status of the minority group. The rights of the recognized national minorities are more comprehensive than the rights of other groups.

For pupils who have another language than Swedish as their language of ordinary intercourse (colloquial language) with one or both of their parents or guardians, the municipality may organise parts of the education in first to sixth grade in the colloquial language (bilingual education). For pupils with Finnish as their colloquial language such education may be organised also in seventh to ninth grade. At least half of the instruction must be in Swedish and the education shall be planned so that the instruction in Swedish gradually increases.¹¹

In 2003 the Government decided to create a four-year pilot scheme with education on mother tongue (bilingual education) for pupils in the compulsory school.¹² The pilot scheme means enlarged possibilities to teach on the mother tongue in grades seven to nine for students with other languages than Finnish as their colloquial language.

Pupils in compulsory school have a right to mother tongue instruction (i.e. instruction of the language as a separate subject) if at least one parent or guardian have a different mother tongue than Swedish and this language is the colloquial language of the pupil. A precondition is that the pupil has basic knowledge of the language. A Sami, Tornedal or Roma pupil have the right to mother tongue instruction even if the language is not the colloquial language of the pupil. Same rules apply to adopted children with a different mother tongue than Swedish.¹³ The municipality does not have to arrange mother tongue instruction for more than seven years. This seven year limitation does not apply to mother tongue instruction for Sami, Finnish, Roma or Tornedal pupils.¹⁴ However, a municipality has to organise mother tongue instruction in a language only if there is a suitable teacher and if at least five pupils wish to have instruction in the language. This last restriction does not apply to Sami, Tornedal or Roma pupils. For Sami, Tornedal or Roma pupils, the municipalities have to organise mother tongue instruction even if the number of pupils is less than five.¹⁵ Corresponding regulations on mother tongue instruction apply to pupils in upper secondary school.¹⁶

Independent schools are bound by the same regulations as public schools as regards bilingual education and mother tongue instruction, i.e. the regulations for compulsory school apply to compulsory schools whether they are public or independent and the regulations for upper secondary school apply to both public and independent upper secondary schools.¹⁷

In addition to the rights on bilingual education and mother tongue instruction above, there are Sami schools. Sami schools carry out instruction from first to sixth grade. There are at present six Sami schools. The curriculum for the compulsory school applies also to the Sami school but for the Sami school a curriculum is added for the subject Sami. Instruction shall be given in Swedish and Sami and the subject Sami shall be taught in all grades. After sixth grade pupils of the Sami school enter the ordinary compulsory school where they can continue to learn Sami as their mother tongue.¹⁸

Basically the same regulations apply regarding language in compulsory and upper secondary education for asylum seeking children as to children who are resident in Sweden. If an application for residence permit has been denied, expired or has been recalled, the person will be expelled. The right

¹¹ Grundskoleförordningen (Ordinance on Compulsory Education), (SFS 1994:1194), ch 2 § 7.

¹² Förordning om försöksverksamhet med tvåspråkig undervisning i grundskolan (Ordinance on a pilot scheme with education on mother tongue for pupils in compulsory school), (SFS 2003:306).

¹³ Grundskoleförordningen, ch 2 § 9.

¹⁴ Grundskoleförordningen, ch 2 § 11.

¹⁵ Grundskoleförordningen, ch 2 § 13.

¹⁶ Gymnasieförordningen (Ordinance on Upper Secondary School) (SFS 1992:394), ch 5, 7, 10 and 12 §§.

¹⁷ Förordning om fristående skolor (Ordinance on Independent Schools) (SFS 1996:1206), ch 1 a § 5.

¹⁸ Sameskolförordningen (Ordinance on the Sami School) (SFS 1995:205), 3 ch, 2 §. Second Periodical Report of Sweden under the European Charter for Regional and Minority Languages, p 20.

to education applies until the expulsion order has been enforced. However, a person who is hiding so that the decision on expulsion cannot be enforced does not have the right to education.¹⁹

If a pupil needs it, i.e. does not know enough Swedish to manage in school, the pupil has the right to get help in their mother tongue, for example the instruction explained to them in their mother tongue²⁰

3. What about implementation?

There are more than 120 mother tongues in the Swedish school. The biggest are Arabic, Bosnian/Croatian/Serbian, Spanish and Finnish.²¹ Instruction in mother tongue is organised differently in the municipalities. In general, instruction in mother tongue and help in mother tongue have decreased over the last decades. There is no earmarked funding for the teaching of minority languages, in contrast to the period from the 1970's until the 1990's when there was in fact a special budget for this.

Most of the help in mother tongue and mother tongue instruction is given by ambulating teachers who are working at several pre-schools and schools. There are very few bilingual classes or groups and few groups who receive instruction on the mother tongue. Mother tongue instruction is often given in the late afternoons after the regular school hours for one or two hours per week.²²

In the beginning of the 1990's support was given to about 60 % of children in pre-school with a different mother tongue than Swedish. For the last few years the share has been about 14 %.²³

In compulsory school the number of students entitled to mother tongue instruction (including help in mother tongue) was stable during the 1990's at about 12 % of all students. In 2004/05 it had gone up to 14 %. In 1990/91 65 % of all students entitled to mother tongue instruction in compulsory school took part. In 2000/01 the number had gone down to 52 %. Since then the negative trend has turned and in 2004/05 the number had gone up to 55 %.²⁴ Several reasons have been given for the former negative trend: economic constraints in the municipalities, the subject mother tongue instruction became more narrowly defined in the law and the municipalities' obligations were restricted – at least five students were needed for the municipality to have an obligation to organise instruction in that particular language.²⁵

Only in every eighth municipality instruction in different subjects in other mother tongues than Swedish is arranged, for example mathematics in Spanish or English in Persian. Usually it is whole classes or groups of pupils with the same language who get instruction in certain subjects in their mother tongue. This is also the way education is arranged in many independent schools with a linguistic or ethnic profile or in classes for students from national minorities. Despite the rule that

¹⁹ Förordning om utbildning, förskoleverksamhet och skolbarnomsorg för asylsökande barn m.fl. (Ordinance on education, pre-school and day care for asylum seeking children etc.), (SFS 2001:976), §§ 2, 3, 6 and 9. There is an ongoing discussion on giving asylum seeking children who are in hiding from expulsion the right to education.

²⁰ Grundskoleförordningen, ch 5 § 2.

²¹ Barn, elever och personal. Riksnivå (2005), *Sveriges officiella statistik om förskoleverksamhet*, skolbarnomsorg, skola och vuxenutbildning, del 2, Report no 260, Skolverket, www.skolverket.se

²² Flera språk - fler möjligheter (2002), *utveckling av modersmålsstödet och modersmålsundervisningen*, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, pp. 41, www.skolverket.se

²³ Flera språk - fler möjligheter (2002), *utveckling av modersmålsstödet och modersmålsundervisningen*, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, pp. 29-30 and Barn, elever och personal. Riksnivå (2005), *Sveriges officiella statistik om förskoleverksamhet*, skolbarnomsorg, skola och vuxenutbildning, del 2, Report no 260, Skolverket, www.skolverket.se

²⁴ Flera språk - fler möjligheter (2002), *utveckling av modersmålsstödet och modersmålsundervisningen*, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, pp. 29-30 and Barn, elever och personal. Riksnivå (2005), *Sveriges officiella statistik om förskoleverksamhet*, skolbarnomsorg, skola och vuxenutbildning, del 2, Report no 260, Skolverket, www.skolverket.se

²⁵ Flera språk - fler möjligheter, *utveckling av modersmålsstödet och modersmålsundervisningen* 2002 Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, pp. 29-30.

municipalities are not obliged to organise mother tongue instruction for more than seven years, it is common that municipalities organise mother tongue instruction during the whole time of compulsory school (grade 1-9).²⁶ For pupils who recently came to Sweden, for example asylum seekers, many municipalities offer special preparatory classes with instruction in Swedish as a second language and extra support in the form of tutoring in the mother tongue.²⁷

The role of independent schools was limited in Sweden for a long time but since the beginning of the 1990's independent schools receive funding from the municipalities. The numbers of independent schools have been increasing since. The independent schools offer specific profiles and some of them have adopted ethnic/linguistic profiles. In independent schools about 19 % of students were entitled to mother tongue instruction during the 1990s. In 2004/05 67 % of entitled students took part in mother tongue instruction.²⁸ Many independent schools arrange instruction in specific subjects in other languages than Swedish and have a larger share bilingual teachers than municipal schools.²⁹ In 2003/04 there were 506 independent compulsory schools of which 29 had a linguistic/ethnic profile.³⁰

4. Implementation of the European charter for regional or minority languages

The Council of Europe has criticised Sweden for inadequate implementation of the commitments in the Language Charter. Individuals have not been able to satisfactorily exercise the rights of the current minority language legislation.

The Committee of Experts has encouraged the Swedish authorities to improve the teaching of and in the Romani languages and especially to develop teaching materials as well as teacher-training as there is a serious lack of teachers and teaching materials. Even though the situation has improved over the last years, there is still a need for financial and technical support.³¹

Swedish Finnish pupils' participation in education in Finnish and the teaching of Finnish has decreased dramatically. At the beginning of the 1990's over 300 bilingual classes were organised compared to a handful in the beginning of the 21st century. In the school year 2002/2003 eight independent Sweden Finnish schools conducted bilingual education.³² Regarding Finnish the Committee of Experts stated that "there appears to be little effort directed towards promoting bilingual education outside the independent sector" and that there "is a danger that this will leave a vacuum, as there is no bilingual education in the municipal school system. If it is not feasible to support independent schools providing bilingual education, then provisions need to be made for the possibility of bilingual education in the municipal school system."³³ Even though the Committee of Experts concluded that Sweden fulfilled the undertakings formally regarding Finnish, there was a lack of implementation.³⁴

As to Meänkieli the Committee of Experts concluded that Sweden only partly fulfilled the undertakings in the Language Charter: The pattern is very similar to that of all mother tongue instruction in Sweden. During the 1990's the number of pupils participating in the instruction

²⁶ Flera språk - fler möjligheter, utveckling av modersmålsstödet och modersmålsundervisningen 2002, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, pp. 31 and 36.

²⁷ Flera språk - fler möjligheter, utveckling av modersmålsstödet och modersmålsundervisningen 2002, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, p. 37.

²⁸ Barn, elever och personal. Riksnivå (2005), *Sveriges officiella statistik om förskoleverksamhet*, skolbarnomsorg, skola och vuxenutbildning, del 2, Report no 260, Skolverket, www.skolverket.se

²⁹ Flera språk - fler möjligheter, utveckling av modersmålsstödet och modersmålsundervisningen 2002, Report to the Government 15 May 2002, National Agency for Education, dnr 01-01:2751, p. 39.

³⁰ Official statistics of the National Agency for Education www.skolverket.se, last visited 20 September 2005.

³¹ *Application of the Charter in Sweden, Report of the Committee of Experts on the Charter*, ECRML (2003) 1, Strasbourg, , p. 12. Hereinafter Application of the Charter in Sweden.

³² Second Periodical Report of Sweden under the European Charter for Regional and Minority Languages, MIN-LANG/PR (2004) 2, 30 June 2004, p. 32.

³³ Application of the Charter in Sweden, p. 12.

³⁴ Application of the Charter in Sweden, pp. 31-34.

diminished drastically. There is no overall policy and the state has allocated the responsibility for the implementation to the county and the municipalities. The municipalities should have a more pro-active approach. There are often practical obstacles to receiving education in Meänkieli.³⁵

Regarding Sami the Committee of Experts found a lack of adequate teaching materials and that availability of mother tongue teaching of Sami in secondary education depends on the will of the municipality, which decides if this teaching is made available on the basis of the number of students and resources available. For Sami students living outside the territories where Sami is traditionally used there is a shortage of teachers.³⁶

Generally the Committee stated that Sweden has a structural problem in that practical implementation of the Language Charter is dependent on measures taken by regional and local authorities and that in some instances this has led to non-fulfilment of undertakings even though the legal basis has been established. There is also a need for specific measures to make teaching in or of the minority languages more available. In addition there is room for improvement as regards teacher training and production of teaching materials.³⁷

5. Developments for the future

In a recent Official Report it is suggested that a new Act on National Minorities and National Minority Languages that encompasses all of the national minorities is needed. It is further suggested that the national minorities, their languages and cultures should be specified in the Constitution as the current regulation does not fulfil Sweden's commitments in accordance with the Framework Convention. The Official Report states that active measures on a national regional and local level are needed in order to promote the preservation of the national minority languages.³⁸

The same Official Report furthermore suggests that the regulations on the right to teaching of minority languages need to be altered so that all national minorities are given the same rights. Pupils belonging to the Finnish or the Jewish minorities should also have the right to the teaching of Finnish and Yiddish, even if there is only one pupil in the municipality who wishes such education. In addition it is suggested that the National Agency for Education's supervision on the national minorities' access to teaching of minority languages should be strengthened.³⁹

6. Conclusion

Almost the same rules apply for children regardless of what mother tongue they speak when it comes to language rights in education. However, the rights of some of the recognized national minorities are more extensive than what applies in general as some restrictions as to the municipalities obligations to provide mother tongue instruction do not apply them.

It can be concluded that despite good intentions as regards mother tongue instruction there is a difference between intention and implementation. The number of children receiving some kind of mother tongue instruction is less today than it was 15 years ago. However, the negative trend has stalled and the number of students having some kind of mother tongue instruction has increased over the last couple of years.

³⁵ Application of the Charter in Sweden, pp. 47-49 and p 51.

³⁶ Application of the Charter in Sweden, pp. 16-17.

³⁷ Application of the Charter in Sweden, p. 61.

³⁸ SOU 2005:40, p. 22. The report is now circulated for consideration by concerned parties. A final Official Report is expected in the beginning of 2006. A government bill will be ready by the earliest in 2007 according to the Ministry of Justice.

³⁹ SOU 2005: 40, p. 23 and pp. 30-32.