



The Expo Foundation

A study on diversity, integration and anti-discriminatory practices in the area of education

On behalf of the European Monitoring Centre on Racism and Xenophobia

by

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1. Introduction and purpose

In the previous ten years Sweden has undergone an increased globalisation. People born here have a greater mobility and many young citizens seek opportunities to study abroad at upper secondary schools and universities. Immigration has also had effects. Sweden has become a multi-lingual and multi-cultural society with roots, present time and a future in a global society. Traditional cultural differences tied to national boundaries are being tuned down. Sweden has developed into a nation of many languages and cultures, where young people embodies new experiences and knowledge.

The educational system must acknowledge and match these new needs in such a way that it allows the students to prepare not only for a Swedish but also for a European citizenship, and as human beings in a global context. Compulsory school and secondary school have historically had a traditional focus on giving the student knowledge in the Swedish language and Swedish history – its constitution, values and culture.

For a long time Swedish education has accentuated knowledge in foreign languages. English and German has been part of the upper secondary curriculum since the 1940s and English has been obligatory since the 1960s. In addition the curriculum now focuses on international history, constitutions, democracy and the multitude of religions and values, culture seen from other aspects than strict geographical boundaries

In a local and global context it is of utmost importance to follow up on the student's long-term integration into both these environments, whether they were born in Sweden or born abroad. An important aspect is to view the student's situation in life, competence and knowledge and evaluate this in relation to established national objectives rather than to the student's place of birth.

The basic task of the school is to give the student tools for future integration into the local and global society. The focus on where you come from is thereby not as interesting as where you are going. The school must give the student tools for the road ahead.

The task of giving the students a good education regardless of where they were born or how long they have been in the country must of course be reviewed. Discrimination and harassment of students is not acceptable. Ministries and public authorities work with this issue on many levels, partly in preventive ways with textbooks, teaching aids and pedagogy, partly by a system for monitoring and evaluation. The National Agency for Education (Skolverket) and the Swedish Integration Board (Integrationsverket) in different ways must follow up and determine if measures taken are in accordance to laws and regulations.

The ways in which compulsory schools, secondary schools and institutions for higher education meet these tasks, and how public authorities, ministries and non-governmental organizations work with this will be further described in this report. Laws, national political documents and special programmes will be presented. Concepts and terminology will be described.

2 Concepts and terminology

Concepts such as »immigrant«, »Swedish«, »foreign born«, »people with foreign background« and »minority« are frequently used in statistics, research and reports. The same interpretation is mostly used, however there are several ways of interpreting the concepts. It is important to understand to whom the interpretation is referring in order to be able to understand and analyse the results. Most people active in politics, research and practical work have the same terminology. The concepts »integration« and »diversity« show a broader range of interpretations, but are also important to clarify.

2.1 Terminology on persons

In late 1998 the Government Offices decided to commission a working group to review the concept »immigrant« in constitutions and regulations passed by the Government and used by Public authorities.¹ The working group reached the following conclusions:

Foreign Born: Individual born in a foreign country but nationally registered with the Swedish authorities.

Foreign citizen: Individual with a foreign citizenship nationally registered with the Swedish authorities; i.e. an individual with a foreign passport living and working in Sweden.

Immigrant (migrant): To the extent that migrants are mentioned in the statistics, it refers to »Foreign born«.

Individual with foreign background: Refers to an individual born in Sweden but with at least one parent born in a foreign country.

Individual with Swedish background: Refers to an individual born in Sweden and where both parents are born in Sweden.

According to the conclusion of the Government Offices working group, an individual born in Sweden who has one parent born in Sweden and one parent foreign born has dual background, both Swedish and foreign.

These definitions are guidelines for activities for both government, parliament, ministries and other authorities. This is the most common terminology, but in addition other concepts are also being used:

Second generation immigrant: Refers to an individual born in Sweden but with at least one parent born in a foreign country; i.e. basically the same as the previously defined concept of »individual with foreign background«.

¹ *The concept immigrant – usage in the activities of Public authorities*, (Ds2000:43, Government Offices, Ministry of Culture)

Unlike several other countries such as the United States or Great Britain, the Swedish Government does not use the concept »race« to monitor diversity and discrimination.

2.2 Minority

On December 2, 1999, the Parliament adopted the Government's proposal for a modern and integrated policy on minorities. As a consequence Sweden today ratifies conventions of the European Council regarding national minorities and minority languages. These are the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

Sweden thus acknowledges national minorities and must undertake support and protection for five minority languages in the country: Sami, Meänkieli (spoken in the extreme north Tornea valley region), Finnish, Romani-chib and Yiddish.²

With this acknowledgement Ulrica Messing, at the time Minister for Minorities, underlined that »broad issues unite the majority and the minorities of the population. We have a common cultural heritage. We have a common history. And we have to build a common future«.

This led to openings for both municipal and independent schools to provide students with these minority backgrounds broader opportunities for education in their own language.

2.3 Integration

Earlier in the 1990s integration focused on the issue of integrating immigrants into Swedish society. In recent years integration has also increasingly been interpreted as the right of all inhabitants in the country to incorporate knowledge and tools to facilitate integration, regardless of their place of birth. However, there is no uniform interpretation on the term »integration«.

2.4 Diversity

In recent years diversity in Sweden has dealt with the differences between people on the basis of birth or visible characteristics. New interpretations are emerging in which the inner, variable diversity based on experiences, knowledge and skills are promoted. However the first interpretation of diversity remains the most common in surveying diversity among students and teachers.

² Government proposal; *National Minorities in Sweden* (1998/99:143)

3. Laws, regulations and national documents

During the last four years, laws, regulations and national documents on all students' human rights and equal education have been considerably sharpened. New regulations and laws have been passed, which seem to have initiated a process in the school system as a whole. Many conferences and educational seminars have to a large extent dealt with students' rights to a future in Sweden regardless of country of birth and extraction. Simultaneously with the framework of these national documents for guiding and controlling the activities of the schools, the schools themselves have been given increased possibilities to develop methods and forms to promote democracy and human rights in teaching. As the practical responsibility for education was delegated to the municipalities in the mid-1990s, the municipalities have increased opportunities to decide on school plans and pedagogic activities. The National Agency for Education still has the supervisory role and has at the same time assisted the local school developments with texts on good examples of best practice.

3.1 Curricula in compulsory education and upper secondary education

The Curricula in compulsory education and upper secondary education is subject to national objectives and guidelines laid down by Swedish Parliament and Government. The Curriculum for compulsory education has two goals:

- Goals to strive for, e.g. targets regarding intentions and aspirations which may be difficult to measure.
- Goals to be attained e.g. targets in areas, which are possible to measure such as minimum levels of knowledge.

Apart from these goals, the tasks of the school are to promote learning and impart basic norms and values. This is expressed in the *Curriculum for the compulsory school system, the pre-school class and the leisure-time centre*.³ As the title describes this curriculum has come to encompass both pre-school classes and activities in leisure-time centres. In the national curriculum goals are also set for special schools, the Sami school and schools for pupils with learning disabilities. Pupils who attend the Sami school should in addition to the goals specified for the compulsory school also have the following goals:

The Sami school is responsible for ensuring that all pupils on completing their studies at the Sami school:

- Have an extensive knowledge of the Sami cultural heritage.
- Can speak, read and write the Sami language.

Chapter 2.1⁴, *Norms and values* describe goals for upbringing and norms for the compulsory school:

³ LPO 1994 Curriculum for the compulsory school system, the pre-school class and the leisure-time centre, Lpo 94, ISBN 91-38-31789-3

⁴ *ibid*, 2.1, *Normas and values*

»The school should actively and consciously influence and stimulate pupils into embracing the common values of our society and express these in practical daily action.

Goals to strive towards:

The school should strive to ensure that all pupils:

- develop their ability to consciously form and express ethical standpoints based on knowledge and personal experiences,*
- respect the intrinsic value of other people,*
- reject the oppression and abusive treatment of other people and assist in supporting them,*
- can empathise with and understand the situation other people are in and also develop the will to act with their best interests at heart,*
- show respect and care for the immediate environment as well as for the environment in a wider perspective.«*

The pupil's level of knowledge is measured with a grade system in the later stages of the compulsory school and during upper secondary school. No grades are set for the normative goals, since these are seen as guidelines for educational work in general.

3.2 The Swedish Education Act

The Swedish Education Act⁵ establishes the right of children and youth to education and also contains texts that stipulate the school's responsibility to counteract bullying and discrimination. The Education Act stipulates the following:

»§2 All children and youngsters shall irrespective of gender, geographic residence and social and financial circumstances have equal access to education in the national school system for children and young persons. The education shall be of equal standard within each type of school, wherever in the country it is provided.

The education shall provide the pupils with knowledge and skills and, in co-operation with the homes, promote their harmonious development into responsible human beings and members of the community. Particular attention shall be paid to pupils who need special support.

School activities shall be structured in accordance with fundamental democratic values. Each and every person active in the school system shall promote respect for the intrinsic value of every human being and for our common environment. Persons active in the school system shall in particular

⁵ Swedish Education Act (1985:1100)

1. *promote equality between the genders and*

2. *actively counteract all types of insulting treatment such as bullying or racist behaviour.*⁶

3.3 Ordinance on education, pre-school class activities and child care for children of asylum seekers and others.⁷

In January 2001 the new »Ordinance on education, pre-school class activities and childcare for children of asylum seeking families and others« came into force. In this ordinance the schools responsibility to offer education to asylum seeking children and young people was sharpened. This ordinance gives asylum seeking children and youngsters a right to education before decisions on residence permit are taken, i.e. in the waiting period where cases are being determined by the Migration Board and other authorities. The ordinance is issued by the Ministry of Education. (See the Ordinance in Appendix 1, Swedish version only.)

3.4 The Swedish Work Environment Act

Not only the activities and education in schools are regulated by law. The school's environment and working conditions must fulfil certain requirements. These requirements are formulated in the Work Environment Act.⁸ The law also applies to pupils. Student safety delegates in the schools represent the pupils in work environmental issues. Student safety delegates shall be appointed for every grade from grade seven and upwards. The head master is responsible for ensuring that the school has a good work environment according to the requirements of the Work Environment legislation. It is on the other hand the responsibility of the municipality to institute routines to catch early signals of problems and attend to faults and incongruities that may cause insulting treatments. The municipality is responsible for compulsory schools, (but not for independent schools) and is obliged to clarify that insulting and discriminatory treatment is not accepted in the activities of the school.

3.5 Legislation on Ethnic Discrimination in Working Life

On May 1st 1999, the Act to counteract ethnic discrimination in working life was sharpened.⁹ Previously deliberate discrimination could only be reviewed and handled according to the letter of the law. The new legislation made it possible to review indirect discrimination or disfavoured treatment. One weakness was that the Act encompassed employers and employees in working life. Pupils in compulsory school, upper secondary school and higher education are not protected by this Act.

⁶ Law (1999:886).

⁷ Ordinance on education, pre-school class activities and childcare for children of asylum seekers and others. (Förordning 2001:976)

⁸ Work Environment Act (SFS 1977:1160)

⁹ *Measures to Counteract Ethnic Discrimination in Working Life Act* (SFS 1999:130)

For this reason it is considered urgent to revise the Equal Treatment of Students at Universities Act.¹⁰ So far it only refers to students in higher education, but it should be rewritten to also include pupils in compulsory school and upper secondary education.

3.6 Equal Treatment of Students at Universities Act

The Equal Treatment of Students at Universities Act¹¹ came into force on March 1st 2002. The background to this Act was that students were not protected by laws forbidding discrimination due to gender, ethnic background, sexual orientation and disability. The anti-discrimination laws were only applicable to employers and employees in working life. Since higher education has such significant importance to the individual and the development of society, it is vital to strengthen the student's protection against discrimination. Among other things the Act against discrimination of students means that:

- When faced with reports on discrimination of a student, the Universities must investigate and take action to prevent further harassment.
- The offices of the Ombudsman against Ethnic Discrimination, Disabled people, Gender Equality or Discrimination because of Sexual Orientation are responsible for ensuring that the law is enforced. An Ombudsman may represent the student in negotiating cases or in court.
- A decision by a university or a university college that leads to a violation of the Act against discrimination may be appealed against to the University Appeals Board.
- Universities and university colleges shall pay damages for the violation that a student or an applicant has been subjected to discrimination
- A university shall each year prepare a plan containing a review of the measures required to promote the equal rights of students and preclude harassment. The plan shall also contain a report on which measures the university intends to commence or implement during the forthcoming year. (See Appendix 2)

¹⁰ *The Equal Treatment of Students at Universities Act (SFS 2001:1286)*

¹¹ *The Equal Treatment of Students at Universities Act (SFS 2001:1286)*

4. Initiatives and projects by Ministries and Public authorities

In the last decade an increasing number of Swedish Ministries and Public authorities have produced text books primarily directed towards compulsory schools and upper secondary schools. The National Institute of Public Health has prepared a series of material intended for pupils.

An extensive project on relations was the book *Living together* produced in an edition of 100 000 copies in 1998, and distributed to pupils in compulsory schools and upper secondary schools. This book, however, was severely criticised for stereotype descriptions of immigrants and Muslims.

Also at local levels pedagogic material has been sent to pupils and teachers. Such a local project was undertaken by the Board of Culture at the Stockholm County Council, which in 1992 printed 45 000 copies of the book *The successful freezing of Mr Moro*. The purpose of the book was to call for reflection and compassion and emphasize human rights. The book was very appreciated.

There are a large number of examples along the same lines, but the following three are most recent and have also developed in different ways.

4.1 The Committee for Living history

During a parliamentary debate in June 1997, Sweden's Prime minister Göran Persson took an initiative to launch a broad information and education effort on the issue of the Holocaust and the Second World War. The effort was partly due to the activities of Nazi revisionist historians and the doubts on the Holocaust they were able to foster among the younger post-war generations. A Stockholm University study in 1997 showed that an alarming number of students in both compulsory and upper secondary schools »doubted« the existence of the Holocaust.¹² This study as well as other studies made no uniform conclusions, but resulted in a broad debate on the need for further education on issues of democracy. One of the practical results was the educational project, the Committee of Living History.

The purpose of Living History was to focus on issues of compassion, democracy and every human's equal value from the perspective of the Holocaust and the events of the Second World War. Living History have focused on manifestations and commemorations of the victims of the holocaust, educational seminars, information to parents and the public, educational efforts in schools, and encouraging research. One project within Living History was the production of the book *Tell ye your children...* by doctorate student Stephane Bruchfeld and Dr. Paul Levine, which was produced in close to one million copies and distributed for free. The book is used as educational material in a number of schools.

¹² Professor Anders Lange and Dr. Helene Lööw with Stephane Bruchfeld and Ebba Hedlund; *Utsatthet för etniskt och politiskt relaterat hot m m, spridning av rasistisk och antirasistisk propaganda samt attityder till demokrati m m bland skolelever*. 1997, Stockholm: Ceifo & Brottsförebyggande radet.

Following some deliberations the Government has decided that the Committee of Living History in 2003 is to be transformed into a permanent Government authority, the Forum of Living History. Its purpose is to become a national forum facilitating work on issues of democracy, tolerance and human rights with the Holocaust as a starting point. On November 1 2002, the Government appointed Dr Heléne Lööw as Director of Living History.

4.2 Project to promote a common code of fundamental democratic values.

In 1999, then Minister of Education Mrs. Ingegerd Wärnersson launched an initiative to a Project for common values. The background to the project was an increased use of rough and sexually derogatory or insulting language between pupils in school.

In the course of the project the issue evolved to concern a broader basis for common values centring on human rights. The Ministry of Education and the National Agency for Education have since then taken many initiatives within the framework of the Project.

After many conferences, seminars and books, the question of a basis for common values has become the topic on local levels. The formal part of a basis for common values is now part of the curricula in compulsory schools and upper secondary schools. The National Agency for Education is responsible for information and review. The Project has also included work and initiatives by The Teachers' Union, the Swedish Pupils' Organisation and the Coordinating Agency of the Pupils' Councils (SVEA).

4.3 Jalla! Let's dress the Christmas tree

After the September 11 2001 terrorist attack on the World Trade Centre, views on Islam and Muslims were widely debated in society in general, in politics and in media. Following the debate the Ministry of Foreign Affairs and Foreign Minister Mrs. Anna Lindh took the initiative to produce an educational book to break up stereotypes and prejudices. The book was titled *Jalla! Let's dress the Christmas tree – meeting the Muslim cultural sphere*. It was made up of a collection of stories, journalistic material and research reports. In the foreword Foreign Minister Lindh wrote:

»Dialogue and commitment guide Sweden's foreign policy. Since many years we are involved in the dialogue between the Western world and the Muslim world, among others between the EU and the Mediterranean countries. However, dialogue between people is more important than between states. This book starts with people rooted in Muslim cultures. Youth, experts and journalists illustrate in articles, interviews, essays, poems, quotations and pictures different themes on living together, a new world, the veil, a common history and shared beliefs.«

The book was printed in more than 200 000 copies and was personally addressed to all pupils in grades 1 and 2 in upper secondary schools. Following the Living History example, this is one of the largest projects in education ever made.

5. The situation for immigrants and minorities in education based on statistics on results

The National Agency for Education constantly reviews the pupils situation in school on the basis of examination results. Recently many reports have addressed the insufficient knowledge among pupils in compulsory school in core subjects such as Swedish language and Mathematics. Leaving the compulsory school without having passed grades will effectively prevent the pupils from being admitted to upper secondary school.

There are no statistics separating immigrant children from Swedish children, but it must be seen as essential that the results of all pupils regardless of background must be reviewed and followed up for the benefit of each pupil.

This year the National Agency for Education presented statistics on results and skills among pupils in grade 9 (age 14-15) of the compulsory school. By the end of the spring term 10,5 percent of the pupils left school without formal qualifications to upper secondary school. The figure represents an increase from the 9,7 percent noted for the previous year.

The qualifications for being admitted to education in the national programmes of upper secondary school are passed grades in Swedish, English and Mathematics. In 1998, the first year with the new grading system, 8,6 percent of the pupils did not pass grades. Last year the figure was 9,7 percent and this year 10,5 percent. However, some of these pupils will be able to enter a national programme after completing extra education in the subject or subjects failed. So called summer schools are becoming increasingly common.

One particular municipality has drawn the attention of the National Agency for Education. The city of Gothenburg has made many efforts during the last year. The municipality has introduced a good quality assurance system and according to preliminary figures from Statistics Sweden, (the National Census Bureau), Gothenburg has in comparison to the previous year also reduced the number of pupils lacking qualifications needed to continue to upper secondary school. According to Statistics Sweden the various municipalities differ greatly. The figures of Malmö and Stockholm continue to rise, but no municipality has so far presented any exact figures for this year.

One explanation to the increase in students failing to pass grades might be that the teachers are becoming more familiar with the new grading system and are therefore less hesitant to assess both high and low grades. In consequence the number of pupils with the highest grade has also increased.

16 percent of the pupils not eligible for higher education in the spring of 1999 could in the autumn term be found studying within a national programme. They had taken new examinations in the subject or subjects they previously failed. 72 percent could in the autumn term of 1999 enter individual programmes in upper secondary school. 12 percent of pupils not eligible did not attend upper secondary school.

The statistics are based on copies of grades delivered to Statistics Sweden by the schools. So far only about 90 percent of all grades have been reported, which means that the results are still preliminary and somewhat uncertain. Sweden Statistics is in the process of compiling the material and not until the beginning of 2003 will the National Agency for Education be able to present the final statistics on grades (including all subjects and not just Swedish, English

and Mathematics). About a month later the statistics can be presented per municipality. Last year the preliminary statistics for August turned out to more or less coincide with the final statistics.¹³

¹³ National Agency for Education, <http://www.skolverket.se/publicerat/press/press2002/press020128a.shtml>

6. OECD and the EU evaluate Swedish education

In late October 2002 OECD published a new edition of *Education At a Glance*.¹⁴ The report contains a number of statistical indicators on the performance of the education systems in OECD countries. One of OECD's main conclusions is that investments in education give high returns both to individuals and to society in general.

A current and extensive survey made by OECD on 15 year olds, shows that Swedish pupils in compulsory school attain rather high knowledge of Reading Comprehension, Mathematics and Science, that knowledge is evenly distributed between schools, that pupils have very good access to computers and that pupils have more practical hands on laboratory experience than in most other countries. The frequency of first-time entrants to universities and university colleges is higher than in most OECD countries and the number of postgraduates is very high on an international scale. The participation of the adult population in public Adult Education Schools or in training within the labour market is the highest in the European Union.

– Investments in education gives the individual a rather good return in Sweden, since OECD includes taxes, study grants, unemployment risks and income, concludes Sweden's Minister of Education Mr. Thomas Östros.¹⁵

Eurydice, the network for information in the EU, will in late autumn 2002 present its report *Key Data*, which has been published on a regular basis since the mid 1990s.¹⁶ Key Data reviews and compares the education system between the EU and the EU candidate countries. Sweden is also this year generally presented as a distinguished European nation of knowledge and education.

The OECD and EU publications also contain results pointing towards problems and challenges for Sweden in the area of education. One important example, also analysed in current reports from Eurydice, is that the proportion of teachers lacking formal training have considerably increased in Sweden and that the number of teachers reaching the age of retirement in the next few years is larger than in the majority of other countries.

Statistics Sweden also publishes as new report in the beginning of November 2002 with the title *Swedish Education in International Statistics*, which gives a broad illustration of important findings from OECD and EU reports dating from 2001 and 2002. The report from Statistics Sweden will view each area of education in a chronological order, from pre-school to university, costs of education and the relation between education and the labour market.¹⁷

¹⁴ *Education at a glance* (OECD Publications) ISBN 92-6419-281-6

¹⁵ Press statement from the Ministry of Education 2002-10-29 <http://utbildning.regeringen.se/>

¹⁶ *Basic indicators on the incorporation of ICT into European Education Systems - Facts and Figures* – (2000/01 Annual Report) ISBN 2-87116-332-4

http://www.eurydice.org/Doc_intermediaires/indicators/en/frameset_key_data.html

¹⁷ Ministry of Education, 2002-10-29

7. Activities for diversity in compulsory school, upper secondary school and university

In late 1999 the Government commissioned the Ministry of Education to appoint an investigation to give suggestions on measures to increase the diversity of social and ethnic background among students and teachers in universities and university colleges.¹⁸ The investigation focuses on economic and social background while it at the same time clarifies the concepts of gender, class and ethnicity.

Unlike countries such as the United States and Great Britain, Sweden lacks a legislative system for affirmative action against discrimination due to gender, class or ethnicity. Public authorities and the powers of State have at different occasions discussed affirmative action as something to be encouraged but not mandatory. The Act on Measures against Ethnic Discrimination in the Labour market and working Life stipulates that the employer must act to encourage ethnic diversity, but leaves the employer free to interpret and choose suitable measures.

The investigation states that knowledge is scarce in the area of ethnic and social recruitment,

»Knowledge is limited on ethnic recruitment to universities and the need is great for research into the relation between education and ethnicity. The few studies made in Sweden that shed some light on the relation between ethnic and social background in recruitment to higher education underline that the social background is the strongest factor of influence. This is also confirmed by international studies.«¹⁹

At the end of October 2002 the National Agency for Higher Education was given an extended responsibility to review the possibilities for immigrants with academic exams to receive supplementary education in order to practice their professions in Sweden. An important factor in the integration process would be if large numbers of immigrants trained as teachers could enter the working life in Swedish schools.

A press statement²⁰ from the National Agency for Higher Education concludes:

»More efforts are needed for immigrant academics to be able to enter the Swedish labour market. This was the conclusion drawn by the National Agency for Higher Education and the Integration Board after a report was presented last week. One effort is supplementary education giving the students possibilities to adjust their competence to Swedish conditions.

Today supplementary educations mostly can be found in professions with a shortage of skilled labour such as doctors, nurses, teachers and technicians. The educations are run by universities and university colleges commissioned by the Swedish National Labour Market Administration. To be eligible for supplementary education, the applicant must be registered as a jobseeker. Some supplementary educations are also carried out by commission of the Government.

¹⁸ Mångfald i högskolan – Reflektioner och förslag om social och etnisk mångfald i högskolan (SOU 2000:47)

¹⁹ Mångfald i högskolan – Reflektioner och förslag om social och etnisk mångfald i högskolan (SOU 2000:47), page 71.

²⁰ Press statement from the National Agency for Higher Education, 2002-10-31.

Universities may also set up supplementary education in their own areas of choice, but so far such educations are few.

The National Agency for Higher Education has been commissioned by the Government to review how the supplementary education works. The National Agency for Higher Education shall among other things make a survey of existing supplementary educations, compile the students opinions about them, if they lead to jobs, why some students drop out and if the educations in question result in a Swedish exam. Other important questions are the significance of mainly offering supplementary education in professions with a shortage of skilled labour and the requirement to be a registered jobseeker. The final report will be presented in April 2003.

The National Agency for Higher Education has earlier criticised supplementary education for only being directed to people in professions with a shortage of skilled labour. A more permanent effort to set up supplementary education should be made in all areas that require academic degrees.«

7.1 Municipal initiatives

Many municipalities have begun to adopt plans for diversity as a consequence of discussions about the importance of diversity held by the Integration Board and other public authorities. Such plans for diversity usually include schools as a workplace. However many municipalities have not made more elaborate and comprehensive strategies on anti-discrimination.

The municipalities often perceive that activities for diversity indirectly are work against discrimination. It is first and foremost a symbolic act to attempt to make the composition of pupils and teachers in the school mirror the population on the national level. Diversity plans often lack efforts to find the mechanisms that grant all pupils the keys to an independent life and possibilities to make a personal future come true.

Of some 30 plans for diversity in different municipalities, none consider the inner diversity or the actual life situation, real experiences and personal experiences of culture and identity. If the state and the municipalities are to give pupils the right to express and develop their own culture, the work for diversity must be characterized by putting quite different questions on the agenda. For example: instead of asking »where were you born?« start asking »what language do you speak? What language would you like to speak?«

7.2 Trade Unions

The Teachers' Union commented on the officially circulated report *Diversity in universities – reflections and suggestions for social and ethnic diversity in higher education*.²¹ The union reflects in its comments about thresholds that may hinder

²¹ Mangfald i högskolan; *Diversity in universities – reflections and suggestions for social and ethnic diversity in higher education* (SOU2000:47)

people with non-academic or non-Swedish backgrounds from training to be teachers. The Union suggest activities to make admissions more flexible to university colleges with teacher training programmes.

»The system of admission to university colleges is today formal and stiff. A new system that would better recognize knowledge and experiences would be valuable. The Teachers' Union can positively consider more flexible requirements for admission for 15 to 30 percent of available places in a programme. By using wisely designed systems for local admissions, where each applicant would be tried for necessary requirements and knowledge for higher education, the level at universities would be upheld and maybe even raised. It is therefore not a question of lowering requirements for admittance, but of recognizing the real knowledge and not just the formal qualifications. In connection, the universities and university colleges are expected to take a more active responsibility to promote social, ethnic and gender diversity in their recruitment.«²²

The Teachers' Union along with many other organisations point to the need for multi-lingual capacities. That means not only to develop the mother tongue and learn Swedish, but also the need to learn English and preferably an extra language as well.

²² Lärarförbundet, Teachers' s Unions comment to SOU 2000:47, <http://www.lararforbundet.se>

8. Discrimination and work against discrimination in compulsory school, upper secondary school and university

The current legislation in Sweden still makes it difficult for individual teachers or pupils in compulsory school, upper secondary school and university to have one's case tried. Much remains to be done in this area. The school often suffers from being treated as an isolated world, where rules and frameworks sometimes complicate for teachers and most of all for pupils to be seen as ordinary citizens. Insulting treatment in an ordinary workplace would set other legislations, the police and other authorities in motion. In compulsory school and upper secondary school a tradition exists that it is by far easiest to solve things within the walls of the school. The sharpened legislation for universities and university colleges which has strengthened the students' positions, new possibilities have emerged to review the situation for pupils in compulsory school and upper secondary school and in time also grant them increased legal protection.

8.1 Ombudsman against Ethnic Discrimination

The Ombudsman against Ethnic Discrimination has in connection to the new legislation, *Equal Treatment of Students at Universities Act*, been given possibilities to follow up on the situation of students in higher education. As of today, the Ombudsman against Ethnic Discrimination has received ten complaints on discrimination at universities. The nature of the complaints varies from racial harassment to individual discrimination at job appointments. The selection is too small to draw any general conclusions and many cases are not resolved. The headlines of these complaints are:

- Problems to complete education in psychotherapy at the University of Lund
- Special treatment during training as orthopaedist at Huddinge Hospital
- Special treatment during training at the clinic for orthopaedic at Huddinge University Hospital
- Problems during training to dental hygienist at the University of Karlstad
- Special treatment at admission of students to Media education in at Malmö University college
- Special treatment by teachers at the Institution for Behavioural Studies, University college of Kristianstad
- Special treatment at the University of Gothenburg
- Admission to education in Medicine and Research at Karolinska Institutet, Stockholm
- Discrimination within the University college of Skövde

Regarding cases in the educational system outside university colleges the following headlines are registered and under investigation at the Office of the Ombudsman against Ethnic Discrimination in 2002.

- Regarding rejection of admission to course in English

- Regarding difficulties in being granted leave of absence from school to take part in Sami activities
- Insulting message in the Halmstad school catalogue
- Regarding problems at the Norratorps School in Tomelilla
- Problems with the Swedish National Board of Health and Welfare in connection to assessment of dentist education
- Problems with the assessment made National Agency for Higher Education on previous education in the home country
- Regarding girls' situation in Muslim independent school
- Suspended from school due to religious symbol
- Regarding discriminating requirements in examination for hunters
- Regarding problems with Mjölby municipality school
- Discriminating treatment by certain confessional independent schools
- Not admitted to school despite very good test results
- Substandard teaching in Swedish for paramedics
- Regarding textbooks distributed at the Marbäck School
- Advice on admission to upper secondary school
- Regarding problems to complete training to hairdresser at Burgarden upper secondary school in Gothenburg
- Harassment and humiliations in class and at examinations
- Discriminated and subjected to special treatment due to immigrant background
- Not allowed to study Swedish, level A at upper secondary school
- Pupils have been forced to leave Alfa School in Solna due to their immigrant backgrounds
- Denied bus pass to school
- Complaint on harassment by pupils in Rättvik in pupils catalogue
- Insulted and harassed by teacher
- Students are treated badly by director and teachers at SFI School in Västertorp²³

8.2 The Ombudsman for Students

The Swedish Pupils' Organisation is a national organisation where pupils mainly from grade 7 and upwards in compulsory school and pupils from upper secondary school are active. The organisation has its own Ombudsman for Pupils, to whom the pupils can turn if they in any way are subjected to insulting treatment or need more information about their rights in school. The Ombudsman for Pupils tours the country, but is also otherwise accessible for answering questions. The Ombudsman for Pupils lacks legal tools, but can guide the pupil further on with the complaint. The help given can be facts and information, but also advice on whom to contact or turn to.

The Swedish Pupils' Organisation has an extensive material on Pupils' rights, which in printed form is distributed against payment and is free to use on the organisations' web page.²⁴

²³ Case file at the office of the Ombudsman against Ethnic Discrimination, www.do.se

²⁴ <http://www.elevorg.se>

9. Review of textbooks, methods and in-service training

There is a lack of knowledge and specific research on if the contents in textbooks in school in any way might be twisted to just reflect the points of view of the majority of the population. This area is better covered by research done on gender and equality between the sexes. This underlines the need for efforts to initiate studies on contents to guarantee a wide range and heterogeneous view in the material that is used in education.

10. Analysis and conclusions

Development of the educational system in a global society must define what factors are reasonable affecting the process. What is the cause and what is the effect? For instance; is a given problem or a given life situation to have been born in a different country? Is the accomplishment of an individual student the result of the country of birth of the parents or is it determined by the social conditions in the area where the student is raised? How does segregation affect the accomplishments of students?

Nihad Bunar, a Doctor of Sociology at the University of Växjö, has written the book *The School in the midst of the suburb – four studies on school, segregation, integration and multi-culture (Skolan mitt i förorten – fyra studier om skola, segregation, integration och multikulturalism)*. This is how he puts it:

»Descriptions of segregation in schools are often referring to the fact that the majority of the pupils do not have Swedish as their mother tongue, that the pupils are unable to link up with the Swedish society, that the rotation of students is large, that due to their own lack of influence the majority of the parents are unable to assist their children in school work, or that there is a conflict of culture between school and parent. All such explanations can be linked to the conditions in the living area or even to the ethnic factor.«²⁵

Nihad Bunar also claims that one of the most obvious factors encouraging segregation is that the economic and ethnic composition of the living areas of the pupils almost automatically brands the schools in the areas as segregated from the rest of the society and from the »ordinary« Swedish school. The area, the school and its pupils are already in advance viewed as »different«, which in its turn will create a form of stigmata.

However, several schools in such areas have in many cases been extremely successful and have become role models in pedagogy and educational methods for other schools all over the country. Such examples are the suburban schools of Tensta, Rinkeby and Bredäng in the greater Stockholm area, just to mention a few schools in pre-determined »problem areas«. The important thing is to determine what method and attitude will favour the development of the pupils, regardless of their background or ethnic origin. A winning concept developed in Rinkeby can also be a winning concept in the village of Sorsele, north Sweden, or in Lund in the south of the country.

Nihad Bunar continues:

»One of the most powerful representations is built around the ethnic backgrounds of the pupils. That the majority of the pupils may have an immigrant background is used as an excuse to explain bad work conditions or environment, cultural differences, outdated traditional work methods, internal quarrels etc. Even if the language difficulties of the pupils or an inability to pass grades may have roots in circumstances affecting the entire society (unemployed and un-influential parents, a lack of resources for extra education), the problems are never the less often represented as specific »immigrant problems« relating to »their« culture, traditions and work moral. Thus a difference is created towards the »normal

²⁵ Bunar, Nihad; *Skolan mitt i förorten – fyra studier om skola, segregation, integration och multikulturalism* (B Östlings förlag, Symposium, 2001) ISBN 91-7139-533-4

Swedish school», and reinforced by conditions and ambitions in the near environment.«

This attitude described by Nihad Bunar is by itself prejudicial, naïve and discriminatory. To be viewed as an individual – not as a member of a group categorised by others – is the very fundament of anti-discriminatory work. In this particular area scientific researcher, politicians and practical workers have a multitude of issues to mull over.

The Multicultural Park – A Study of Common Values at School and in Society was published by The Swedish National Agency for Education in 1999 and written by Hans Ingvar Roth, a Master of Letters at the University of Oxford and currently researcher at the Centre for Multi-Ethnic Research at Uppsala University. Roth writes about the symbolic »bussing policy« as a way to reduce segregation:

»A 'bussing' policy can be seen as a form of quota policy, where the objective is that schools in the more problem-free areas should take in a certain number of pupils from problem areas – areas which in many cases have a high proportion of immigrant residents. One reasonable criticism which can be directed against such a policy – and against a quota approach in general – is that these are emergency measures whose value is above all of a symbolic nature. What is really needed, however, are long-term strategies which get to the root of the problem and represent a concerted effort to combat segregation between different groups, especially in respect of housing and the employment market.«²⁶

In its diversity work the school must reflect upon which differences in competence and experience that are important to catch, and not also in this respect believe that outward differences such as place of birth, ethnicity etc, are linked to inner differences. That the surface reflects the soul is an old, rusty belief that does not fit well in a globalised and modern world. Symbolic actions must also be seen from this perspective.

Considering the ambition to educate children in a spirit of democracy and human rights, a fundamental work must be done to give the pupil knowledge of actual existing laws and regulations, and not implicit norms and values. The school must not have a unique position in interpreting existing norms in the community, expressed in the constitution and legislation.

Many schools and projects make arbitrary definitions on values considered to be »Swedish« and, as a consequence, diminishes the scope for democracy in an eagerness to distinguish right from wrong. A democratic upbringing gives the individual the right to know existing conditions and beyond that to be aware of one's right to disagree, form one's own opinion and the right to develop means and tools on how to influence the system and change it. That might be rights to demonstrate, to write a newspaper, to make a web page, to form a political association, to run a campaign etc. Everybody has the right to work for personal opinions, morale and political points of view within the framework of democracy.

In a multicultural society we need to meet inside and outside of the classroom to deal with our different values and ways of defining these to create a dynamic society where culture,

²⁶ Roth, Hans Ingvar; *Den mångkulturella parken – om värdegemenskap i skola och samhälle* (The Multicultural Park – A Study of Common Values at School and in Society) Utgiven av Skolverket (National Board of Education, 1999) ISBN 91-89313-48-8

identity, politics, religion, ethics and morale are part of a process in which many can participate on equal terms.

The general work against discrimination and the work to find the factors behind structural discrimination is extremely important. Such areas are the admission to teacher's training and admission to different educations for students. Furthermore it is enormously important to strengthen the pupils' rights to not be subjected to harassment by other pupils or teachers while attending school. Efforts for protection need to be developed both in methods and legislation.

The school's attitude towards the pupils should rather be characterized by questioning where the pupils are heading rather than where they are coming from. By viewing the pupils' futures as a priority, the school is the important place for creating a future in this or other countries. People are not living museums and should not have special responsibilities to preserve cultural heritages on the basis of descent, affinities and country of birth. However they have the right to express, develop and preserve the culture they personally find true and real.

11. Books and Literature

Al-Nadaf, Gufran (Editor); *Jalla! Nu klär vi granen – möte med den muslimska kultursfären* (Jalla! Let's dress the Christmas tree – Meeting the muslim cultural sphere) (Utrikesdepartementet, 2002) ISBN 91-7496-276-0

Andersson, Roy m fl; *Lyckad nedfrysning av herr Moro*, (Successful freezing of Mr. Moro) utgiven av Stockholms läns landstings kulturnämnd (Ordfront 1999) ISBN 9173245615

Bruchfeld, Stephane and **Levine, Paul A**; *Om detta må ni berätta – en bok om förintelsen i Europa 1933-1945* (Tell ye your children...) Government offices, Levande Historia ISBN 91-630-6384-0

Bunar, Nihad; *Skolan mitt i förorten – fyra studier om skola, segregation, integration och multikulturalism* (B Östlings förlag, Symposium, 2001) ISBN 91-7139-533-4

Eenfeldt, Marie; *Leva ihop* (Living together) Folkhälsoinstitutet ISBN 7205-184-1

Olika men ändå lika – om invandrarungdomar i det mangkulturella Sverige. Published by Youth Committee, SOU 1991:60

Roth, Hans Ingvar; *Den mangkulturella parken – om värdegemenskap i skola och samhälle* (The Multicultural Park – A Study of Common Values at School and in Society) Utgiven av Skolverket (National Board of Education, 1999) ISBN 91-89313-48-8

Sverige, framtiden och mangfalden, Final report from the Government's Committee on Immigration Policies, SOU 1996:55

12. Web addresses

www.regeringen.se

Government of Sweden; here can be found all information on investigations, legislation, guideline documents etc. All government bodies and authorities are linked to this address.

www.skolverket.se

National Board of Education; the authority responsible for pre-school, compulsory school and upper secondary school.

www.hsv.se

The National Agency for Higher Education is the authority responsible reviewing and developing higher education in Sweden.

www.lararforbundet.se

Läraryrket, the Teachers Union; the first of the two major teacher's trade unions.

www.lr.se

Lärarnas Riksförbund, the Teachers National Union; the second of the two major teacher's trade unions.

www.elevorg.se

A national student organisation for pupils in compulsory and upper secondary school.

www.svea.org

The Swedish Student Council; a national student organisation for pupils in compulsory and upper secondary school.

www.sfs.se

Sveriges Förenade Studentkar; The Swedish National Union of Students, the interest organisation for students in higher education.

APPENDIX 1

Förordning (2001:976) om utbildning, förskoleverksamhet och skolbarnsomsorg för asylsökande barn m.fl.

1 § I denna förordning ges föreskrifter om utbildning inom det offentliga skolväsendet för barn och ungdomar som avses i 1 § första stycket lagen (1994:137) om mottagande av asylsökande m.fl. Det är barn och ungdomar som

1. har ansökt om uppehållstillstånd i Sverige enligt 3 kap. 2 eller 3 § utlänningslagen (1989:529) (asylsökande),

2. har beviljats tidsbegränsat uppehållstillstånd med stöd av bestämmelserna i 2 kap. 4 a § utlänningslagen, eller

3. har ansökt om uppehållstillstånd i Sverige och av särskilda skäl medgetts rätt att vistas här medan ansökan prövas.

I förordningen ges också föreskrifter om förskoleverksamhet och skolbarnsomsorg för barn som avses i första stycket.

2 § Om inte annat följer av 4 och 5 §§, skall barn som avses i 1 § anvisas plats i förskoleklassen och ha rätt att få utbildning i grundskolan, den obligatoriska särskolan, specialskolan och sameskolan på samma villkor som barn som är bosatta i Sverige.

Dessa barns rätt att få utbildning i grundskolan, den obligatoriska särskolan, specialskolan och sameskolan medför inte någon skolplikt.

3 § Om inte annat följer av 4-6 §§, skall de ungdomar som avses i 1 § erbjudas utbildning i gymnasieskolan och gymnasiesärskolan på samma villkor som ungdomar som är bosatta i Sverige.

4 § De barn och ungdomar som avses i 1 § skall tas emot i det offentliga skolväsendet så snart det är lämpligt med hänsyn till deras personliga förhållanden. Det bör dock ske senast en månad efter ankomsten till Sverige.

5 § Undervisningen skall bedrivas med hänsyn till den enskilda elevens behov och förutsättningar.

6 § Vad som sägs i 3 § om utbildning i gymnasieskolan och gymnasiesärskolan gäller bara för den som har påbörjat utbildningen före 18 års ålder.

7 § Barn som avses i 1 § skall erbjudas förskoleverksamhet och skolbarnsomsorg på samma villkor som barn som är bosatta i Sverige.

8 § Hemkommunen skall svara för att utbildning enligt denna förordning kan komma till stånd. Detsamma gäller för förskoleverksamhet och skolbarnsomsorg.

Med hemkommun avses den kommun där personen vistas.

9 § Om en ansökan om uppehållstillstånd avslås och ett beslut om avvisning eller utvisning skall verkställas gäller rätten till utbildning, förskoleverksamhet och skolbarnsomsorg under tiden fram till dess personen lämnar landet.

Den som håller sig undan så att ett beslut om avvisning eller utvisning inte kan verkställas har inte rätt till utbildning, förskoleverksamhet eller skolbarnsomsorg enligt denna förordning.

2001:976

Denna förordning träder i kraft den 1 januari 2002. Genom förordningen upphävs förordningen (SKOLFS 1993:21) om undervisning av asylsökande barn.

APPENDIX 2

Equal Treatment of Students at Universities Act (2001:1286)

Purpose of the Act

Section 1

The purpose of this Act is to in the higher education sector promote equal rights for students and applicants and to combat discrimination because of sex, ethnic background, sexual orientation and disability.

Definitions

Section 2

In this Act

University: means a university or a university college which is managed by the State, a municipality or a county council and which is subject to the Higher Education Act (1992:1434) and also private organisers of education who hold a licence to award degrees in accordance with the Award of Certain Degrees Licensing Act (1993:792),

Student: means a person who has been accepted and is undertaking basic higher education or research education in accordance with the Higher Education Act or a course that can result in a degree that a private organiser of education may award in accordance with the Award of Certain Degrees Licensing Act; however, a person who is employed as a doctoral student shall not be deemed to be a student when applying this Act,

Applicant: means a person who by the appropriate procedure has given notice that he or she wishes to be accepted for basic higher education or research education in accordance with the Higher Education Act or to a course that can result in a degree that an individual organiser of education may award in accordance with the Award of Certain Degrees Licensing Act,

Ethnic background: that someone belongs to a group of people who have the same colour, national or ethnic background or religious belief,

Sexual orientation: homosexual, bisexual or heterosexual orientation,

Disability: permanent physical, mental or intellectual limitation of functional capacity as a consequence of an injury or an illness that existed at birth, has arisen thereafter or which may be expected to arise.

Active measures

Goal-orientated work

Section 3

A university shall, within the framework of its activities, conduct goal-orientated work to actively promote the equal rights of students irrespective of their sex, ethnic affiliation, sexual orientation or disability.

More detailed regulations concerning the obligations of universities in accordance with the first paragraph are contained in Sections 4 and 5.

Preventing and precluding harassment

Section 4

A university shall take measures to prevent and preclude a student being exposed to conduct that violates his or her integrity in higher education studies, if the conduct is related to

- the student's ethnic background (ethnic harassment),
- the student's sexual orientation (harassment owing to sexual orientation),
- the student's disability (harassment owing to disability), or
- the student's sex or is of a sexual nature (sexual harassment).

Annual plan

Section 5

A university shall each year prepare a plan that shall contain a review of the measures that are required to promote the equal rights of students irrespective of their sex, ethnic background, sexual orientation or disability and in order to prevent and preclude harassment in accordance with Section 4. The plan shall also contain a report on which of these measures the university intends to commence or implement during the forthcoming year.

A report on how the planned measures in accordance with the first paragraph have been implemented shall be included in the plan for the following year.

Obligation to investigate and take measures against harassment

Section 6

A university that becomes cognisant of a student considering him or herself to have been exposed to such harassment as referred to in Section 4, shall investigate the circumstances surrounding the said harassment and, in appropriate cases, take such measures that may reasonably be required to preclude continued harassment.

Prohibition against discrimination

Direct discrimination

Section 7

A university may not disfavour a student or an applicant by treating him or her less favourably than the university treats or would have treated persons of the opposite sex, another ethnic background, another sexual orientation or without disability in a similar situation, unless the university demonstrates that the disfavouring is not connected with sex, the ethnic background, the sexual orientation or the disability.

The prohibition does not apply if the treatment is justified taking into account a special interest that is manifestly more important than the interest of preventing discrimination at the university.

Indirect discrimination

Section 8

A university may not disfavour a student or an applicant by applying a provision, a criterion or a method of approach that appears to be neutral but which in practice especially disfavours persons of a particular sex, a particular ethnic affiliation, a particular sexual orientation or with a particular disability. However, this does not apply if the provision, criterion or method of approach can objectively be justified owing to a reasonable goal and the means are appropriate and necessary in order to achieve the goal.

Scope of the prohibition

Section 9

The prohibition against direct and indirect discrimination contained in Sections 7 and 8 shall apply when a university

1. decides on entry to higher education or takes any other measure that is important for entry,
2. decides on examinations or makes any other assessment of study performance,
3. decides or conducts any other similar assessment on matters concerning
 - a) crediting of education,
 - b) respite with studies or continuation of studies after study breaks,
 - c) change of tutor,
 - d) withdrawal of tutor or other resources in connection with research education,
 - e) training allowance for doctoral students, or
4. takes a disciplinary measure against a student.

Section 10

The prohibition contained in Section 7 against direct discrimination when a university decides on entry to higher education and underlying education, also applies when the university, by making premises available and usable, can create a situation for a person with disability that is similar with that for persons without such disability, provided it is reasonable to require that the university takes such measures.

Prohibition against reprisals

Section 11

A university may not subject a student or an applicant to reprisals because he or she has reported the university for discrimination or participated in an investigation under this Act.

Information concerning credentials

Section 12

An applicant who has been denied access to education is entitled, upon request, to be provided with written information from the organiser of the education concerning what education or what other credentials the person who has been accepted for the education possesses. This right applies if the education sought can lead to a degree that an individual

organiser of education may issue in accordance with the Award of Certain Degrees Licensing Act (1993:792).

Damages

Section 13

The State, a municipality or a county council that is the manager of a university and a private organiser of education who has a licence to award degrees in accordance with the Award of Certain Degrees Licensing Act (1993:792) shall pay damages for the violation that a student or an applicant has been subjected to by reason of the university neglecting

- the obligation under Section 6 to investigate and take measures against harassment of students,
- the prohibitions contained in Section 7 or 8 and Section 9 or Section 10 against discrimination of students or applicants,
- the prohibition contained in Section 11 against subjecting students or applicants to reprisals.

If it is reasonable, the damages may be reduced or lapse completely.

Appeals

Section 14

A decision by a university or a university college that is managed by the State, a municipality or a county council may be appealed against to the University Appeals Board on the grounds that the decision contravenes the prohibitions on discrimination contained in Section 7 or 8 and Section 9, items 1, 3 or 4 or Section 10 or the prohibition against reprisals contained in Section 11. If the Appeals Board considers that the decision violates any of the prohibitions and that it may be assumed that this had an impact on the outcome, the decision shall be annulled and the matter, if it is necessary, be remitted to the university or university college to be considered anew.

If a decision may be appealed against in accordance with any other enactment, the appeal shall be made according to the procedure prescribed there instead of in accordance with the provisions contained in the first paragraph.

Section 15

A decision by the University Appeals Board under this Act may not be appealed against.

Supervision

Section 16

The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation and the Disability Ombudsman shall ensure that this Act is complied with.

An Ombudsman shall endeavour to secure voluntary compliance with this Act by the universities.

A university is liable, if directed by an Ombudsman, to provide the information concerning the circumstances regarding the operations of the university that may be of importance for

supervision. A university is also obliged to submit information when an Ombudsman supports a request made by an applicant under Section 12.

Trial

Applicable rules

Section 17

Cases concerning damages in accordance with Sections 6-11 and also Section 13 shall be dealt with in accordance with that prescribed in the Code of Judicial Procedure regarding litigation in contentious cases where settlement of the matter is allowed.

However, in such cases it may be ordered that either party shall bear his or her own litigation costs, if the party that lost the case had reasonable cause to have the dispute considered.

Right to bring an action

Section 18

In a dispute in accordance with Section 17, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation or the Disability Ombudsman may as a party bring an action for a student or an applicant who gives consent for the same.

If an Ombudsman brings an action for a student or an applicant pursuant to this Act, the Ombudsman may within the same litigation also bring another action as a representative for the student or the applicant.

That prescribed by the Code of Judicial Procedure concerning situations of disqualification relating to parties, personal attendance, questionings under truth affirmation and other issues that relate to evidence shall also apply to a person for whom an Ombudsman brings an action in accordance with the first paragraph.

Limitation periods, etc.

Section 19

An action in a case for damages in accordance with Sections 6 – 11 and also Section 13 shall be instituted within two years after when the act complained of occurred or an obligation should have at the latest been performed. Otherwise the action lapses.

Section 20

An action that is brought by the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against discrimination because of Sexual Orientation or the Disability Ombudsman shall be treated as if the action had been brought by the student or by the applicant him or herself.