

Marginalized and Ignored

National Minority Children's Struggle for Language Rights in Sweden 2013



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Foreword

Sweden as a nation takes great pride in respecting children's rights, but in the case of national minority children these rights are apparently being ignored. The Swedish government has been repeatedly criticized since 2003 for not respecting national minority children's language rights in pre-schools and schools. A number of government agency reports show that the educational needs of national minority children are not being met on the local level and that national minority languages are marginalized in schools. The Council of Europe has urged the Swedish government to solve these legal and structural problems in the field of education on 7 separate occasions so far.

It is of the utmost importance for the future, and in some cases even survival, of the minority languages in Sweden that minority children's opportunities to learn their minority language are significantly improved. What will it take for these children's rights to be respected in accordance with the Council of Europe minority conventions and article 30 of the United Nation's Convention on the Right of the Child?

By submitting this alternative report on Sweden's minority rights situation, the signatory NGOs wish to provide the Council of Europe with additional information on the challenges in Swedish minority rights policy. The Committee of Experts' on the spot visit on 17–19 December 2013 gives the minorities an opportunity to voice their concerns and to comment on the Swedish government's fifth report on the European Charter for Regional or Minority Languages (submitted on October 10, 2013).¹

The report focuses on the educational situation and the specific protection provided for Finnish, Meänkieli and Sami according to Part III of the European Charter for Regional or Minority Languages. Protection under Part II will be touched on briefly. Many of the problems previously described in the report "Dare to be Minority – A Report on Minority Rights in Sweden 2012", on the implementation of the Framework Convention for the Protection of National Minorities² are still valid.

1 http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/SwedenPR5_se.pdf, http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/SwedenPR5_en.pdf

2 "Våga vara minoritet – En rapport om minoritetsrättigheter i Sverige 2012", <http://www.svenskakyrkan.se/default.aspx?id=659965> – the summary can be found as an appendix to this report

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Cover photo

Children from Uppsala Suomi Koulu
Photo: Eeva Kärkkäinen

Summary

Almost 14 years after ratifying the Council of Europe minority conventions, Sweden still has great difficulties in implementing the conventions. In the educational issues, the government has virtually ignored the recommendations from the Council of Europe (so far on seven separate occasions).

Since year 2000 thousands of minority children have missed opportunities to learn and develop their minority language skills because the Swedish government and the municipalities are unable to live up to the language rights to be provided in accordance with the European Charter for Regional and Minority Languages, the Framework Convention for the Protection of National Minorities and article 30 of the United Nation's Convention on the Right of the Child. The challenges consist mainly of a weak, unclear or non-existing legal framework for the minority rights in the educational system. There are also problems with implementing existing regulations.

National minority children's language rights are continuously being violated and the children are not receiving the educational support required and needed to develop high levels of proficiency and literacy in their minority languages. The national minority languages are marginalized in the Swedish school system and the problems are mainly structural and legal.

Improvements in the implementation of the conventions have been made through the government's minority rights strategy of 2009 and the Act on National Minorities and Minority Languages. But there are a number of issues that concern the national minorities:

- It is unclear how the government is going to fulfill the obligations under Part II of the European Charter. Outside the administrative areas very little has happened.
- More needs to be done to develop the consultations with the national minorities, so that these provide effective participation for the national minorities.
- It is unclear how Yiddish is going to be maintained as a language in Sweden.
- The municipalities in the administrative areas are still struggling with fulfilling the requirements under the Minority Act. For instance, the right to pre-school in minority language cannot be used by families in all the municipalities.
- The regulations on pre-school partially in a minority language and the content of the mother tongue support in pre-school need to be clarified.
- The Swedish educational system's ability to support and promote minority children's proficiency and literacy in their minority language is the single most important societal factor (affecting language maintenance) to address.
- The number of individuals reaching higher proficiency and literacy in the minority languages is simply too low to maintain the minority languages in Sweden. Resolute actions are needed to promote the languages in accordance with Article 7.1.c of the European Charter.

- It is not sufficient that the national minorities only obtain different levels of spoken proficiency in the minority languages. The most common option available at present, a single mother tongue lesson once a week, is not enough to provide the educational support needed to reach higher levels of proficiency and literacy in the minority language.
- Mother tongue tuition is a marginalized subject and the amount of time provided varies. To receive such tuition remains a problem.
- Access to bilingual education continues to be a problem.
- Legal regulations hinder the use of stronger bilingual or immersion programs needed.
- The government's program for teacher training in national minority languages is seriously underfunded. The academic quality and structures needed will be difficult to reach.
- The lack of sanctions is affecting the implementation of the Minority Act.
- The effects of revitalization efforts need to be analyzed. Good practices and successful methods need to be disseminated. There is a dire need to develop language centers for all national minority languages.

Summary in Swedish / Sammanfattning på svenska

Nästan 14 år efter att ha ratificerat Europarådets minoritetskonventioner, har Sverige fortfarande stora svårigheter att implementera konventionerna. På utbildningsområdet har regeringen i stort sett ignorerat rekommendationerna från Europarådet (hittills vid sju separata tillfällen).

Sedan år 2000 har tusentals minoritetsbarn missat möjligheter att få lära sig och utveckla sina kunskaper i minoritetsspråk eftersom den svenska regeringen och kommunerna inte klarar av att leva upp till de språkrättigheter som anges i den europeiska stadgan om landsdels- och minoritetsspråk, ramkonventionen om skydd för nationella minoriteter och artikel 30 i FN:s konvention om barnets rättigheter. Utmaningarna består huvudsakligen av ett svagt, oklart eller icke-existerande rättsligt regelverk för att säkerställa språkrättigheter inom utbildningsväsendet. Det finns också problem med implementering av befintliga regelverk.

Nationella minoritetsbarns språkrättigheter kränks kontinuerligt och barnen kommer inte i åtnjutande av sådant stöd som krävs och som behövs för att kunna utveckla mer avancerade språkkunskaper och läs- och skrivkunnighet i sitt minoritetsspråk. De nationella minoritetsspråken är marginaliserade i det svenska skolsystemet och problemen är i första hand strukturella och rättsliga.

Förbättringar har gjorts i implementeringen av konventionerna genom regeringens minoritetspolitiska strategi från 2009 och lagen om nationella minoriteter och minoritetsspråk. Men det finns fortfarande ett antal frågor som oroar de nationella minoriteterna:

- Det är oklart hur regeringen avser att uppfylla åtagandena i del II av den europeiska stadgan. Utanför förvaltningsområdena har väldigt lite hänt.
- Mer behöver göras för att utveckla samråden med nationella minoriteter, så att dessa ger minoriteterna möjlighet till effektivt deltagande.
- Det är oklart hur jiddisch ska kunna bevaras som språk i Sverige.
- Kommunerna i förvaltningsområdena kämpar fortfarande med att uppfylla kraven i minoritetslagen. Till exempel kan inte rätten till förskola nyttjas av familjer i alla kommuner.
- Reglerna om förskola delvis på minoritetsspråk och innehållet i modersmålsstödet i förskolan behöver förtydligas.
- De viktigaste samhällsliga språkbevarande faktorn att arbeta med är det svenska skolsystemets förmåga att stödja och främja minoritetsbarnens språkkunskaper och läs- och skrivkunnighet i det egna minoritetsspråket.
- Antalet individer som når högre språkkunskaper och läs- och skrivkunskaper i minoritetsspråken är för få för att kunna bevara de nationella minoritetsspråken i Sverige. Beslutsamma insatser för att främja språken behövs i enlighet med artikel 7.1.c i den europeiska stadgan.

- Det räcker inte att de nationella minoriteterna bara lär sig tala sitt minoritetsspråk. Det vanligaste alternativet som idag står till buds är en enda undervisningstimme modersmålsundervisning i veckan. Detta är inte tillräckligt stöd i skolan för att kunna uppnå högre språkkunskaper och läs- och skrivkunnighet i minoritetsspråket.
- Modersmålsundervisning är ett marginaliserat ämne och undervisningstiden som erbjuds varierar. Att få sådan undervisning är fortfarande ett problem.
- Tillgången på tvåspråkig undervisning är fortfarande ett problem.
- Rättsregler hindrar användandet av starkare tvåspråkiga eller språkbadsmodeller som skulle behövas.
- Regeringens program för lärarutbildning i de nationella minoritetsspråken är allvarligt underfinansierat. Den akademiska kvaliteten och de strukturer som behövs kommer vara svårt att uppnå.
- Bristen på sanktioner påverkar genomförandet av minoritetslagen.
- Effekterna av revitaliseringsinsatser behöver analyseras. Goda modeller och framgångsrika metoder behöver spridas. Det finns ett stort behov att utveckla språkcentra för samtliga nationella minoritetsspråk.

1. New Legal Framework

The current minority rights policy has been implemented since January 2010. The Language Act³ of 2009 and the Act on Minorities and Minority Languages⁴ of 2009 have clarified the national minorities' right to their language in domestic law, which is a significant improvement. In spite of this, individuals have great difficulties in having these minority rights fulfilled on the local level. Many of the challenges that face the national minorities today can be related to the legal and institutional frameworks provided by the Swedish government.

Prior to January 2010, when the new Act on Minorities and Minority Languages entered into force, the old minority rights legislation only provided protection in 7 municipalities in the North of Sweden. The current legal framework, on the other hand, provides basic protection for all five minorities in all the municipalities of Sweden. *The Minority Act does not, however, regulate the right to learn the minority language in schools, which has turned out to be a weakness and a challenge for minority families.*

It is still too early to tell if the recently made amendment to the Constitution is going to improve the situation of the national minorities (Chapter 1, Section 2, paragraph 6 of the Instrument of Government). Representatives of the national minorities argued that all five minorities should be explicitly mentioned in the paragraph. The government decided that it was sufficient to mention the Sami. *The argument for this solution was that the Sami are also an indigenous people in Sweden, yet the basis for the amendment that the government actually referred to in the legislative process was the protection under the Framework Convention for the Protection of National Minorities, which protects all five national minorities.*⁵

When it comes to the protection under Part II of the European Charter progress has been slow. In fact, regarding Yiddish the development is negative. The government is not developing teacher training in Yiddish – see under section 11 below – nor promoting Yiddish in public sector media in the same way as the other national minority languages⁶. *It is unclear how the government is going to fulfill the obligations under Part II of the European Charter and how Yiddish is going to be maintained as a language in Sweden, if the needs for language promotion are being ignored.* According to Article 7.1.c Sweden is obligated to take resolute action to promote Yiddish in order to safeguard it. Sweden is also to provide appropriate forms and means for the teaching and study of Yiddish at all stages in the educational system, including the university level (Article 7.1.f and h). So far, the government's efforts have been very limited.

3 Språklag (2009:600), http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Spraklag-2009600_sfs-2009-600/?bet=2009:600

4 Lag (2009:724) om nationella minoriteter och minoritetsspråk, http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-2009724-om-nationella-m_sfs-2009-724/?bet=2009:724

5 Govt. Proposal 2009/10:80 p. 199-, http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Propositioner-och-skrivelser/En-reformerad-grundlag_GX0380/?text=true

6 Govt. Proposal 2013/13:164 p.43, http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Propositioner-och-skrivelser/prop-201213164-Bildning-och-_H003164/

2. Promotion of Minority Rights in Municipalities

Prior to January 2010 the support given by the government to the municipalities was insignificant. The fact that the County Administrative Board and the Sami Parliament now provide materials, conferences and advice has improved the implementation of and the awareness on minority rights in the municipalities. But, as the Swedish government notes in its current report, the need for additional initiatives to support the municipalities is still great. The implementation of the Minority Act and even the awareness of the content of the legislation vary among government and municipal officials and decision makers in Sweden.

The current administrative areas for Finnish, Sami and Meänkieli have been expanded to a great number of new municipalities since 2009 and additional municipalities are still applying for voluntary admission to such an administrative area. The new possibility for municipalities to apply for voluntary admission has also led to a mobilization among minorities in many municipalities. This trend is very strong within the Sweden Finnish minority. Several of the municipalities that have joined voluntarily have been successful in implementing the new regulations faster than other municipalities. The expanded administrative areas mean that stronger minority rights are to be provided for more individuals. This is a very positive development since the previous monitoring round.

The reports from the County Administrative Board and the Sami Parliament show that progress outside the administrative areas is very slow and that the obligation to consult with national minorities is not being respected.⁷

3. Insufficient Analysis of the Effects of Measures

In the previous report of 2010, the Swedish government described the new legislation and the different measures adopted by the government in order to improve the implementation the European Charter for Regional and Minority Languages. In the current report of 2013 one could thus have expected that more analysis on the effects of the legislation and measures would have been provided in the government's report. This is not the case. *The government's report mainly focuses on different measures adopted, not on the actual results of these measures.*

Language researchers argue that many different factors affect the language shift that can be observed among the national minorities in Sweden and other countries.⁸ According to the government's minority rights strategy parallel measures are indeed needed to raise the status of and revitalize the minority languages and to make these languages more visible in Swedish society.

The minority languages in Sweden have lost many domains of use to the majority language. The minority languages in Sweden are all in different degrees showing similar alarming signs of language shift: fewer children speak the minority language, parents are unable to transfer the minority language to the next generation due to poor proficiency in the language, the elderly

⁷ http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/manniska-och-samhalle/nationella-minoriteter/Arssrapport_2012_Minoriteter_slutversion.pdf

⁸ Factors that affect language preservation has been described by Prof. Kenneth Hyltenstam, University of Stockholm; see SOU 2005:40 p. 54, <http://www.regeringen.se/sb/d/8240/a/44987>

may speak but not necessarily read or write the minority language, the minority language is predominantly used in the home and not in public language domains, the minority languages have low status in society etc. Language researchers divide these factors that affect language preservation into conditions relating to society at large, the minority group itself or to individuals within this minority group. The minorities are not able to affect all these different factors. Societal factors are for example the educational system's support of minority languages or the use of minority languages within public service media. The current situation in Sweden has a number of weaknesses when it comes to these societal factors.

Much more analysis is needed on the effectiveness of different government measures in order to identify the weaknesses in the implementation. *If major efforts are being made in order to increase the use of minority languages in contacts with authorities and courts (in the administrative areas), the minority languages still cannot survive if the number of children learning these minority languages is not substantially increased.*

The number of pupils receiving mother tongue tuition or bilingual teaching in the minority languages is very low – see below under sections 9. Mother tongue tuition alone or the small number of pupils in Sami schools and independent Sweden Finnish schools cannot sustain a sufficient number of speakers of these minority languages in the long run. There are no bilingual options for Meänkieli, Yiddish or Romani Chib. *The number of individuals reaching higher proficiency and literacy in the minority languages is simply too low to maintain the minority languages in Sweden and resolute actions to promote the languages are needed according to Article 7.1.c of the European Charter.*

The Swedish educational system's ability to support and promote minority children's proficiency and literacy in their minority language is the single most important societal factor to address, if the language shift is to be reversed. It is the only way that the number of proficient minority language speakers can be increased to levels where the minority language can be preserved and transmitted to future generations.

4. Effective Participation

According to section 5 of the Minority Act consultations with the five minorities are mandatory in all the municipalities. There are still significant obstacles in the effective participation of minorities, but the legislation has had a positive impact for the national minorities – at least within the administrative areas. New forms of consultations are being adopted and many municipalities are paying greater attention to the views of national minorities. In general the minorities and their NGOs have improved their awareness and knowledge on the right to participation. *Still, more needs to be done before the minorities reach efficiency in consultations procedures and before the minorities are a part of different structures and decision making bodies.*

The local consultation processes need to be improved in many municipalities to reflect the needs and wishes of different age groups among the minorities. Younger persons are rarely represented today, even though they are a very important target group for revitalization measures. In the Sweden Finnish minority 76 percent of the group consists of persons that were born or whose parents were born in Sweden and most of these people are younger or middle aged. Yet the consultation groups mainly consist of elderly persons, even though the law explicitly states “issues

that concern the minorities”. *It is a challenge to meet the needs of children, youth and younger adults.*

Some municipalities use the consultations to inform the minorities about different issues and not as a dialogue for participation. The politicians in charge are seldom present. When it comes to the use of government funding in the administrative areas, the effectiveness of participation needs to be significantly improved.

The consultations still focus on issues regulated in the Act on National Minorities, that is pre-school, care of the elderly and service in general. *Minority representatives may have great difficulties in raising other issues of concerns, such as the educational situation of minority children in comprehensive school.*

Example case: Uppsala municipality

In 2008 when the government altered the regulations on mother tongue tuition for Finnish and Yiddish the municipalities were allocated additional state funding as a compensation.⁹ The extra allocation was added to the general government funding that the municipalities receive for education. Many municipalities have not been aware of these extra allocations, in spite information provided by Sveriges kommuner och landsting, an NGO for municipalities and county councils.¹⁰ In Uppsala, which is the fourth largest city in the country, the Sweden Finnish minority has had great difficulties in the consultations regarding the use of these extra allocations. At first the municipality of Uppsala denied the existence of these extra allocations (approximately 340 000 SEK per year). When the municipality finally located the money, the minority and the municipality had different views on how the allocation should be used. The minority protested in a written complaint in February 2013 and has still not received an answer. A general challenge in the consultations is the fact that politicians in charge do not attend the consultations, even after having promised to do so. The Sweden Finnish minority has also argued that the extra allocation for mother tongue tuition in Finnish could be used to increase the minimum amount of time offered to pupils in mother tongue tuition (30 min), but nothing has changed. So even in a large municipality, that is part of the administrative area and that receives additional funding for promoting the Finnish language, it has not been possible to use specific minority allocations in a way would meet the needs of the minority families.

5. Education is the Key

Even though the new Minority Act has provided a clearer legal framework, there are still areas where the domestic Swedish legislation is not in accordance with the articles in the European Charter on Regional and Minority Languages, the Framework Convention or where the legislation is so weak or unclear that it poses a challenge for individuals that try to claim their minority rights.

The national minority children’s difficult situation in the Swedish educational system has been described in numerous government reports since 2000.¹¹ The situation has been very similar during the whole time and it has caused the national minorities a lot of concern, frustration and grief.

⁹ Budget Proposal 2007/08:1 expenditure area no 17 p. 114; Budget Proposal 2008/09:1 expenditure area no 25 p. 15; http://www.riksdagen.se/Webbnav/index.aspx?nid=37&dok_id=GV031d23, http://www.riksdagen.se/Webbnav/index.aspx?nid=37&dok_id=GW031d26.

¹⁰ SKL:s cirkulär 2008:66, http://brs.skl.se/brsbibl/cirk_documents/08066.pdf

¹¹ for instance: Swedish National Agency for Education, Report 2005:272; Reports from the Parliament 2004/05:RFR3

Since 2000 thousands of minority children have missed opportunities to learn and develop their language skills in the minority languages because the Swedish government and the municipalities are unable to live up to the language rights to be provided in accordance with the European Charter and the Framework Convention and later on in article 30 of the United Nation's Convention on the Right of the Child.

The most recent recommendations from the Committee of Ministers on the European Charter, adopted on 12 October 2011, focused on the educational situation of the minorities in Sweden:

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

- 1. strengthen education for all regional or minority languages, by adopting a comprehensive and structured approach, based on the needs of the speakers and according to the situation of the languages;*
- 2. ensure that ‘mother-tongue’ education meets the requirements of the Charter and offers real and adequate language tuition, enabling pupils to achieve mature literacy in the languages concerned;*
- 3. increase the amount of bilingual education available in Finnish and Sami, and establish bilingual education in Meänkieli;*
- 4. establish a dedicated and properly resourced system of teacher training for all regional or minority languages;*
- 5. create teaching and learning materials, for all regional or minority languages.”¹²*

Some important initiatives have been taken by the Swedish government in the field of education since October 2011. *The fact remains, however, that these measures are not enough to meet the needs of the minorities. These challenges consist mainly of a weak, unclear or non-existing legal framework for the minority rights in the educational system. There are also problems with implementing the regulations.*

Since the Expert Committee's previous on the spot visit, additional information regarding the educational situation of minority children have been provided by government expert educational agencies. *The new findings of the government agencies confirm the problems that Council of Europe has previously identified and that the national minorities have voiced for years.*

6. Spoken Proficiency is Not Enough

If the national minority languages are to have a future in Sweden, sufficient numbers of speakers of these languages are needed. A significant number of the speakers also need to obtain high levels of proficiency and literacy in the minority language in order for the language to develop, literature to be written in the language and for the minority language to be used in public language domains and in media etc. *It is not sufficient that the national minorities only obtain different levels of spoken proficiency in the minority languages, as is often the case when school instruction in the minority language is very limited or non-existent.*

¹² http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec4_en.pdf

According to the Language Act, persons belonging to a national minority are to be given the opportunity to learn, develop and use the minority language. And the public sector is responsible for ensuring that the individual is given this access to language (sections 14 and 15). The Council of Europe minority conventions give the minorities the right to learn, develop and preserve their languages. Even the United Nation's Convention on the Rights of the Child, an international human rights convention that is considered very important in Sweden, stipulates that minority and indigenous children have a right to their language and a cultural identity.¹³ *This means that every national minority child has the right to learn and develop his or her minority language.*

Many national minority families in Sweden cannot fully transfer the minority language themselves to the next generation. The parent's own proficiency is not sufficient, in many cases due to the assimilation and education policies they previously have been subjected to in Sweden. And even if they have a high level of spoken proficiency, they might not be able to read and write in the minority language. *This means that the educational system's ability to provide sufficient support for children's language development and for obtaining higher levels of proficiency and literacy in the minority language is crucial.*

The smaller minority languages cannot afford losing potential speakers of the language. Every child and youth that shows interest for his or her minority language should be given the opportunity to acquire proficiency and literacy in the minority language. This is not a reality in Sweden today. For some of the languages that are showing alarming signs of language shift, positive revitalization results are needed urgently. The most common option available at present, a single lesson of mother tongue tuition once a week, is not enough to provide the educational support needed to reach higher levels of proficiency and literacy.

7. No Comprehensive and Structured Educational Approach

Children's right to their minority language cannot be secured today. The right to teaching in and of the minority language is too weak in pre-school and in comprehensive school. The number of children that are entitled to and that actually receive support for developing the minority language is too low. *The teaching provided by many municipalities is not sufficient to develop the minority language to the levels required for obtaining high levels of proficiency and literacy. The municipalities lack incentives to provide more than a minimum of what the law demands and even that is difficult to arrange due to shortage of teachers.*

The effects needed to promote the minority languages in the field of education cannot be reached through the current Swedish educational system. Yet, after 4 rounds of completed monitoring of the European Charter by the Council of Europe, the Swedish government still continues to argue that the measures taken in the field of education are sufficient.

In its fifth report to Council of Europe the Swedish government refers (page 7) to the new Educational Act of 2010 and Education Ordinance of 2011. The content of the regulations on minority children's rights in school have not been changed since 2008, although a review has

been initiated on the right to mother tongue tuition.¹⁴ There are no improvements in these new regulations when it comes to the educational situation of national minorities. In fact, some regulations that were previously in the old ordinance became law in 2010. This means that it is more difficult to reverse or alter such regulations, since regulations in law (that is in an Act) requires a decision by Parliament and not only by the government. *So regulations on mother tongue tuition, that the national minorities and the Council of Europe have criticized in the past, are now even harder to alter since Parliament decision is now required.*

The government also argues in its fifth report that a number of higher education institutions have been given responsibility for education in minority languages (page 7). This is nothing new, it has been the case for a number of years. *The government's report even fails to mention that the Center for Finnish Language and Culture at Mälardalen University is closing down.*

The Center for Finnish Language and Culture has among other things provided classes in Finnish for students and language training for municipal officials. The University is located in Eskilstuna, in the heartland of the Finnish administrative area – an area where many municipal employees are of Finnish origin but in need of additional training in Finnish. The question of closing down the Center has caused a lot of criticism from the Sweden Finnish minority, as well as national and local politicians. In a Parliament debate on 23 April 2013, the minister in charge of minority issues argued that the future of the Center was a question for the Mälardalen University to decide upon.¹⁵ The reason for closing down the Center is financial. The University did receive government funding when the Center was first established in 2003. The current government has not been willing to provide special funding for the Center. In June 2013 the University decided to close down the Center for Finnish Language and Culture¹⁶ and a number of courses in Finnish and about Finnish culture have now been cancelled.¹⁷ *The information provided on page 30 in the government's fifth report regarding Mälardalen University is therefore not correct.*

The Swedish government still has not adopted a comprehensive and structured approach to secure children's right to their minority language. Already in February 2006 an official government inquiry emphasized the need of a national educational program that would promote and revitalize the national minority languages.¹⁸ *The system with mother tongue tuition as basically the only available option for minority families, is long outdated for the national minority languages and it does not by far provide the educational support needed in the present situation of language shift.*

The government inquiry also concluded that Sweden's level of ratification under Article 8 in the European Charter should be raised due to the difficult situation of the minority languages and suggested that the government investigate such possibilities closer. *Almost 8 years later, no such government inquiry has been initiated.*

14 Vissa skollagsfrågor, U2013/6278/S, 23 Oct 2013, <http://www.regeringen.se/content/1/c6/22/69/71/5ca7a5c5.pdf>

15 protocol of the Parliament debate, <http://www.riksdagen.se/sv/Debatter--beslut/Interpellationsdebatter1/Debatt/?did=H010359&doctype=ip>

16 <http://sverigesradio.se/sida/artikel.aspx?programid=185&artikel=5574862>

17 <http://www.mdh.se/amnen/finska/avveckling-av-kurser-i-finska-1.47356>

18 SOU 2006:19 p. 344-

The Sami Language Center notes in its most recent report of the situation on the Sami language that the development of bilingualism among Sami children requires stronger educational models than the ones provided in Sweden.¹⁹ The Sami Language Center argues for educational models that have been successfully used in other countries. Results from for instance Wales show that the number of speakers can be increased by using stronger educational models, such as full or partial immersion programs. It is very difficult to reach functional literacy in Sami through mother tongue tuition. It is also difficult to develop proficiency that is appropriate to the age of the pupil, such as for example acquiring levels of proficiency needed for discussing societal issues in Sami.

For Sami children it makes a big difference where they grow up. In Norway a pupil would be entitled to 1289 hours of Sami in compulsory school (Sami as a first language), plus other subjects taught through the medium of Sami. A similar pupil in Sweden in integrated Sami teaching would only receive 800 hours of Sami, plus other subjects taught through the medium of Sami. (But most Sami children are not in integrated Sami teaching and will only receive mother tongue tuition, if even that.)

Cooperation with Norway is in fact necessary when promoting Sami in Sweden. The teachers still acquire teaching materials from Norway, due to a lack of such materials in Sweden. These teaching materials relate to the Norwegian curricula, which makes them harder to use. Many teachers in Sweden are working in Norway and teach pupils in Sweden through distance teaching.

Example Case: Swedish pupils being taught from Norway

North and South Sami are being taught by Gaske-Nöörje Saemien skuvle in Hattfjelldal, Norway, to 26 pupils in Sweden in the municipalities of Berg, Storuman, Vilhelmina, Lycksele, Jokkmokk, Östersund and Älvdalen. The pupils are being taught by teachers in Sweden, that work from Sweden through the internet, but with employments in Norway. There is fierce competition for these teachers. Strained municipal economy and unwillingness to find solutions on the Swedish side has lead to this development.²⁰ All the municipalities mentioned are part of the Sami administrative area.

Characteristic for stronger educational models is that both minority and majority languages are used as medium of instruction. In fact, the Swedish educational system does not even allow such stronger immersion programs in municipal schools or so called independent school (friskolor):

Chapter 9 section 13, Education Ordinance:

"During the entire period in which the pupil receives bilingual teaching under Section 12, at most half of the teaching may be given in the language that is the daily means of interaction in the home. Teaching should be planned so that teaching in Swedish gradually increases."²¹

Educators in the Sweden Finnish independent schools have pointed out that the pupils starting the school today have poorer language skills in the minority language than ten or twenty years ago. This means that the schools have to give the pupils more support in developing the Finnish language than before. This development has been interpreted as a sign of the ongoing language shift in the Sweden Finnish minority. *The content of Chapter 9 section 13 in the School Ordinance*

¹⁹ <http://www.sametinget.se/54352>

²⁰ information provided by the Sami Language Center

²¹ Skolförordning (2011:185), http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Skolforordning-2011185_sfs-2011-185/?bet=2011:185#K9

hinders the use of stronger bilingual or immersion programs needed to develop national minority children's proficiency in the minority language.

The previous and current Swedish governments have been very passive in educational issues for a number of years, even though the problems and challenges in the field of education have been obvious since the first Council of Europe monitoring rounds resulted in recommendations in education in June 2003²² and subsequently in Council of Europe recommendations in December 2003²³, September 2006²⁴, June 2008²⁵, May 2009²⁶, October 2011²⁷ and June 2013²⁸.

When the Swedish government representatives are faced with the question why additional measures in the field of education have not been taken, such measures are considered to be too expensive. Yet, at the same time, other major educational reforms with significant costs have been presented to Parliament. *One must conclude that significant improvements of national minority children's educational situation in pre-school and comprehensive school has not been a political priority of the Swedish government so far.*

8. Weak or Unclear Legal Regulations Regarding Pre-School

In Administrative Areas

One of the most important steps in the government's minority rights strategy toward saving the minority languages in Sweden is the right to pre-school in the administrative areas. The strengthened legal right to pre-school is based on the notion that the number of speakers can be increased by giving young children additional language training. Results from other countries, for instance with Sami children in Norway, show that such training can be successful.

The results so far from Sweden vary. The government's fifth report notes that government supervision "showed some shortfalls in part of the municipalities activities" in the case of pre-schools (page 28). *In fact, many municipalities in the administrative areas have shown great difficulties in providing such pre-school in minority languages.*

The Swedish Schools Inspectorate's report shows that in 2011 one out of four municipalities within the administrative areas did not offer pre-school in minority language and 40 percent of the municipalities had not even informed parents of the right to pre-school in the minority language.

22 http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec1_en.pdf

23 <https://wcd.coe.int/ViewDoc.jsp?id=98247&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

24 http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec2_en.pdf

25 <https://wcd.coe.int/ViewDoc.jsp?id=1307569&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

26 http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec3_en.pdf

27 http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec4_en.pdf

28 <https://wcd.coe.int/ViewDoc.jsp?id=2075435&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

A total of 47 municipalities within the administrative areas were inspected in the spring of 2011 with the following results²⁹:

Area inspected	Number of municipalities that had not done this or where this was not available (% of municipalities)
The need of pre-school in minority language among families have been investigated/mapped	20 (43 %)
Parents have been informed of the right to pre-school in minority language	19 (40 %)
Pre-school offered in minority language	12 (26 %)

The number of municipalities that actually provide pre-school in minority languages are the following.

Pre-school in municipalities in administrative areas (% of total administrative area)	Provided in number of municipalities
Finnish	33 of 40 (82 %)
Meänkieli	4 of 6 (66 %)
Sami	16 of 19 (84 %)

In some municipalities families still have to wait a long time before a placement in a minority language pre-school is offered. Some families are unable to wait long for such a spot to become available and decide to accept placement in a Swedish language group instead.

According to the Sami Language Center pre-school in Sami is the most important measure for increasing the number of speakers of Sami. In some parts of Swedish Sápmi (the traditional area where the Sami live) it is a question of fighting for the survival of the Sami language since the number of speakers is not increasing.

Example Case: Dorotea municipality

Media reported on 5 August 2013 that Dorotea municipality is unable to arrange pre-school in Sami, because they cannot find Sami-speaking personnel.³⁰ Dorotea is part of the administrative area for Sami.

A new problem that has recently arisen for many minority families, namely the question on how the regulations on minority language pre-school in the Minority Act should be interpreted.

²⁹ <http://www.skolinspektionen.se/Documents/riktad-tillsyn/fsminoritet/riktad-minoritet-slutrapport.pdf> p. 7

³⁰ <http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=5608797>

Section 17, Minority Act:

“When a municipal authority in an administrative area offers a place in the pre-school or such pedagogical operations which are referred to in Chapter 25 of the Educational Act (2010:800) which supplement or are offered instead of pre-school, the municipal authority shall offer a child whose parents or guardian so request a place in the pre-school activity where the whole or part of the activity is carried out in Finnish, Meänkieli or Sami as appropriate.”

The current wording in the Minority Act is questionable. According to Article 8.1 of the European Charter a “substantial part” of pre-school education is to be made available in the minority language. The purpose of Article 8.1 is to provide minority children with additional educational support or training of some sort in order to develop the child’s minority language. *”Substantial part” in Article 8.1 is significantly more than “part of” in the Swedish regulation.*

The Schools Inspectorate has concluded that, with regard to “part of” in the Minority Act it is sufficient that there is some content in the pre-school that gives minority children the possibility to use their minority language. This could for instance be a person, not necessarily someone working at the pre-school, that would come and read stories at the pre-school once a week.³¹

Example Case: Uppsala municipality

In Uppsala, Finnish parents whose children were not admitted to the only existing but overfull Finnish-medium pre-school, were offered a “bilingual option” consisting of: a group with no Finnish-speaking staff but some activities like visiting the existing Finnish-medium group every now and then and having a Finnish-speaking person visiting the class once a week. When the parents protested against such a solution and asked for a pre-school group with part of the regular activities in Finnish, the legal expert of the municipality stated that there was no minimum level in the legal obligations of what could be considered as pre-school education “partly” in a minority language.³²

The municipalities in the administrative areas receive additional funding for providing pre-school in minority language. Thus, it should not be a question of lack of funding that causes these restrictive interpretations of section 17 in the Minority Act.

*The fact that a number of cases now show that Swedish municipalities are interpreting the regulations in a way that has diminished the amount of minority language offered in the pre-school to a minimum, cannot be in accordance with Article 8 of the European Charter. In its annual follow-up report to the government in March 2013 the County Administrative Board/ Sami Parliament pointed out that clarification of section 17 is needed and that the Swedish National Agency for Education should be given such an assignment.*³³

So far the government has not given the agency such an assignment. In fact, at a minority consultation with the Sweden Finnish minority on 11 November 2013 the Ministry of Employment (in charge of minority rights issues) did not even seem to be aware of the County Administrative Board’s/ Sami Parliament’s proposal to the government.

31 <http://www.skolinspektionen.se/Documents/riktad-tillsyn/fsminoritet/riktad-minoritet-slutrapport.pdf> p. 12

32 information provided by the local Sweden Finnish consultation group in Uppsala

33 http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/manniska-och-samhalle/nationella-minoriteter/Arssrapport_2012_Minoriteter_slutversion.pdf p. 12

Another aspect is that new educational models are being developed in the municipalities. Some of them are multilingual.

Example Cases: multilingual pre-school models in Pajala and Kiruna municipality

A pre-school group in Pajala is taught by a Swedish-speaking, a Meänkieli-speaking and a Finnish-speaking teacher. On their homepage the municipality writes that all the personnel working there understand Swedish, Finnish and Meänkieli. The children choose the language that they wish to speak. The goal is to give the children basic knowledge in Meänkieli and Finnish and make the children interested in learning more. The children do not need to know the minority language before they start in the group.³⁴

In Kiruna one of the pre-schools is a multilingual "language and cultural pre-school" (Swedish, Sami, Meänkieli and Finnish). A third of the children get special support in the minority language. Several languages are used at gatherings and the children switch between the languages. The children's proficiency levels vary a lot. One of the goals has been to increase the tolerance for the use of minority languages, which has been successful. Another goal is to encourage the children to speak minority language together.³⁵

It is positive that the municipalities are developing new models for the pre-schools. It is important that these models are based on research and best practices in bilingual and multilingual educational models, so that the models actually provide sufficient support for the development of the minority languages. In a multilingual setting Swedish may easily take over as the common shared language among the children and thus spoil the intended immersion effects. For such a model to work well, there needs to be a clear didactic approach and structure that strongly promotes proficiency in the minority languages. It is not sufficient that the tolerance for using minority languages is increased.

The municipalities need support in developing of new minority language instruction models. They need guidance and the methods used and the revitalization effects of these methods need to be evaluated by experts. How is this guidance being provided today? What government agency is evaluating these new methods?

Outside the Administrative Areas

For minority families living outside the administrative areas the situation is even more challenging, since there is no right to pre-school in the minority language.

The government's fifth report (page 27–28) notes that the curriculum for the pre-school (Lpfö 98, revised in 2010) states that an awareness of one's own cultural heritage and participation in other peoples' culture are to contribute to children developing their ability to understand and appreciate the conditions and values of other people. Children belonging to the national minorities can be given support in developing a multicultural identity at pre-school. Additional regulation can be found in:

34 <http://www.pajala.se/Pajala-kommun/Utbildning/Forskola/Forskola-pa-meankieli-och-finska/>

35 http://www.minoritet.se/GetDoc?meta_id=1711

Chapter 8 section 10, Education Act:

The pre-school should contribute towards ensuring that children who have a mother tongue other than Swedish have the opportunity to develop both the Swedish language and their mother tongue.”

Section 2 second paragraph, Minority Act:

“Public institutions shall also otherwise promote the national minorities’ possibilities of maintaining and developing their cultures in Sweden. Particular attention shall be given to promoting opportunities for children to develop their cultural identity and the use of their own minority language.”

What does this require of the municipality and the pre-school? What kind of support can the parents expect to get from the pre-school?

Example case: Vellinge municipality

A minority family wanted a trained pre-school teacher to come to the private pre-school (government funded) to give extra training in Finnish. The pre-school denied the request, presumably because they would have had to pay for the teacher to come to the pre-school. The pre-school argued that the following was sufficient: personnel would show interest in the child’s minority language, encourage the use minority language in the family, have a positive attitude toward bilingualism, learn a few words/phrases/rhymes in the minority language, celebrate national holidays, have materials such as maps or pictures from the country in question on the walls of the pre-school, have the child listen to stories in the minority language (taped?) and use the child’s family members as resources. The dissatisfied family complained to the municipality. The municipality found that it was up to the pre-school to decide what kind of support was to be provided for the children. Since it was a private pre-school the content of the teaching in the pre-school could not be appealed by the family, according to the Education Act. The family has filed complaints with the administrative court, the Equality Ombudsman and the Schools Inspectorates, without any success.³⁶

The regulations on what kind of support the municipalities are obligated to provide are very unclear. The meaning of the curriculum for the pre-school and Chapter 8 section 10 of the Education Act need to be clarified. Many minority families are not receiving the support needed for developing the children’s minority language.

36 Decision Vellinge municipality, case no. UN 2013/146; decision Swedish Schools Inspectorate, case no. 42-2013-4421; administrative court of Stockholm, case no. 24454-13

9. Weaknesses in Mother Tongue Tuition

Comprehensive School

The number of pupils attending and receiving mother tongue tuition in national minority languages is very low.

Mother Tongue Tuition in Sami 2011/2012 ³⁷

	Number of pupils who applied	Number of pupils that received
North Sami	179	116
Lule Sami	44	10
South Sami	115	79
Sami, unknown variety	257	95
Total	595	300

Mother Tongue Tuition in Finnish 2012/2013 ³⁸

Number of pupils entitled to tuition	Number of pupils that participated	Percentage of entitled that participated
7999	3553	44,4

Mother Tongue Tuition in Meänkieli 2011 ³⁹

Number of pupils entitled to tuition	Number of pupils that participated	Percentage of entitled that participated
896	147	16,4

It is still a challenge for many families to receive mother tongue tuition in comprehensive school. The lack of teachers has been a problem for years.

Example Case: Härjedalen municipality

On 7 October 2013 media reported that 14 pupils still had not received mother tongue tuition in South Sami, because the school was unable to locate a teacher. The pupil interviewed in the case has chosen Sami as the "pupils choice". The parents have criticized the municipality for not doing enough to find a teacher. Härjedalen municipality is part of the administrative area for Sami. ⁴⁰

³⁷ Sami Parliament's status report on the Sami language situation 2012, <http://www.sametinget.se/54352>, p. 12

³⁸ Statistics from the Swedish National Agency for Education, <http://www.skolverket.se/statistik-och-utvardering/statistik/grundskola/skolor-och-elever/skolor-och-elever-i-grundskolan-lasar-2012-13-1.193058>, chart 8 B

³⁹ data received from Mats Wennerholm, the Swedish National Agency for Education

⁴⁰ <http://sverigesradio.se/sida/gruppsida.aspx?programid=2327&grupp=13204&artikel=5667813>

But there are other examples as well.

Example Case: Vännäs municipality

On 14 November 2013 media reported that the municipality's poor planning has caused severe delays in arrangement of mother tongue tuition in Sami. The family in question is expressing great frustrations that it has taken the municipalities half the semester to finally arrange tuition. The family feels that Sami has low priority in the municipality and questions how the requirements in the curricula are to be reached. The family has filed a complaint with the Swedish Schools Inspectorate, without result.⁴¹

Since the previous monitoring round by the Council of Europe's expert mechanism a number of municipalities are making a stricter interpretation of the regulations on mother tongue tuition. As a result a number of minority children are no longer entitled to mother tongue tuition. According to the regulations in the Education Act of 2010 (Chapter 10, section 7) a pupil who has a custodian with a mother tongue other than Swedish should be offered mother tongue tuition in his or her national minority language if the pupil has "basic knowledge" of the language. Many municipalities have previously chosen to interpret the requirement of basic knowledge leniently and thus giving national minority children the opportunity to study their minority language in school.

The national minorities have protested and even written to the Council of Europe in October 2012, demanding a revision of the requirements on "basic knowledge" of the language.

Example Case: Kalix municipality

On 22 January 2013 the Swedish Schools Inspectorate found that the municipality of Kalix did not violate any current regulations when it denied 37 pupils the right to mother tongue tuition on the basis that the children did not have the required "basic knowledge" in the minority language.⁴² The case received a lot of media attention. The Minister for Integration (in charge of minority issues) argued in media that it is up to the municipalities to provide such tuition for pupils without "basic knowledge". But according to the Schools Inspectorate there are no legal grounds to do so.

It is unclear what happened to the 37 pupils that were denied mother tongue tuition in Kalix. The Tornedalian minority asked the municipality to offer Meänkieli as a subject under "the pupil's choice". More than 50 pupils in Kalix were interested. One school, Ytterbyns skola, decided to do so. Other schools chose not to because of competition with other subjects that they wanted to offer as the "pupil's choice". The municipality of Kalix is part of the administrative area for Meänkieli.

Example Case: Köping municipality

Media has reported on the case of Köping where the municipality has decided that children in pre-school class (grade 0) and first class in comprehensive school are not entitled to mother tongue teaching in Finnish. The municipality argues that the Education Act can be interpreted in this way.⁴³ The municipality of Köping is part of the administrative area for Finnish.

41 <http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=5703550>,
<http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=5706923>

42 Decision by Swedish Schools Inspectorate regarding the municipality of Kalix, 22 Jan 2013, No. 41-2012:3221

43 <http://sverigesradio.se/sida/artikel.aspx?programid=1019&artikel=5675059>

Another issue of concern is the amount of teaching time offered in mother tongue tuition. The time offered by different municipalities and even different schools within municipalities vary, from as little as 20 minutes to 90 minutes per week. This means that minority children are being treated very differently in the municipalities. Question arises what a minimum amount of time is required. How much time is needed in order to be able to fulfill the requirements in the curricula? *The lack of clear rules is causing frustration among a lot of minority families. There is thus a need to clarify how the regulations are to be interpreted.*

In March 2012 the Swedish Schools Inspectorate published a report, called “In the Margin”, on the current mother tongue tuition and bilingual teaching in the national minority languages.⁴⁴ The report describes the result of inspections in 34 municipalities and confirms the situation that the national minorities have described for many years.

The Swedish Schools Inspectorate found that:

- National minority children are not given the opportunity to learn the minority language as intended.
- Most of the municipalities (19 of 34, over 55 %) had poor knowledge of what is required of them in regards to national minority children and their language development. The awareness that did exist, very seldom results in anything that will promote national minority children’s proficiency in the minority language.
- Mother tongue tuition is a marginalized subject in schools and negative attitudes may affect whether mother tongue tuition will be provided. Some municipalities have positive attitudes and will provide it, even if pupils do not fulfill all the requirements.
- Many municipalities do not provide information on the specific regulations on the right to mother tongue tuition in national minority languages. Frequently the municipalities do not know which pupils have the right to such tuition.
- Almost all teaching is provided through mother tongue tuition, which usually means 40 to 60 minutes teaching per week. Bilingual teaching hardly exists: only 1 of 34 municipalities offered it in national minority language. National minority languages are hardly ever offered as the “language choice” or “the pupil’s choice”.
- Mother tongue tuition in national minority languages is not a priority for municipalities. Only 6 of 34 (only 17 %) municipalities did systematic studies on the quality of mother tongue tuition in general, and no special attention was given to national minority languages. The Inspectorate concludes that the municipalities do not have an idea of how the mother tongue tuition should be improved.

44 The Swedish Schools Inspectorate: ”I marginalen - En granskning av modersmålsundervisning och tvåspråkig undervisning i de nationella minoritetsspråken”, Report no. 2012:2, <http://www.skolinspektionen.se/Documents/Kvalitetsgranskning/min/kvalgr-min-slutrapport.pdf>

- Mother tongue tuition is usually organized in a way so that a central office is in charge of it in the municipalities. This leads to an unclear division of responsibility between the central office and the schools. There is a need to clarify the responsibility in 16 of 34 (47 %) municipalities.
- The municipalities have great difficulties finding teachers in national minority languages. In 23 of 34 (67 %) municipalities pupils were denied mother tongue tuition due to lack of teachers. The situation was most difficult in Romani Chib (only 5 of 22, only 22 %, municipalities could offer it). Very decisive measures are needed in the short and long run to improve the situation, according to the Inspectorate.
- Bilingual teaching provides a positive environment for learning the minority language and to develop a minority identity.

The Swedish Schools Inspectorate's report confirms the need of a comprehensive and structured approach in educational issues.

The government's fifth report on the European Charter, however, does not comment on these findings by the government expert agency. What has happened since then? *Twenty-one months after the report was submitted to the Ministry of Education and Research the situation has not changed significantly.*

A proposal on teacher training has been presented – see below under section 11.

The regulations on mother tongue tuition in Chapter 10 section Education Act are currently under review. In a memo that is under consultation the government is suggesting that the requirement that pupils must have “basic knowledge” in the minority language in order to be entitled to mother tongue tuition is to be cancelled.⁴⁵ It remains to be seen if this change of regulations will enter into force on 1 July 2015, as suggested.

It is still unclear how the government is going to improve the educational situation when it comes to the structural and implementation problems described in the School Inspectorates recent report. The status of mother tongue tuition is low.

Upper Secondary School

The situation in upper secondary school (gymnasium) is very similar to the one in compulsory schools. In a report published on 2 December 2013 the Swedish Schools Inspectorate concludes the following⁴⁶:

- A majority of the municipalities are not offering mother tongue tuition in accordance with the regulations.

⁴⁵ “Vissa skollagsfrågor”, <http://www.regeringen.se/content/1/c6/22/69/71/5ca7a5c5.pdf>

⁴⁶ ”Rätten till modersmålsundervisning i nationella minoritetsspråk i gymnasieskolan – Övergripande rapport efter riktad tillsyn”, <http://www.skolinspektionen.se/Documents/riktad-tillsyn/minoritetssprak-gy/slutrapport-minoritetssprak-gy.pdf>

- Information provided for families on the right to such tuition is frequently incomplete or incorrect. Out of 28 municipalities 6 (21 %) offered oral information. Written information was provided by 22 municipalities, but for 16 (72 %) of these the information was incorrect.
- Mother tongue tuition was offered by 15 of 28 (53 %) municipalities. And 6 of 28 (21 %) were unable to find a teacher. The Inspectorate found that the municipalities need to increase their efforts to find teachers.

The Swedish Schools Inspectorate's new report confirms the need of a comprehensive and structured approach in educational issues.

There are also questions being raised on the quality of the tuition.

Example Case: Kiruna municipality

On 5 December 2013 media reported on examples of pupils complaining on the quality of the mother tongue tuition offered in upper secondary school. The level of the teaching was perceived as too low.⁴⁷

10. Limited Access to Bilingual Education

As mentioned above under section 9, there is hardly any bilingual education available in Sweden, even though it provides a good learning environment for acquiring high levels of proficiency and literacy in national minority languages.

The fact that legislation in Sweden allows municipalities to provide bilingual teaching, that is teaching through the medium of the minority language, does not mean that such teaching is or will be provided. *As the Council of Europe has pointed out in previous monitoring rounds mother tongue teaching alone is not enough to promote the minority languages within the educational system. The municipalities lack incentives to provide such bilingual teaching.*

And the minorities do not have enough influence to push for such educational services. *There is no legislation forcing the municipalities to provide such bilingual teaching and families can thus not use legal proceedings or complaint mechanisms in order to be entitled to such teaching.*

The number of schools currently providing teaching partly through the medium of national minority languages are very few:

- 5 Sami schools (in 2012: 188 pupils in pre-school class to 6th grade, plus 167 pupils in so called integrated Sami programs)⁴⁸,
- 7 Finnish language schools (in 2013 total 698 pupils in pre-school class to 9th grade) and

⁴⁷ <http://sverigesradio.se/sida/artikel.aspx?programid=2327&artikel=5724263&sida=2#srcomments>

⁴⁸ figures in the government Budget Proposal, appendix 16, p. 114 <http://www.regeringen.se/content/1/c6/22/37/09/7f6c12ab.pdf>

- perhaps a few bilingual Swedish/Finnish language classes in municipal schools.

Several attempts have been made the past few years by the Sweden Finnish minority to start additional independent schools (“friskolor”). These attempts have failed due to the fact that the organizers have not been able to guarantee significant enough number of prospective pupils in advance. Showing such numbers is challenging, since minority organizations are not able to track minority families other than through organizations or newspaper ads.

It is also difficult to estimate the demand of something when there is no offer available. When parents do not know, if or when a school is going to be started, where it will be situated, who the teachers will be and so on, only the most dedicated will dare to commit themselves to such a future school.

The minorities have proposed that the government would provide monetary incentives for municipalities in order to provide bilingual teaching. *So far the Swedish government has not been interested in such solutions.*

The Sami Language Center notes that the Sami Schools are currently the institutions with the best opportunities to revitalize the Sami language. The best results from language development can be found in Karesuando, where the Sami language is still strong in the local community. In other locations where there are Sami Schools, the majority language is the dominant language in the local community. *The Sami Schools could potentially be a strong tool for the revitalization of Sami. But there is still a need to develop its work and provide sufficient funding for developing educational materials.*

11. Teacher Training in Minority Languages

In September 2012, the Swedish government presented its budget proposal for 2013, containing among other things a teacher training program in national minority languages.⁴⁹ This long awaited and desperately needed reform raises some questions that remain to be answered. The government’s expert agency, which was then called the National Agency for Higher Education, found in 2011 that the current education and research available in the national minority languages at the universities in Sweden is insufficient in quality and capacity to fulfill the requirements in the Council of Europe minority conventions.⁵⁰

The problem with the teacher training is mainly structural. Appropriate funding is an important factor in creating sustainable structures. Previous attempts in Sweden to provide teacher training in national minority languages have failed because the structures provided were too weak – underfunding leads to poor quality – poor quality does not attract students – even fewer students leads to even less funding. The general experience is that national minority languages have great difficulties in competing for funding with other subjects at the universities. One reason is that the

⁴⁹ Government budget proposal, Section 16 on Education p. 91. <http://www.regeringen.se/content/1/c6/19/91/89/df93fe4c.pdf>

⁵⁰ The National Agency for Higher Education/ Högskoleverket: ”Lärförserjningen för de nationella minoriteterna – hur kan den tryggas?”, Rapport 2011:14 R, <http://www.hsv.se/download/18.663ed96613325fbbba80002055/1114R-lararforsorjning-nationella-minoriteter.pdf>, p. 84.

number of students in national minority languages is limited and current systems for university funding in general are based on attracting a certain number of students.

The National Agency for Higher Education emphasized that 5.1 million SEK per year per language is a **bare minimum** to provide the academic quality required for teacher training in national minority languages.⁵¹ In the government proposal, the suggested allocations were cut radically.

National Agency for Higher Education proposal	Government proposal
Yiddish Teacher training at Lund University: +3.3 million SEK annually	Yiddish No teacher training at all
Finnish Teacher training at Stockholm University or Uppsala University: +5.1 million SEK annually; Teach Finnish at Umeå University: +1.2 million SEK annually	Finnish and Meänkieli Teacher training at Stockholm University: +2.5 million SEK annually
Meänkieli and Sami (North, Lule and South Sami) Teacher training at Umeå University: +11.6 million SEK annually	Sami Teacher training at Umeå University: +2 million SEK annually
Romani Chib Teacher training at Södertörn University: +5.1 million SEK annually	Romani Chib Teacher training at Södertörn University: +3 million SEK annually
Total cost: 26.3 million SEK annually	Total cost: 6.5 million SEK annually

The national minorities were very positive to the Agency's proposal and felt confident that such a solution would promote the preservation of the national minority languages in Sweden and provide a welcomed solution to the teacher shortage. *The government funding provided for the reform is only a fourth of the needed funding according to the government's expert agency – 6.5 million SEK as opposed to the 26.3 million previously estimated and proposed by the National Agency for Higher Education. It is difficult to understand how the academic quality and structures required will be reached with the allocated funds.*

The government has not given any explanation for its decision. The national minorities fear that the reform is seriously underfunded and will not lead to the number of new teachers desperately needed for teaching the minority languages. It is still unclear why there is no need for teacher training in Yiddish (in spite of obligations in articles 7.1.c, f and h of the European Charter), why teacher training in Meänkieli has been placed at Stockholm University where the language is no longer being taught and the potential students live in the North of Sweden⁵², why prior consultation with the Tornedalian minority was not considered necessary (in spite of obligations under article 15 in the Framework Convention and section 5 of the Minority Act), and finally why necessary funding has not been provided for all the varieties of Sami language of which the smallest are considered extremely endangered according to UNESCO.

51 p 88.

52 Apparently the government believes that this solution would be less expensive. But Finnish and Meänkieli are two different languages and there is no academic research context for Meänkieli at Stockholm University.

12. Lack of Sanctions and Redress

The lack of remedies is a major obstacle when municipalities violate or ignore minority rights. The follow-up and support of the County Administrative Board and Sami Parliament has improved the implementation of minority rights somewhat, but progress is slow, even very slow in some areas.

Many of the municipalities in the administrative areas for Finnish, Meänkieli and Sami are still – four years after the minority rights reform – in the initial phases of implementing the Act on National Minorities. The minority rights are not yet a part of the municipalities' general administrative structures and many local coordinators still have temporary positions. In many smaller municipalities a large chunk of the government funding is still being used to pay the salary of the minority coordinator. Outside the administrative areas implementation is progressing very slowly.

What are the minorities to do when progress is too slow or none at all? *There are no sanctions in the Act on National Minorities that can be imposed on municipalities that do not implement minority rights so far.*

Neither the County Administrative Board nor the Sami Parliament have so far collected data from the national minorities on violations of the Act. But from 2014 the representatives of national minorities in the administrative areas are also to receive a questionnaire regarding the implementation of the Minority Act in the municipalities.

Experience shows that it is difficult for pupils to receive mother tongue tuition and bilingual teaching. The regulations in the field of education are so weak or unclear that it is difficult to claim one's rights even after a complaint to the School Inspectorate.

In its proposal introducing the minority right's strategy and the Minority Act, the government stated that if it becomes clear that follow-up is not sufficient for improving the fulfillment of minority rights, the question of introducing an operative supervision may be raised again.⁵³ Sweden has had minority rights regulations since 2000 and many implementation problems still have not been solved. Thousands of minority children entitled to pre-school in their minority language have lost out on this opportunity and the school education in minority languages is under-developed. *The Government should therefore investigate if operative supervision of the Minority Act or other additional remedies should be adopted in order to improve the implementation of the Act.*

13. Additional Tools for Revitalization

The need for additional tools that families can use in transferring the language to the next generation is great. In many cases the families cannot count on additional support from the educational system. *Since the right to pre-school in minority language is not available in 222*

53 Government proposal 2008/09:158 p. 49

municipalities and support offered by schools vary, minority families are going to need all the help they can get if they are to succeed with transferring the language to the next generation.

Revitalization projects run by minority institutions, NGOs or congregations can make some difference for these families. The governments funding for revitalization have lead to a number of new language projects. Children and youth are important target groups in such revitalization efforts.

The needs of the national minorities and minority languages are quite different. The minority rights reform provides general incentives to promote the languages. As mentioned above, more study needs to be done on whether the initiated measures are successful or not. The reports on the situation on the Sami language provide valuable information on what additional measures are needed, such as the dire need for television programs for children in Sami and especially in the smaller Sami languages.

There is a need to analyze different methods of language revitalization and raise awareness on best practices among all the national minorities. Successful revitalization such as immersion programs need to be developed, adapted to Swedish conditions and promoted by government agencies responsible for the educational system. Otherwise municipalities will not use such methods. *Analysis and language planning is needed for the other national minority languages. The effects of revitalization efforts need to be analyzed. Good practices and successful methods need to be disseminated.*

The Sami Language Center is a success and it is currently developing new methods for Swedish conditions. *There is a dire need to develop similar language centers for the other national minority languages that can focus on the specific needs of these threatened languages. There is also a need for additional funding for language revitalization initiatives and for improving literacy in national minority languages among adults.*

In 2011 the Tornedalian minority proposed the establishment of a Meänkieli language center. The government has not shown any interest in this proposal, so far. The language shift has advanced among the Meänkieli speakers. A forthcoming report from the European ELDIA project focuses on the language situation of Meänkieli.⁵⁴ Fewer young people and children are acquiring higher proficiency in Meänkieli. *There is reason to be quite concerned about the future of Meänkieli. There is definitely an urgent need to develop revitalization methods and programs specific for Meänkieli and to work with attitudes towards Meänkieli. A language center would be a natural next step to take.*

In lack of government initiatives on analysis in this field, some efforts of analysis are being done by NGO:s themselves. A recent report analyzing the situation of the Finnish language was published in March 2013 by Uppsala University and the Church of Sweden on the initiative of Delegation of Sweden Finns.⁵⁵ *The report shows that there is a need for a language center for Finnish in order to increase the effectiveness in the revitalization efforts.*

⁵⁴ More information on the ELDIA project: www.eldia-project.org

⁵⁵ Sverigefinnarna och finska språket - En analys av språkbevarande och strategiska vägval, 22 March 2013, <http://www.sverigefinns.se/nu/sverigefinnarna2013.pdf>

At a consultation with the Ministry of Employment in November 2013 the Sweden Finnish minority described the need for a language center for Finnish. The response from the Ministry was that initiatives for establishing such a center should be made by the minority itself. The response was somewhat surprising to the Sweden Finnish minority. The annual government funding for the current Sami Language Center is 6 million SEK. It is unclear how a national minority could possibly find similar funding on its own and how a language center run by the minority can achieve the status needed to, among other things, be able to give advice to municipalities and government authorities.

Epilogue

In his inaugural speech to the Swedish Parliament on 17 September 2013 the Prime Minister stated among other things⁵⁶:

“When we look at the world around us, we are reminded of Sweden’s advantages. The opportunities offered by growing up in a country that enjoys peace, a well-developed democracy and a good level of welfare. Where all people, regardless of origin, religion, disability, gender, sexual orientation or transgender identity are seen as human beings with equal rights and inviolable dignity...”

Education is vital both for the individual and for society as a whole. Equitable and knowledge-based schooling paves the way for a competitive economy and a cohesive society. School must provide everyone with the knowledge and education necessary to enter the labour market, take part in further studies and participate in social life.

In many respects, the Swedish education system works well. But more needs to be done to increase knowledge and equity. The reading and writing skills of pupils must be improved...

Sweden has good teachers. Being a good teacher and becoming a better teacher must pay off. The career development reform for teachers will be enhanced and the Boost for Teachers extended....”

Hearing this speech and the intentions of the current government, it is difficult to understand why national minority children’s language rights and educational needs are not being respected, in accordance with the international obligations that Sweden has undertaken.

56 <http://www.government.se/content/1/c6/22/40/82/6393a1d5.pdf>

Appendix: English summary of “Dare to be Minority – A Report on Minority Rights in Sweden 2012”⁵⁷

Many individuals still do not dare to be open about their minority or indigenous background or identity. There is still a lot of prejudice, open racism and intolerance towards national minorities and the Sami in Sweden. Recognition of these groups as national minorities has been an important step for the collective confidence of these groups. The Sami were recognized as indigenous people in 1977.

The Council of Europe’s monitoring of Sweden’s implementation of minority rights is of great significance since it points out shortcomings and areas for improvements in the minority rights field. The Swedish government has taken steps in recent years to handle at least part of the earlier criticism from the Council of Europe and to improve the compliance with the Council of Europe’s minority conventions.

Children’s right to learn their minority language is not assured within the Swedish educational system. This poses a serious threat to the survival of the national minority languages. This does not satisfy the obligations in the minority conventions. If this is not corrected immediately, as the Council of Europe has repeatedly urged Sweden to do, the most acutely endangered minority languages run the risk of not surviving. This is particularly true for the smaller varieties of Sami.

Minority rights have been given a clearer legal framework and government structures have been developed to follow and support the implementation. However, the government’s minority rights strategy has had a slow start. The implementation of minority rights is still characterized by the lack knowledge and slowness on local level, which results in individuals not being able to claim legal minority rights. Municipalities, county councils and government agencies thus need continued support and clear guidance in order to fulfill their tasks.

Among the issues of special concern for the national minorities and the Sami, the following can be mentioned (issues that the Council of Europe has touched upon in its previous review):

- **Children’s legal minority rights are being violated.** The right to pre-school in Sami, Finnish and Meänkieli is not provided in many municipalities in the administrative areas. Although a number of municipalities have not even investigated the need of such pre-school, the parents’ demands are dismissed.
- **Swedish law violates the commitments in the Council of Europe’s minority conventions.** The stipulations in the Swedish Minority Act regarding the right to pre-school in Sami, Finnish and Meänkieli are too weak in relation to Sweden’s commitments according to the European Language Charter. The provisions on mother tongue teaching require fundamental knowledge in the minority language in order to participate in classes. To make such requirements is not allowed according to the minority conventions.

⁵⁷ ”Våga vara minoritet – En rapport om minoritetsrättigheter i Sverige 2012”, <http://www.svenskakyrkan.se/default.aspx?id=659965>

- **Government funding for mother tongue teaching in national minority languages have not been used for national minority children.**
- **The legal regulations in the educational field are still weak and children's right to their minority language is not realized.** Bilingual education hardly exists. Many students are denied mother tongue teaching. There is no teacher training in national minority languages and this threatens the survival of the national minority languages, according to the Swedish National Agency for Higher Education. There is also a lack of teaching materials in several minority languages.
- **Ignorance is still a significant hinder against the needs and rights of national minorities being respected.** Decisions being made by the authorities may also decrease access to current services in minority languages.
- **An individual's legal rights in the judicial system and their security within, e.g. the health care system are jeopardized when there is a lack of competent interpreters in some of the minority languages.**
- **Regular consultations with national minorities have not yet been established in many municipalities and county councils, in spite of the requirements in the Minority Act.**
- **The lack of enforcement and sanctions weakens the implementation of the Minority Act.**
- **The knowledge and awareness of the needs and conditions of the national minorities are extremely limited since these groups are not mapped systematically.** It also means that the effects of initiatives made regarding these groups are difficult to deduce.
- **National minorities face discrimination and harassment.** This is especially true for the Roma and Sami. Even children are affected. The Jewish minority fears for its safety and many Jews do not openly dare to show that they are Jews. Prejudice against national minorities is common. There is evidence that racism is increasing, especially on-line.
- **Very few changes have been made to strengthen the Sami Parliament or the Sami's indigenous rights, despite the fact that Sweden has been heavily criticized in the international arena for its handling of Sami issues.** The Sami are very concerned about being able to continue with their traditional livelihood. Accelerating mining, expansion of wind power and other types of developments increase the competition for land. The increased pressure from large predators and climate change also affects them. There is a great need to develop the Sami Parliament in order to increase the influence of the Sami people and to clarify what international indigenous rights mean in Sweden.
- **The national minorities, their languages and cultures are still marginalized in the field of culture and media.** The limited minority language broadcasting in the public service broadcasting companies – especially for children and youth – impedes the survival of the minority languages in Sweden.