

RELIGION IN PUBLIC EDUCATION – SWEDEN

LARS FRIEDNER

GENERAL BACKGROUND

Sweden has 9.3 million inhabitants (2009), of which about 2.2 million, nearly 24 per cent, are under the age of 20.¹

The Swedish school system consists of pre-schools,² primary and secondary schools,³ and upper secondary schools.⁴ A child normally starts the primary school the year when he or she is about to become seven years old and continues there, and then in the secondary school, for in total nine years.⁵ The primary and secondary schools are compulsory.^{6 7}

The pupils who continue to upper secondary schools normally take a three-year course.⁸

The pre-schools can take care of children from one year of age and on. It is compulsory for the municipalities to offer all parents pre-school for every child.⁹

There are 4,660 primary and secondary schools (2009), of which 709 are private. About nine per cent of the private primary and secondary schools have a religious aim. There are 976 upper secondary schools, of which 458 are private. The statistics do not point out any upper secondary school as having a religious aim. The number of pupils in primary and secondary schools is about 892,000, of whom about 11 per cent attend private schools, and in upper secondary schools about 395,000, of whom about 22 per cent attend private schools. Regarding pre-schools a little less than 20 per cent of the children (out of about 450,000) attend private schools.¹⁰ There are no statistics on the number of religious pre-schools.

The number of private schools in Sweden has increased dramatically in recent years.¹¹ This is due to the fact that the municipalities are obliged to give the private schools the same economic support, in principle, as the public schools.¹²

¹ www.scb.se

² Sw. förskola.

³ Sw. grundskola.

⁴ Sw. gymnasieskola.

⁵ Ch. 3, Sections 7, 10 Education Act (1985:1100), Sw. *skollagen*; Ch. 7, Sections 10, 12 Education Act (2010:800); this new Education Act comes into force on 1 July 2011, when the Education Act 1985 is repealed, Sections 1-2 Act (2010:801) on Introducing the Education Act (2010:800), Sw. *lagen om införande av skollagen*.

⁶ Ch. 3, Sections 7, 10 Education Act.; Ch. 7, Sections 4-7 Education Act (2010:800).

⁷ This article only deals with pre-schools, primary and secondary schools, and upper secondary schools; according to the current Education Act, there are also other kinds of schools: Sami schools, special schools, schools for the people with learning disabilities, upper secondary education for adults, and Swedish for immigrants (SFI).

⁸ Ch. 5, Sect. 8 Education Act (1985:1100); Ch. 16, Sect. 15 Education Act (2010:800).

⁹ Ch. 2 a, Sections 6-9 Education Act (1985:1100); Ch. 8, Sections 4-7 Education Act (2010:800).

¹⁰ www.skolverket.se

¹¹ Ib.

¹² Ch. 2 a, Section 17 a, Ch. 9, Sections 6, 8 a Education Act (1985:1100); e.g. Ch. 8, Sect. 21, Ch. 10, Sect. 37, Ch. 16, Sect. 55 Education Act (2010:800),

The general curriculum for the public schools, which also has to be followed by the private schools, contains no religious teaching (i.e. confessional training) but teaching about religion.¹³ As a part of the full religious freedom, which has been in effect in Sweden since the 1950s,¹⁴ it is nowadays an obvious fact that there should be no religious teaching in the public schools. The private schools, however, are free to have religious teaching, as long as they also follow the curriculum decided by the central government. The new Education Act (2010:800), which will enter into force on 1 July 2011, contains provisions on this matter.¹⁵ The Government stated that:

“in the view of the Government there may in a school with a confessional aim, within the framework of the teaching, be scope for worship, hours of prayer or other forms of religious practice, e.g. deepening one’s own doctrine of faith as preparation for confirmation. Nor is there any restraint regarding elements of religious symbols or something similar in the equipment. If confessional elements occur in the teaching, participation should be voluntary for the child or the pupil. ... A (private) school shall be open for all pupils, and participation in confessional elements can therefore not be imposed as a provision for reception or continued school attendance. How the question of volunteering more exactly shall be solved by each school must be handled locally in a practically functioning manner according to the needs and the conditions that apply for the activities concerned. It may many times be natural that all pupils are present at the confessional elements, without every one actively participating. For instance, all pupils may be present during saying grace before the school meal or at a prayer that concludes the morning gathering but those who do not want to participate in the prayer choose to abstain. The possibility of having confessional elements means that there may be time for confessional activities during the school day. According to the Government, there is no conflict between the possibility of confessional elements and the demand that those elements shall be voluntary. The confessional elements shall always be offered with respect for the integrity of the pupils. Furthermore, it shall, as it is today, be possible within the framework of the pupil’s free choice or the school’s choice in the primary or secondary school ... or the individual choice in the upper secondary school to offer instruction in religion, history or civics that involves a deepening in Christianity, Islam, Judaism etc., e.g. in the form of studies of the Bible or the Koran. Such instruction must, though, be made in such a way that the instruction is still non-confessional, that is to say it shall be scientifically based and objective and comprehensive. This means, for instance, that the actual instruction must not contain any elements at all in the nature of practising creed. The basic democratic values and human rights, which form the basis for the school’s fundamental values, must without restriction be observed also by schools with a confessional aim. – The instruction shall be pursued applying the requirements of the curriculum regarding objectivity and comprehensiveness, openness for different understandings, tolerance, and possibilities to personal decisions. Thus, the fact that a school offers some confessional elements may not limit the objectivity and the comprehensiveness of the instruction. ... In this context, the Government also wants to call attention to the fact that the provisions regarding confessional elements aim at the school. They therefore do not for instance imply any obstacle for pupils in a public school arranging break activities that contain confessional elements. Hence, the scope for such activities must, in the same way as today, be judged from the point of view of general provisions on the right of free speech. Corresponding demands for objectivity and comprehensiveness apply for pre-schools ... which have a confessional aim. Within the pre-school, the idea of instruction comprises a broad educational perspective where care, development, and learning constitute one whole. This means that the distinction between instruction and education is not as clear. The Government considers that, within the broader concept of education, there will be scope for confessional elements among the activities. This might, as an example, concern saying a grace, reading aloud from religious stories or visiting a church. The confessional elements shall, as in private schools, be voluntary for the children. Thus, the custodian of a child shall be given the possibility to choose whether or not the child shall participate in such confessional elements. From the draft provisions on respecting the best interests of the child it follows that the child shall be given the possibilities to

¹³ www.skolverket.se

¹⁴ Religious Freedom Act (1951:680), Sw. *religionsfrihetslagen*

¹⁵ Ch. 1, Sections 6-7; the current Education Act (1985:1100) also has such provisions (Ch. 2 a, Sect. 13, Ch. 9, Sections 2, 8).

express his or her own opinions concerning these kinds of questions and that such opinions shall be attributed importance in relation to the child's age and maturity.”¹⁶

The curriculum regarding literature, history, arts and languages includes some religious aspects. The curriculum regarding religion also contains religious aspects of literature, history, arts and languages as well as ethics.¹⁷

Religion classes are compulsory in primary and secondary schools as well as in upper secondary schools.¹⁸

RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

In Sweden, there are no religious aspects on working conditions for teachers or other staff in public schools. The question of benediction of public school buildings has never been discussed, at least not for the last 50 years, when the last chain in the link between the public schools and the Church was broken.¹⁹ Nor is there currently any discussion in Sweden concerning religious symbols (e.g. crucifixes), praying, or religious services in public schools. No special, religiously motivated behaviour has been expected on the part of pupils or teachers or other school staff.

The question of religious garments has recently been handled by the Swedish National Agency for Education.²⁰ A decision from 2003²¹ was aimed at the wearing of a burqa (i.e. a black, all-covering garment with head-scarf, which means that you can only see the pupil's eyes through a veil) in an upper secondary school. The Agency stated that:

“clothing garments are normally decided entirely by the individual pupil. .. In some situations it can be seen as a question of order, which is a matter for the school to deal with. In the upper secondary school there is a wider scope than in the primary or secondary school to make local provisions on order, as it is not a mandatory education. If the wearing of a burqa, according to a serious assessment, risks causing disturbance to the order of the school, for instance, through quarrelling between pupils, feelings of discomfort, or unsafeness among other pupils, or that discussions about the garment detract from the teaching to an unreasonable extent, the management of the school may decide, either through general provisions on order or a decision for the individual case, that the pupils are forbidden to wear a burqa at school. The assessment may differ considering the local situation. If there are only a few pupils who make the manifestation (to wear a burqa), it may be enough that the ban only covers lessons. If it is many pupils who in different ways make extreme manifestations, the call for order may oblige a ban regarding the whole school. ... The question also has another perspective. ... (T)he teacher must be able to see the face of the pupil to determine whether the pupil has understood what the teacher is saying. The wearing of a burqa makes it more difficult or impossible [to facilitate] the personal and psychological interaction between the teacher and the pupil, which will be of manifest detriment to the pupil. It may be strongly questioned whether the school can fulfil its mission of conveying knowledge in a situation when the pupil wears a burqa. The teacher must continuously evaluate the development of knowledge by every pupil. Thus, the teacher must be able to identify and have communication with the pupils. ... Other problems and risks may arise at for instance physics and chemistry lessons and other lessons when pupils must handle technical devices.”

¹⁶ Government Bill 2009/10:165 p. 226 f.

¹⁷ www.skolverket.se

¹⁸ Ib.

¹⁹ Until 1962 the bishops of the Lutheran church had a (formal) position as supervisors of the upper secondary schools within their dioceses. During this period there have probably been occasions when a bishop gave the benediction to a newly built school.

²⁰ Sw. Skolverket.

²¹ 58-2003:2567.

The Agency concluded:

“Thus, the school management has the right and the obligation to act against religious expressions and special cultural expressions that may disrupt order and affect security or if the school cannot fulfil its educational task.”²²

In another decision, from 2006, the Agency criticized a primary school for having forbidden a pupil to wear a Muslim head-scarf at school.²³ The Agency stated that:

“the position of the Swedish National Agency for Education is that the management of a school may impose restrictions for a certain garment only due to the circumstances in special cases. Such a decision is motivated only if it can be proven that the garment in that particular case affects the order and security of the school or if the school is thereby impeded in fulfilling its educational task. ... That a school declares a general ban on the pupils wearing any kind of headgear means that pupils e.g. wearing religious headgear [such] as a head-scarf or a Jewish kippa, are restrained from practising their religion. A peaked cap or another kind of cap cannot be seen as equal to a head-scarf. ... The Agency considers that the action of (the school), to deny a pupil to wear a head-scarf with reference to general provisions of order, means that pupils who are wearing head-scarfs for religious reasons are excluded from the school. The Agency states that (the school) by acting in this way is not open to all pupils as prescribed by the Education Act.”²⁴

The two cases show quite clearly the current position of Swedish law.

OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

There are, in Sweden, no general provisions that give a pupil the right to be off school on religious holidays. The working year of the schools is normally divided into an autumn and a spring semester, allowing holidays for Christmas, New Year and Twelfth Night.²⁵ Within the semesters, the head teacher decides on holidays,²⁶ normally including Easter holidays.²⁷ It is known that the head teachers in at least one municipality in the country have decided on holidays for the day of the Muslim *Eid al fitr*, but this is not common. On the other hand, the parents of a pupil have the possibility in the primary and secondary school of taking the child out of school for up to ten days per year.²⁸

The current Education Act contains a provision allowing the possibility of exemption from compulsory school education. The permission for exemption is granted by the school's head teacher.²⁹ This possibility has been used to release immigrant children from physical education and swimming as well as from education regarding sexuality.³⁰ This provision

²² Ib.

²³ 52-2006:689.

²⁴ Ib.

²⁵ Ch. 4, Sect.1 Compulsory Education Ordinance (1994:1194), Sw. *grundskoleförordningen*; Ch. 3, Sect. 2 Upper Secondary Education Ordinance (1992:394), Sw. *Gymnasieförordningen*.

²⁶ Ch. 4, Sect. 5 Compulsory Education Ordinance; Ch. 3, Sect. 6 Upper Secondary Education Ordinance.

²⁷ Twelfth Day, Easter Friday, Easter Monday, and Ascension Day (Protestant Calendar) are public holidays according to Section 1 Act (1989:253) on Public Holidays, Sw. *lagen om allmänna helgdagar*.

²⁸ Ch. 6, Sect. 8 Compulsory Education Ordinance: holidays could exceed ten days under particular circumstances, but should then be decided by the Board of the school (otherwise by the head teacher). In the new Education Act (2010:800) the possibility of extra holidays is governed by the Act (Ch. 7, Sect. 18), not the Ordinances; it is expressly said in the *travaux préparatoires* for this provision that a religious holidays could be a reason (Government Bill 2009/10:165 p. 707); there are also in the upper secondary school possibilities for extra holidays: Ch. 6, Sect. 20 Upper Secondary Education Ordinance.

²⁹ Ch. 3, Sect. 12 Education Act (1985:1100).

³⁰ Högdin, Utbildning på (o)lika villkor – om kön och etnisk bakgrund i grundskolan (Eng. *Education on*

cannot be used for granting exemption from teaching on religions, as in 1995 another provision was repealed that had previously granted this right to members of other churches or religious communities than the Lutheran *Church of Sweden*.³¹ The new Education Act (2010:800), which as mentioned will come into force on 1 July 2011, decreases the possibilities for exemption.³² The Government stated, when the new act was drafted that:

“education at school shall be comprehensive and founded on facts and modelled so that all pupils can participate, regardless of the pupil’s and his or her custodian’s religious or philosophic understanding. The Education Act and the curricula underline the importance of a dialogue between the school and the custodians. Through a trustful and functioning dialogue with the families the school may create an understanding of the activities of the school and for different elements in the teaching. The school might also occasionally, if it is reasonable, divide the pupils into different groups or apply other organizational and pedagogic measures to avoid delicate situations arising for individual pupils or groups of pupils. This could for instance concern swimming instruction, where girls and boys are separated. The teaching shall however be carried out according to the basic values expressed by the curricula. Thus, there should not be any elements that can be interpreted as offending anyone. According to the view of the Government, the need for a provision on possibilities for exemption from instruction may therefore be questioned. However, a possibility of granting a pupil exemption from isolated compulsory elements of the instruction is not excluded in very exceptional cases. The provisions are therefore to be modelled substantially more restrictively than today. To stress that exemption is only possible in such exceptional cases, exemption may only be granted when there are extraordinary reasons. The requirement for extraordinary reasons means that the reasons for exemption must be very strong. Exemption can only apply for isolated elements of the teaching. A decision on exemption can therefore only apply to isolated occasions during a school year. In this connection it ought also to be pointed out that the earlier right to exemption from teaching in religion for pupils belonging to certain religious communities is abolished since June 1, 1997.”³³

Religiously motivated home-schooling is accepted under the current Education Act.³⁴ However, from 2011, with the new Education Act, this possibility is abolished. There is still, if there are extraordinary reasons, a possibility for home-schooling,³⁵ but this possibility does not apply for home-schooling due to religious reasons. The Government stated that:

“from current school statutes is it obvious that the teaching at school shall be comprehensive and founded on facts and through that modelled so that all pupils can participate, regardless of the pupil’s or his or her custodian’s religious or philosophical beliefs. Set against this background it is the view of the Government that there is currently no need for a provision in the Education Act which allows scope for home-schooling due to the religious or philosophical beliefs of the family”.³⁶

The Government discussed whether this statement complies with the Swedish obligations under the European Convention of Human Rights and the Swedish constitution and drew the conclusion that the state does not have to respect a conviction of the parents that conflicts with the child’s right to education. Thus, the statement of the Government does not conflict with Sweden’s international obligations or the Swedish constitution. The Government continued that:

“for the future there will also be needed a certain scope for, during a limited time, getting permission for completing the compulsory education in another way. As mentioned in the draft for the current

(*unequal conditions – about gender and ethnic background in the primary and secondary school*) p. 106 f., Stockholm 2007.

³¹ Ch. 3, Sect. 12 Education Act (1985:1100); Government Bill. 1995/96:200 p. 66f.

³² Ch. 7, Sect.19.

³³ Government Bill 2009/10:165 p. 341.

³⁴ Ch. 10, Sect. 4.

³⁵ Ch. 24, Sect. 23 Education Act (2010:800).

³⁶ Government Bill 2009/10:165 p. 523.

provisions it could for instance deal with a case when a pupil has moved here from one of our neighbour countries but chooses to remain in the school of the neighbour country for the rest of the semester or when a pupil takes part in a film production or something similar. The provisions ought also to be relevant when a pupil goes for a longer journey. The wording of the provisions implies that these provisions must be applied most restrictively. The right of all children to an equal education is one of the cornerstones for the Swedish education system. The actual activities, for the limited time to which permission can refer to (up till one year at a time), must appear to be a satisfactory alternative to the ordinary teaching. The assessment of whether there are extraordinary reasons shall be based on the best interests of the pupil.³⁷

³⁷ Ib. p. 524.