



european network against racism

# ENAR Shadow Report 2010-2011

## ENAR SHADOW REPORT

### **Racism and Discriminatory Practices in Sweden**

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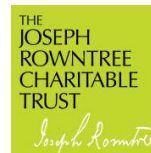
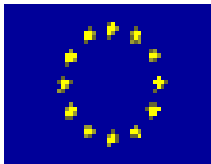
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, March 2012, with the support of the Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013), the ENAR Foundation, and the Joseph Rowntree Charitable Trust.

PROGRESS (2007- 2013) is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields. For more information see: <http://ec.europa.eu/progress>. The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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## I. Executive summary

One of the major political developments during this period was the entry of the xenophobic and nationalist party, the Swedish Democrats (Sverigedemokraterna SD) into the Swedish Parliament during the general elections in September 2010, through which they managed to get 20 seats in parliament with 5.7 % of the votes.

Another change in the political landscape was the closing of The Ministry of Integration and Gender Equality transferring its tasks on integration, discrimination and national minority issues to the Ministry of Employment.

The Government proposed a Bill "Newly arrived immigrants' labour market establishment – personal responsibility with professional support" (Nyanlända invandrades arbetsmarknadsetablering – egenansvar med professionellt stöd) as part of the strategy for integration. The Swedish Parliament decided on 17 March 2010 to adopt the Government Bill.<sup>1</sup>

The new Discrimination Act<sup>2</sup> which entered into force on 1 January 2009 covers working life as well as all other essential aspects of society. The grounds covered are gender, ethnicity, religion, disability, sexual orientation, transgender discrimination and age. There are still some shortcomings in the new law in terms of inaccessibility outside employment, and further concerning the issue of positive action in the annual equal treatment plans covering all grounds of discrimination by employers.

On 5 May 2011 the Government appointed a special investigator to obtain an overall picture of the knowledge available about xenophobia and related forms of intolerance and to identify weaknesses to be addressed in future work. The inquiry "A more effective work against xenophobia and related intolerance" is mainly targeting schools and public authorities. The mission is to investigate anti-Semitism, Islamophobia, Afrophobia and anti-Roma issues.<sup>3</sup>

From 1 January 2010 a new law on national minorities and minority languages entered into force.<sup>4</sup>

The Swedish delegation for Roma rights presented its final report to the

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<sup>1</sup> Bill 2009/10:60, bet. 2009/10: AU7, Riksdag Communication. 2009/10:208

<sup>2</sup> Diskrimineringslag (2008:567), <http://www.notisum.se/rnp/sls/lag/20080567.htm> accessed 20 September 2011.

<sup>3</sup> "A more effective work against xenophobia and related intolerance" (Dir. 2011:39) , <http://www.opengov.se/govtrack/dir/2011:39/> accessed 20 September 2011.

<sup>4</sup> Lag (2009:724) om nationella minoriteter och minoritetsspråk, <http://www.notisum.se/rnp/sls/lag/20090724.HTM> accessed 20 September 2011.

government in 2010, "Roma rights - a strategy for Roma in Sweden."<sup>5</sup>

Sweden still lacks a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in accordance with the Paris Principles.

The Swedish government has not raised awareness about 2011 as the International Year for people of African descent as designated by the UN.

**Some of the national recommendations suggested in this report are:**

- The Swedish government should propose that during the legislative process, the Jurisdiction of cases concerning ethnic and religious discrimination in employment should be removed from the Swedish Labour Court to the general courts;
- The Swedish government should propose an improvement of data collection and statistics on disaggregated data in relation to racism, xenophobia and discrimination to create indicators and benchmarks to measure progress made in anti-discrimination work.

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<sup>5</sup> Romers rätt - en strategi för romer i Sverige, SOU 2010:55, (SOU 2010:55). <http://www.sweden.gov.se/sb/d/12482/a/150025>, accessed 20 September 2011.

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### III. Introduction

This report discusses and analyses the main developments during the period March 2010 to March 2011 in the areas of discrimination and racism on ethnic grounds in Sweden.

Xenophobia, intolerance and racism are increasing in Sweden, especially towards Muslims, the Jewish communities, the Black communities and the Roma communities. Civil society has expressed its concerns, especially in regard to the anti-immigration political party, the Swedish Democrats, entering parliament for the first time. Anti-racism organisations are urging the government to increase funding to civil society to create networks regionally and locally to effectively enhance the fight against xenophobia, intolerance and racism.

Throughout the report, the conditions for people of African descent are given special attention since UN has designated 2011 as the International Year for people of African descent.

The first part of the report discusses the communities particularly vulnerable to racism and ethnic discrimination in Sweden, through highlighting research, discourse and manifestations of racist incidents during 2010/2011

Further, an overview will be presented of the situation in the fields of employment, housing, education, health, policing and racial profiling, racist violence and crime, access to goods and services and media including the internet, discrimination and anti-racism are presented. This section also focuses on the NGO perspective and the legal and political developments during 2010/2011.

Finally, some concluding remarks and a number of national recommendations in the field of racism and ethnic discrimination will be presented.

## IV. Communities vulnerable to racism and discrimination

The latest figures from Statistics Sweden (Statistiska centralbyrån, SCB) reveal that in the last 50 years the number of foreigners living in Sweden or those with two foreign-born parents has risen from four to nearly 2%. There are around 1.6 million foreigners currently residing in Sweden from a total population of 9.3 million.<sup>6</sup> Finland tops the table with 256,975 Finns residing across the border today. Within Europe, the most represented country among the 27 EU nations is Poles with a total of 78,522 Polish people living in Sweden. Africans make up 48,710, the majority of Africans come from Somalia. In 2010, about 5553 Somali nationals sought asylum in Sweden. Since Somalia does not currently have a functioning government, Sweden does not accept identity documents from Somalia. South Americans account for 29,689 people residing in Sweden. There are about 142,053 Iraqis, 75,175 Iranians, 44,415 Lebanese, 35,886 Syrians, 27,552 Thais, 21,322 Chinese, 20,111 Vietnamese, 18 534 Indians, 14,292 Afghans, 9,818 Filipinos, 10,831 Koreans (North and South), and 10,823 Pakistanis.

The government has implemented several initiatives to improve the situation for the recognised five national minorities (Roma, Swedish Finns, Tornedalers<sup>7</sup>, Sami and Jews). Among these improvements is the new law on National Minorities and Minority Languages<sup>8</sup> which entered into force on 1 January 2010. Another improvement is that the government finally amended the Swedish Constitution in order to give explicit recognition to the **Sami** people as an indigenous people and not just a national ethnic group.

The situation for **Jews** in Sweden has become more precarious in recent times, particularly in the southern city of Malmö. Jews in Sweden are held accountable for what the Israeli government does. The Simon Wiesenthal Center, a US-based Jewish rights group, has criticised Sweden for not doing enough to protect the Jewish community in the city. The Minister of Integration links the rise in the number of attacks on Jews to events two years ago, when the city of Malmö decided to hold a Davis Cup tennis match behind closed doors, and thousands protested against Israel's participation. The government has commissioned the

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<sup>6</sup> Source: Statistics Sweden, Statistical Yearbook of Sweden 2010

<sup>7</sup> Approximately 50,000 Tornedalers, most of whom live in the municipalities of Haparanda, Övertorneå and Pajala and also in parts of Kiruna and Gällivare are one of the national minorities in Sweden. In recent years, Tornedalers have demonstrated a renewed determination to preserve and promote their distinct identity and culture. An expression of this is the formation in 1981 of the Swedish Tornedalian Association – Tornionlaaksoilaiset (STR-T). The association aims to protect the linguistic and cultural interests of these Tornedalers, among other things by preparing educational material and a dictionary in Meänkieli in order to develop the written form of the language. The Law on National Minorities and Minority Languages <http://www.minorityrights.org/1505/sweden/finns.html>, accessed 20 September 2011.

<sup>8</sup> (SFS 2009:724), <http://www.minorityrights.org/1505/sweden/finns.html>, accessed 20 September 2011.

state agency, Living History Forum to investigate anti-Semitism in Sweden.<sup>9</sup>

The Swedish delegation for **Roma rights** presented its final report to the government in 2010, "Roma rights - a strategy for Roma in Sweden"<sup>10</sup>. Besides pointing out that the Roma have limited access to education and a lack of knowledge about their rights, the delegation also found evidence of a deep credibility gap, which jeopardises any attempt to improve the situation. A model for a strategy<sup>11</sup> that will ensure Roma human rights in Sweden was presented with three broad objectives:

- to close the prosperity gap between Roma and other groups,
- to lift Roma power disadvantage,
- to repair Roma trust in mainstream society and bridge the credibility gap.

The strategy which was presented 30 July 2010, should be implemented and completed during the course of 20 years.<sup>12</sup>

The Equality Ombudsman presented a report that shows that between 2004 and 2010 the agency received 230 complaints from Roma. Roma women constitute up to 70% of the Roma victims of discrimination. Women experience discrimination in businesses when they buy food or clothes, or when they check into hotels or visit restaurants. Roma complaints constitute 20% of the complaints about discrimination in the housing market, both in terms of provision of apartments for rent and purchase of private apartments. Discriminatory behaviour and harassment by landlords or neighbours is also reported. About 20 % of the complaints from the Roma are about discrimination in social services and experiences of discrimination when children are forcefully taken from their families according to the Act of the Care of Young (LVU).<sup>13</sup>

Muslims are an especially vulnerable group in society and Islamophobia is growing stronger. The xenophobic, nationalist party the Sweden Democrats (Sverigedemokraterna, SD) is promoting Islamophobia by describing Muslims as terrorists. In an article published in Dagens Nyheter, January 25, 2011, Jimmie Akesson, the leader of the Sweden Democrats argued that the government should tighten the law against Islamist terror and investigate the spread of Islamic attitudes in Swedish society. Sweden Democrats are also campaigning to convince municipalities to deny Muslims the right to build Mosques. The

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<sup>9</sup> The government gave the Living History Forum to conduct a survey of anti-Semitism and Islamophobia. The mapping from the Living History Forum will provide the basis and any proposals to the government's investigation: "A more effective work against xenophobia and related intolerance" (Dir. 2011:39).

<sup>10</sup> Betänkande av Delegationen för romska frågor, Romers rätt – en strategi för romer i Sverige (SOU 2010:55),

[http://www.humanrights.gov.se/dynamaster/file\\_archive/100910/7e34c5b65cc1dfba685dc721b4c21f31/Romadelegationens%20slutbet%202010.pdf](http://www.humanrights.gov.se/dynamaster/file_archive/100910/7e34c5b65cc1dfba685dc721b4c21f31/Romadelegationens%20slutbet%202010.pdf) , accessed 18 September 2011.

<sup>11</sup> Ibid.

<sup>12</sup> The Swedish Government, <http://www.regeringen.se/sb/d/12482/a/150025>, accessed 18 September 2011.

<sup>13</sup> The Care of Young Persons (Special Provisions) Act ( Lagen med särskilda bestämmelser om Vård av Unga, LVU), (1990: 52), <http://www.notisum.se/rnp/sls/lag/19900052.htm> ) , accessed 20 September 2011.



government's has commissioned the state agency, Living History Forum to investigate the increasing Islamophobia in Sweden.<sup>14</sup>

The United Nations declared 2011 as the International Year for people of African descent. The UN has urged countries to do their utmost during the year so that people of African descent have the opportunity to fully enjoy their economic, cultural, social and political rights. Centrum mot rasism (CMR) has urged the government to fund the dissemination of knowledge and education of **Afrophobia** in Sweden and in consultation with the African communities to implement measures that meet UN demands and that Afrophobic harassment and discrimination is prevented and countered. One case of Afrophobia that was reported in the media was when a Somali woman and children were subjected to racist abuse and physical violence by a group of young people. The incident occurred in a small town, Tomelilla. Racist words like "fucking negro" and offensive words like "take off the curtain (veil)" were shouted at the woman and her daughter. The woman and her daughter were victims of physical violence when the youth threw stones at them. The woman was hit by stones three times when her children were nearby. When her six-year old daughter was hit in the back of the head with a stone the woman reported the incident to the police. The police recorded the assault as incitement to racial hatred and also as a hate crime.<sup>15</sup>

Another Afrophobic racial incident that received a lot of media attention was a staged "slave auction" that took place at the students association, Hallands Nation at Lund University. A party was organised with a "jungle" theme by the students. During the evening some students, representing "slaves" entered the hall, with "blackened faces" and with ropes around their necks. They were escorted by white students depicting "slave owners". Later in the evening the "slaves" were sold during a staged "slave auction". Several organisations including the Centre Against Racism, the Afro-Swedes' Association, NAWES (The Network of Afro-European Women Scientists) wrote press releases and articles condemning the "slave auction". An exchange student from USA raised attention around the incident on facebook, shocked about the absence of critical voices among those who participated in the "slave auction" student party. The incident was later reported to the police for incitement to racial hatred by an African activist. He then became the target of brutal racist attacks. A photomontage was manipulated of his face depicting a slave in chains accompanied with the text "Has anyone seen our runaway slave?". The photomontage was posted around Malmö University and in Lund. The person who committed this crime was found by the police plastering his posters over central Lund. He was charged on with both hate speech and defamation.<sup>16</sup>

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<sup>14</sup> The government gave the Living History Forum to conduct a survey of anti-Semitism and Islamophobia. The mapping from the Living History Forum will provide the basis and any proposals to the government's investigation: "A more effective work against xenophobia and related intolerance" (Dir. 2011:39).

<sup>15</sup> Orrenius N., Sydsvenskan, 1 September 2010

<sup>16</sup> The Local, <http://www.thelocal.se/37016/20111028/>, accessed 20 September 2011.

The incident received international attention through a strong reaction from the European Network Against Racism, ENAR. In an open letter to the Swedish Minister for EU Affairs Birgitta Ohlsson, ENAR condemned the "slave auction." The European-based organisation, RED Network, with 17 member organisations in Europe wrote an open letter to the Minister of Integration Erik Ullenhag and the Minister of Education, Jan Björklund. The well-known American civil rights activist, Jesse Jackson, also wrote an open letter to the Minister of Education, Jan Björklund and urged him to ensure that Swedes have a better understanding of the transatlantic slave trade. The Afro-Swedes' Association called on Sweden to designate October 9 as a national memorial day in remembrance of Sweden's participation in the transatlantic slave trade.

## V. Racism and related discrimination in employment

### VII.i Manifestations of racism and related discrimination in employment

The Equality Ombudsman (DO) reported that the majority of complaints received in 2010 were related to ethnic discrimination in employment. DO received a total of 992 complaints in employment of which 289 were due to ethnic discrimination.<sup>17</sup>

An African man employed as a truck driver at a company in Gothenburg, made a complaint to the Equality Ombudsman (DO) that his former manager called him a "nigger". The man had only worked for a short time, when he was told by a colleague that the manager said "Where did the "Nigger" go?" while unloading a truck and the man had gone to fetch a tool. Shortly after this incident the man was dismissed. The Equality Ombudsman made the assessment that the manager had subjected the man to ethnic harassment. A settlement was reached between DO and the company awarding the man 40,000 SEK (4,000 euro). Through the settlement the dispute was resolved.<sup>18</sup>

A young Muslim was employed by a recruitment agency to work as a driver for a transport company UPS. The intention was that the man would be employed directly by UPS if everything went well. After a week of introduction training the man was supposed to start his first day at work. In the morning he was told to shave off his beard, as the company's uniform policy states that drivers may not have beards. The man refused to shave off his beard due to religious reasons. His work at UPS was immediately terminated. The man made a complaint to the Equality Ombudsman on the ground of ethnic discrimination. The Equality Ombudsman reached a settlement with the carrier UPS awarding the man 75,000 kronor (7,500 euro).<sup>19</sup>

In another case, a woman was harassed during a job interview because her husband is a Muslim. The case was initially reported to the Local Anti-discrimination Agency in Uppsala (DU) which later forwarded the case to the Equality Ombudsman. The woman who is married to a man from the Middle East and has an Arabic surname was frequently asked questions about her husband and his origin during the interview. The employer expressed that it is "problematic with Swedish women who are married to foreign men" and that she was very unsure about hiring the woman because of this. The woman made a complaint to the Equality Ombudsman and the employer agreed to settle the case in which

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<sup>17</sup> The Equality Ombudsman, Årsredovisning p. 24, <http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf> , accessed 20 September 2011.

<sup>18</sup> Case number: ANM 2010/1795 <http://www.do.se/sv/Om-DO/Stamningar-och-forlikningar/Stamning-UPS/>, accessed 20 September 2011.

the woman received 50 000 SEK (5,000 euro).<sup>20</sup>

The Local Antidiscrimination Agency in Uppsala (DU) received a complaint from a Roma woman who had been prohibited from wearing the traditional Roma skirt at work. The woman had previously completed her internship at the grocery store, Netto, without any complaints about her traditional skirt. When her internship ended the woman was offered extra hours of work in the shop. The new manager requested that the woman wear trousers to work since skirts were not considered to be in accordance with the company dress policy. Although the woman explained that she cannot wear trousers because of her ethnic origin, the manager persisted with the requirement. The case was forwarded to the Equality Ombudsman who later entered a settlement with the company. The woman was awarded 75 000 SEK (7, 000 euro).<sup>21</sup>

### Examples of NGO Good Practice

**Interfem** is an anti-racist feminist NGO with a vision of a society free from discrimination, where women of foreign origin are recognised as a resource and have greater economic and political inclusion in the labour market and in society.<sup>22</sup>

## VII.ii The political and legal context

Although there is much variation, migrants have a considerably lower employment rate and a higher unemployment rate than people born in Sweden. Factors that make it difficult for people born abroad to establish themselves in the labour market include discrimination and racism, inadequate knowledge of Swedish and poorer access to informal networks. As part of the efforts to combat exclusion of migrants on the labour market, the government has proposed improvements in strengthening the step-in jobs scheme<sup>23</sup> by raising the subsidy rate from 75 to 80% and compensating enterprises for their costs for mentorship. Further, the government has introduced reforms to facilitate and accelerate the establishment on the labour market for newly arrived immigrants.<sup>24</sup> The Bill “Newly arrived immigrants’ labour market establishment – Personal responsibility with professional support” (Nyanlända invandrares arbetsmarknadsetablering – egenansvar med professionellt stöd)<sup>25</sup> is one of the government’s most prioritised

<sup>20</sup> Case number: ANM: 2009/1300

<sup>21</sup> Case number: 2009/2449, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>22</sup> Interfem, [www.interfem.se](http://www.interfem.se) , accessed 20 September 2011.

<sup>23</sup> The Swedish Employment Service (Arbetsförmedling), Instegsjobb - en möjlighet för arbetsgivare och nyanlända invandrar, <http://www.arbetsformedlingen.se/For-arbetsgivare/Stod-och-service/Insatser-och-program/Utlandsk-bakgrund/Instegsjobb.html> , accessed 20 September 2011.

<sup>24</sup> The government Bill on the strategy for integration was adopted by the Parliament on 17 March 2010. The new law entered into force on 1 December 2010.

<sup>25</sup> Bill 2009/10:60, bet. 2009/10: AU7, Riksdag Communication. 2009/10:208

areas in the strategy for integration policies. The Employment Service has been assigned to coordinate the establishment efforts targeted at adult newly arrived immigrants, a responsibility previously assigned to the municipalities. An individual establishment plan is set up which includes tuition in Swedish for immigrants (SFI) and social orientation classes. Newly arrived immigrants who actively participate in the establishment plan, will receive compensation for two years.<sup>26</sup> In addition, “establishment guides” [Etableringslotsar] are introduced to guide newly arrived immigrants onto the labour market. The aim is to help newly arrived immigrants to expand their networks and support their efforts to find employment.<sup>27</sup>

Unemployment rates were 8.4 per cent% in 2010 among the general population. The number of unemployed people in the age group 20–64 among the general population was about 760 000 or about 14% of the age group in 2010. The employment rate for migrant workers was 61.8% in 2010, far below the rest of the population's level of 76.5%. The rate is particularly low among migrant women, for whom the employment rate is 56.5% and has decreased during 2010.<sup>28</sup>

The Equality Ombudsman reported in its annual report 2010, that ethnicity is common in complaints relating to recruitment, dismissal, salaries and staff management. There are more reports from women than men of discrimination in the workplace. As for recruitment, the Equality Ombudsman received 202 complaints regarding discrimination in employment for all grounds. A common example of ethnic discrimination in recruitment is that a person with a migrant background reports that she or he was not called to an interview, or did not advance in the employment procedure. The complaints are frequently about discrimination due to a foreign sounding name. The Equality Ombudsman explains that it is often difficult to prove ethnic discrimination in these cases only from that fact. It is also difficult to prove claims of ethnic discrimination based on equal or better qualifications compared to others.<sup>29</sup>

### **NGO responses to the political and legal developments.**

Several NGO's are critical of the new government strategy for the integration of newly arrived immigrants in the labour market. There have been critical voices concerning the Establishment Guides (Etableringslotsar): the argument is that the current system risks locking newly arrived immigrants into unskilled jobs or causing them to remain in training programs without it leading to a job. There is a

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<sup>26</sup> Lag (2010:197) om etableringsinsatser för vissa nyanlända invandrare <http://www.notisum.se/rnp/sls/lag/20100197.htm>, accessed 20 September 2011.  
[http://www.lansstyrelsen.se/ist/sv/amnen/Integration/etablering\\_av\\_nyanlanda\\_flyktingar\\_och\\_invandrare/introduktion\\_for\\_nyanlanda/Ny\\_lagstiftning\\_om\\_etablering.htm](http://www.lansstyrelsen.se/ist/sv/amnen/Integration/etablering_av_nyanlanda_flyktingar_och_invandrare/introduktion_for_nyanlanda/Ny_lagstiftning_om_etablering.htm), accessed 20 September 2011.

<sup>29</sup> The Equality Ombudsman, Årsredovisning 2010 p. 25, <http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf>, accessed 20 September 2011.

risk that the assessment of the newly arrived migrants skills and competencies are lacking, especially from the Migration Board who are the first to meet the newly arrived individuals. One suggestion from NGO's is that measures have to be taken to ensure that the newly arrived immigrants are treated as professionals in order for them to enter the skilled labour market.

Another suggestion from NGO's is that for those newly arrived immigrants who are low skilled, the Establishment Guide program might not be enough. Some will need special interventions not to be marginalised from the labour market.

Finally, NGO's have also expressed their concern that the requirements currently necessary to receive funding for setting-up an establishment guide excludes NGO's, that lack sufficient financial means for co-funding. This has had the result that instead it is almost only private companies that can qualify in setting-up an Establishment guide. The challenge is then how these private companies will be able to safeguard the principles of integration that in the long term benefit the target group.

## VI. Racism and related discrimination in housing

### VI.i Manifestations of racism and related discrimination in housing

The Equality Ombudsman concluded a settlement with the HSB-association in Haparanda: the settlement meant that the association will pay 25 000 SEK (Euros) each to a Roma woman and her three children, a total of 100 000 SEK (10000 Euros). The Roma woman agreed with the seller to buy his apartment in order to move in with her three children. But the purchase never went through because the association's board said it did not want Roma living in their building.<sup>30</sup>

A woman was refused the opportunity to rent an apartment because her husband was a Roma. The Equality Ombudsman and the landlord reached an agreement whereby the woman received 40 000 SEK (4,000 euro) in compensation. The woman was at the showing of an apartment with a management company in Finspång and signed a contract the next day. The neighbours threatened to move claiming that they previously had problems with Roma in the area. The Equality Ombudsman (DO) investigated the case and determined that the woman was the victim of ethnic discrimination.<sup>31</sup>

#### Examples of NGO Good Practice

**The Swedish Centre Against Racism (Centrum mot rasism)** published the report on "Roma housing situation in Sweden." The report reveals that structural discrimination and exclusion of Roma from the labour market hinders their chances of finding accommodation.<sup>32</sup>

**The Segregation Tribunal (Segregationstribunalen)** is an initiative organised by The National Youth Board, Re:Orient, Sensus, Southern Theatre, Arena Idea and Swedish ESF Council. The Segregation Tribunal works to raise awareness about social exclusion and segregation through narratives by marginalised groups in the suburbs.<sup>33</sup>

<sup>30</sup> Ärende ANM 2009/ 6 <http://www.do.se/sv/Press/Pressmeddelanden/Romsk-familj-far-ersattning-efter-forlikning-med-HSB-forening/> , accessed 20 September 2011.

<http://www.do.se/sv/Press/Pressmeddelanden/Kvinna-nekades-hyreskontrakt-far-40-000-kronor-efter-forlikning/>, accessed 20 September 2011.

<sup>32</sup> Heidi Pikkainen, BA. in political science, and Björn Brodin, BA. in political science.

<sup>33</sup> Ungdomsstyrelsen, <http://www.ungdomsstyrelsen.se/art/1,2072,8466,00.html>, accessed 5 September 2011.

**Jagvillhabostad.nu** produced a pamphlet, “Empowerment! A survival kit for the housing jungle”, giving tips on how to recognise discrimination on the housing market.<sup>34</sup>

## **VI.ii The political and legal context**

In 2009 the government commissioned the Equality Ombudsman (DO) to specifically examine the possibilities of using situation testing to investigate the extent of discrimination on the housing market. DO was assigned to provide more knowledge and identify the areas needing further action. On 31 July 2010, the Equality Ombudsman submitted the report to the government.<sup>35</sup> The study is based on discrimination testing and covers discrimination on grounds of gender, ethnicity, religion or other belief, disability and sexual orientation. The housing rental market was examined through nearly 400 phone calls to 150 landlords in 90 different locations. The tenant-owned market (bostadsrättsmarknaden) was examined through a total of 44 visits through visiting different apartments for sale in Stockholm, Helsingborg and Lund. The study reveals that housing discrimination is more common in the rental market than in the tenant-owned market and that discrimination affects people of Finnish origin, Roma and Muslims the most. Discrimination occurred both in large cities, medium-sized cities and small towns. Overall, it was found that housing discrimination is a structural phenomenon that directly restricts people's lives, particularly migrants.<sup>36</sup>

The Swedish National Board of Housing, Building and Planning (Boverket) reported that the housing situation for newly arrived immigrants is acute. In the housing market survey in 2010, 80% of the municipalities indicated that they have problems in finding apartments for refugees with permanent residence permits. About 49% of the municipalities indicated that the lack of large apartments make it impossible to receive refugees. Furthermore, landlords set requirements in terms of income too high and are reluctant to accept large families as was reported by 10 % of the municipalities.<sup>37</sup>

### **NGO responses to the political and legal developments.**

NGO's in Sweden have long advocated for the need for discrimination tests such as situation testing to combat discrimination on the housing market. The government report submitted by DO is a good example but several NGO's are disappointed that the government has not taken any follow-up measures to

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<sup>34</sup> Jagvillhabostad, <http://www.jagvillhabostad.nu/> accessed 20 September 2011.

<sup>35</sup> The former Ministry of Gender and Integration, dnr IJ2010/1283

<sup>36</sup> The Equality Ombudsman, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>37</sup> Boverket, <http://www.boverket.se/> accessed 20 September 2011.



implement the results from DO study or spread the results to raise awareness about discrimination on the housing market.

## VII. Racism and related discrimination in education

### VII.i Manifestations of racism and related discrimination in education

The Equality Ombudsman received a total of 263 cases of discrimination in employment during 2010, of which 94 cases were based on ethnic discrimination.<sup>38</sup>

In October 2010, the Equality Ombudsman settled a case with the municipality of Dals-Ed. The case involved an African boy who was subjected to racist abuse and degrading treatment by other pupils at the school. The settlement awarded to the boy was 75 000 SEK (7,500 euro). The racial harassment and death threats had been going on for a long period time, but the school failed to correct them despite knowing about them. When the boy finally fought back he was regarded as "disruptive" by the school staff. The municipality of Dals-Ed admitted the flaws according to the law prohibiting discrimination and other degrading treatment of children and students.<sup>39</sup>

In 2010, the Schools Inspectorate (Skolinspektionen)<sup>40</sup> and the Child and School Student Representative (Barn och elevombudet)<sup>41</sup> received 1105 complaints against schools where students reported that they had been subjected to degrading treatment. This is an increase of 83% compared to previous years.

In May 2010, the Equality Ombudsman agreed on a settlement with the Stockholm hotel and restaurant school after a female student was banned from the school for wearing a veil to the serving classes. The settlement gave the woman 40,000 SEK (4,000 euro).<sup>42</sup> In another case, a woman wearing a veil was denied to labour training. She was told that future employers would not accept the veil. The woman was dropped from the course. The Equality Ombudsman reached a settlement with the municipality which awarded the woman 35 000 SEK (3,500 euro).<sup>43</sup>

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<sup>38</sup>The Equality Ombudsman, Årsredovisning 2010, p. 31, <http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf> , accessed 20 September 2011.

<sup>39</sup> The Equality Ombudsman, Case Number: 2007/1060. [www.do.se](http://www.do.se), accessed 20 September 2011

<sup>40</sup> Skolinspektionen, <http://www.skolinspektionen.se/> , accessed 20 September 2011.

<sup>41</sup> Barn och elevombudet, <http://www.skolinspektionen.se/BEO/> , accessed 20 September 2011.

<sup>42</sup> The Equality Ombudsman, Case Number: 2009/1224, [www.do.se](http://www.do.se), accessed 20 September 2011.

<sup>43</sup> The Equality Ombudsman, Case Number: 2008/402. [www.do.se](http://www.do.se) , accessed 20 September 2011.

### **Examples of NGO Good Practice**

**Young & Dumb (Ung & Dum)** is a project working to change adults' attitudes toward children and youth through highlighting young people's engagement knowledge and increased political participation.<sup>44</sup>

**The Discrimination Agency in Uppsala (DU) initiated a project Pralin - Practical equality work in schools.** Pralin aims to develop equality in schools, with particular focus on how schools can identify the existence of discrimination, harassment and abuse in their own operations and to have children and students involved in the process of planning a treatment plan.<sup>45</sup>

### **VII.ii The political and legal context**

The Swedish Schools Inspectorate (Skolinspektionen) announced in a report published in 2010 that multicultural kids and students at Sweden's preschools and schools are falling behind due to an inability of teachers to address their needs.<sup>46</sup> The agency undertook a study at 21 preschools and 21 schools in 12 municipalities. The agency's findings offers examples of both the problems and solutions of what can be done to improve the language and knowledge development for multilingual children.

In total, 11.2% of students leaving compulsory school in spring 2009 did not pass their exams, or 10.1% of the girls and 12.4% of the boys. The drop-out rate at the national programme in upper secondary school is reported to be higher for migrant children than for students with a Swedish background. The Swedish Radio's Ekot (Sveriges Radio's Ekot) news bulletin reported that one in four students with a migrant background left compulsory school without the qualifications to enter the national programme in upper secondary school (gymnasiet) compared to one in 10 pupils with a Swedish background.<sup>47</sup>

Swedish universities have introduced tuition fees for foreign students, except for exchange students and those from within the EU and Switzerland. Tuition fees for international students will range between 90,000-250,000 kronor (9,000-25 000 euro) per year, depending on the programme and school. While over 16,000 non-EU students were enrolled at Swedish universities during the last academic year, fewer than 1,300 are registered for the 2011 autumn term.

<sup>44</sup> Ung & Dum, [www.ungochdum.se](http://www.ungochdum.se), accessed 11 September 2011.

<sup>45</sup> Diskrimineringsbyrån Uppsala, <http://www.diskrimineringsbyran.se/>, accessed 20 September 2011.

<sup>46</sup> Skolinspektionen: *språk och kunskapsutvecklingen hos barn och elever med annat modersmål än svenska* (rapport 2010:16)

<sup>47</sup> Sveriges Radio, <http://sverigesradio.se/>, accessed 20 September 2011.

A new Act on performance-based bonus compensation entered into force from 1 September 2010: the National SFI bonus aims at giving an incentive to newly arrived immigrants to learn Swedish quickly.<sup>48</sup> Newly arrived immigrants would be required to sign up for Swedish for Immigrants (Svenskundervisning för invandrare - SFI) language course within a year of their arrival in the country.<sup>49</sup>

In a new law,<sup>50</sup> Romani Chib, has formally been given the same status as the three territorial minority languages, Finnish, Sami and Meänkieli.<sup>51</sup>

**NGO response to the political and legal developments:**

In the annual NGO report in 2010/2011 published by the Centre against racism (CMR) in collaboration with Anti-discrimination agencies, one of the recommendations is that positive affirmative action should be allowed to give preference to people with foreign origin in the labour market. This should be applied if the foreign-born are under-represented in the workplace.<sup>52</sup>

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<sup>48</sup> Bill 2009/10: 188, bet. 2009/10: AU12, Government Communication 2009/10: 277

<sup>49</sup> Ministry of Education "Time for fast flexible learning", <http://www.regeringen.se/sb/d/1454>, accessed 20 September 2011.

<sup>50</sup> The Act (2009:724) on National Minorities and National Minority Language.

<sup>51</sup> SOU 2010:55 Romers rätt – en strategi för romer i Sverige

<sup>52</sup> Centrum mot rasism, "Etnisk diskriminering och rasism i Sverige 2010", [www.centrummotrasism.nu](http://www.centrummotrasism.nu), accessed 20 September 2011.

## VIII. Racism and related discrimination in health

### VIII.i Manifestations of racism and related discrimination in health

Several cases of ethnic discrimination, harassment and racism surfaced in the Swedish Health Care system during 2010 and 2011. These cases have often involved professional doctors and nurses harassing and offending migrant women during their visits to hospitals. The first case involves a Kurdish woman who was offended by a doctor during a visit to the orthopaedic clinic at the Central Hospital in Karlstad. The woman sought treatment for pain in her knees and thighs. When she walked into the reception room together with the interpreter the doctor asked why she has not learned Swedish, despite living in Sweden for 15 years. He repeated the question several times and also commented on her facial tattoos. The woman felt so bad after the visit that she did not seek medical attention again, even though the symptoms continued. DO sued the County Council for direct discrimination and harassment due to ethnicity. A settlement was reached with the County Council that awarded the woman 30,000 SEK (3,000 euro).<sup>53</sup>

Another similar case involved a woman from Ukraine who was offended by a nurse in Norrköping who told the female patient, "If you do not like the system here, go back to Ukraine".<sup>54</sup> In a similar case, an African woman was offended by a doctor in the City of Borås. The doctor told the woman "go back to Africa and get help from a witch doctor for your pain in the legs."<sup>55</sup>

Furthermore, a ten year old Somali girl was subjected to forced gynaecological examination after suspicion that her parents had genital mutilated her. The Social Services Committee reported the parents to the Police after a complaint by a district nurse. The girl was picked up by the police from school to undergo the forced gynaecological examination. The Equality Ombudsman sued the municipality for allowing such an intrusion in the girl's privacy, based on just suspicion. DO argued that the suspicions and the entire investigation was based on ethnic prejudice. The district court shared DO's view, ruling the municipality to pay 60 000 SEK (6,000 euro) in damages to the family. The municipality appealed against the court decision, but the leave to appeal was rejected, therefore, the district court's ruling is final.<sup>56</sup>

In December 2010, the Equality Ombudsman (DO) and the County Council of Västra Götaland, represented by Primary Care in Southern Bohuslän, made a settlement that awarded a migrant woman 25,000 SEK (2,500 euro). The woman sought treatment for a long-lasting, severe psychological disorder. The doctor refused to write out a sick leave letter for her. Instead the doctor asked the

<sup>53</sup> Equality Ombudsman, Case Number: 2009/337.

<sup>54</sup> The Local, 2011-01-28

<sup>55</sup> The Local, 2011-02-09

<sup>56</sup> Uppsala district court rules T 4350-07

woman, “Why do you need to stay in this country if you do not like it here?”.<sup>57</sup>

The Swedish Newspaper Dagens Nyheter (DN) published their review of the statistics from Sweden's Social Insurance Agency (Försäkringskassan) which revealed that people born in the Middle East, North Africa, and Turkey are denied sick benefits twice as often as applicants born in Sweden. Proof was found that in 2010 one in three Swedish-born applicants had claims denied by the agency. However, applicants from Middle East, North Africa, and Turkey had their claims denied twice as often.<sup>58</sup>

### Examples of NGO Good Practice

**Rosengrenska Stiftelsen** provides health care to undocumented migrants. Rosengrenska is an independent network consisting of medical staff. Individuals are assisted through the telephone hotline where they can contact nurses and doctors.<sup>59</sup>

### VIII.ii The political and legal context

During the last year the Equality Ombudsman has focused on the right to health care on equal terms. DO has had workshops with representatives of different interest groups, patient organisations and researchers. DO has examined gender action plans and plans for equal rights and opportunities among ten counties. In spring 2012, a report will be published with the DO's collective experience of the focus work.<sup>60</sup>

The Centre for Health and Integration (Centrum för hälsa och Integration) published a study that revealed that many refugees with a residence permit experienced anxiety, headache and trouble with sleeping and concentration difficulties. Of the 44 respondents these problems were strongly related to various traumatic events in their lives. 93 % of the men had been victims of violence, and over 70 % of the women and 40 % of the children had witnessed violence towards a loved one. Nearly one third of the children had a loved one killed.<sup>61</sup>

The Swedish National Institute of Public Health [Folkhälsoinstitutet] published the report “How are Sweden’s national minorities doing?” (*Hur mår Sveriges*

<sup>57</sup> Equality Ombudsman, Case Number: 2009/720

<sup>58</sup> Dagens Nyheter, <http://www.dn.se/nyheter/sverige/utlandsfodda-nekas-oftare-sjukpenning>, accessed 20 September 2011.

<sup>59</sup> Rosengrenska Stiftelsen, <http://www3.rosengrenska.org/>, accessed 20 September 2011.

<sup>60</sup> The Equality Ombudsman, <http://www.do.se/sv/Press/Debattartiklar/Varden-maste-sluta-diskriminera-patienter/>, accessed 20 September 2011.

<sup>61</sup> <http://www.smp.se/nyheter/lobbyn/flyktingars-halsa-och-integration%282089057%29.gm>, accessed 20 September 2011.

*nationella minoriteter?*).<sup>62</sup> The study shows that there are clear links between the health situation of national minorities, such as high unemployment, a sense of alienation, powerlessness and discrimination.

- The Roma reported problems with high alcohol consumption, primarily among men and young people. They also reported gambling and pill addictions, as well as drug abuse, as growing problems.
- The country's indigenous Sámi population had similar health conditions as the wider population in terms of life expectancy. But there are significant differences between the 2,500 reindeer herding Sámi and their 20,000 non-reindeer herding counterparts, with the former running an increased risk of workplace accidents and suicide.
- Swedish Finns were found to be in worse physical condition than the majority population, while psychological problems are more common among men in this group than in the population at large. Swedish Finns are also heavier smokers and financially less well off than the rest of the population.
- Tornedalers are in slightly worse physical health than the population as a whole. They are also less physically active, less involved in social affairs and more financially vulnerable than the majority population.
- Jews on the other hand are in better physical, mental and financial shape than the population at large. They also showed higher levels of social participation than the general population. Male Jews did however report levels of discrimination that are above the norm.<sup>63</sup>

#### **Update on legislative/legal developments that occurred in 2010/2011:**

The Ministry of Health and Social Affairs reported that the government appointed an inquiry to investigate health care for asylum seekers, hidden and undocumented migrants. The aim is to propose how an extended obligation for County councils to provide affordable health care for the affected communities can be designed.<sup>64</sup> There are about 35,000 asylum seekers in Sweden. The number of undocumented migrants in the country is estimated to be between 10,000 and 35,000 people.

#### **NGO responses to the political and legal developments:**

Several NGO's welcomed the government's inquiry to investigate the rights to health care for asylum seekers, hidden and undocumented migrants. They emphasised that the right to health care should include all asylum seekers,

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<sup>62</sup> The report "Hur mår Sveriges nationella minoriteter?" download at Folkhälsoinstitutet (In Swedish) <http://www.fhi.se/Aktuellt/Nyheter/Halsosituationen-bland-de-nationella-minoriteterna/>, accessed 20 September 2011.

<sup>63</sup> Ibid.

<sup>64</sup> Ministry of Health and Social Affairs (Dir. 2010:7), <http://www.sweden.gov.se/sb/d/12483/a/138677>, accessed 20 September 2011.

hidden and undocumented migrants. Several NGO such as Rosengrenska Stiftelsen provide health care to undocumented migrants.<sup>65</sup>

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<sup>65</sup> Rosengrenska Stiftelsen, <http://www3.rosengrenska.org/>, accessed 20 September 2011.



## IX. Racism and related discrimination in criminal justice

### IX.i Manifestations of racism and related discrimination in criminal justice

On 16 June 2010, the publisher of the website of the extreme right organisation 'national resistance' website was sentenced for agitation against ethnic groups. The Stockholm district court sentenced the publisher to two months in prison for defamation. The man was a former editor of the national resistance website: [www.patriot.nu](http://www.patriot.nu) and published articles such as "Keep Sweden clean" with a picture attached to the article showing a Star of David that had been thrown in a waste paper bin. Comments on the website were made about an article stating that "We must teach the foreigners to swim in their own blood" and further in another article Hitler was praised. The district court found the man in his role as the publisher guilty of incitement to racial hatred. The punishment was imprisonment since the articles on the website had been there for over two years and the man had previously been convicted of incitement to racial hatred.<sup>66</sup> The verdict is under appeal.<sup>67</sup>

A 27-year-old man who hung a swastika flag on the facade of his home was prosecuted for incitement to racial hatred on 20 May 2010 at the Örebro district court. The flag was visible to the public and even from neighbouring properties. The Chancellor of Justice noted that the flag is a printed document in the sense of press freedom. The man is according to the Chancellor of Justice responsible as the spreader of the flag's content.<sup>68</sup> The Örebro District Court prosecuted the man for incitement to hatred.<sup>69</sup>

The chairman of the far-right wing Skåne Party circulated a poster depicting the Prophet Muhammad with his nine year old wife. On the 18 May 2010 the Chancellor of Justice decided to prosecute the man at Malmö district court. In the lawsuit, the Chancellor of Justice argued that the man spread a printed letter in the form of a poster bearing the words "wife of Mohammed'," *he 53 and she 9* "and" *Are these the kind of weddings we want to see in Skåne?*" illustrated with a picture of a naked man holding a similarly naked girl in his hand.<sup>70</sup>

<sup>66</sup> Stockholms Tingsrätt målnr: B 714 09 <http://www.dagensjuridik.se/sv/Artiklar/2010/07/Utgivare-for-Nationellt-motstands-hemsida-doms-for-hets-mot-folkgrupp/> accessed 20 September 2011.

<sup>67</sup> Justitiekanslern, Case Numbers: 7165-07-35,3828-08-35 and 2860-09 - 35), [www.jk.se](http://www.jk.se) accessed 20 September 2011.

<sup>68</sup> <http://www.dagensjuridik.se/sv/Artiklar/2010/06/Atal-for-hakkorsflagga-pa-husfasad/> accessed 20 September 2011.

<sup>69</sup> (reg. 2035-10-35).

<sup>70</sup> (reg. 2825-10-35)

### **IX.i.i Policing and ethnic profiling**

Racial profiling as a term is not yet used widely in Sweden, but a number of racist incidents within the police force during 2009 have put the issue on the agenda. The incidents concerned several cases of racist profiling of Africans and black people. Racial profiling and policing of Somalis was reported in a report published by the Centre Against Racism (Centrum mot rasism). The report highlights the perceptions and experiences of discrimination and racism among Somalis in Sweden. It revealed that Somali men are often singled out and put under suspicion in public places as potential terrorists. They also reported experiences of derogatory treatment with authorities such as the police, and that they experienced stop and search practices, especially at airport controls.<sup>71</sup>

The Equality Ombudsman reported that complaints against the police deal mainly with situations where migrants are stopped for identity checks and police searches.<sup>72</sup>

### **IX.i.ii Racist violence and crime**

The Swedish National Council on Crime prevention (Brottsförebygganderådet, Brå) published the annual report on hate crimes in Sweden 2010 (Hatbrott 2010:12). In the report, it's noted that nearly 5,800 cases were reported as hate crimes to the police. The majority of these cases were identified as xenophobic/racial hate crimes of which more than 4100 were hate crimes. The group most vulnerable to racist hate crimes are Afro-Swedes, with 780 cases reported of Afrophobic hate crimes. This is an increase since 2008. According to the latest statistics from the National Council on Crime prevention, there were 161 police reports of crimes with an anti-Semitic motive and 272 reports of crimes with an Islamophobic motive in 2010.

The key problem areas in Sweden are increasing hate speech, especially through social media and the Internet. The National Council on Crime prevention reported that the most common forms of xenophobic or racist motivated hate crimes are violent crimes, unlawful discrimination, hate speech, damage to property such as vandalism/graffiti, unlawful threats, harassment and defamation targeted at individuals and groups of persons.

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<sup>71</sup> "Where did our right's go?" (Vart tog rättigheterna vägen? En kartläggning av upplevelser av diskriminering och rasism bland personer med somalisk bakgrund i Sverige, 2011). The report highlights experiences of discrimination and racism among people with a Somali background in Sweden. The report is written by Victoria Kawesa, Viktorija Kalonaityte, Åse Richards and Abdalla Gasimelseed.

<sup>72</sup>Equality Ombudsman, Årsredovisning 2010, p. 38, <http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf>, accessed 20 September 2011.

The Swedish National Council for Crime Prevention reported that 97% of all victims of xenophobic/racist hate crimes are the minority groups. The absolute majority of perpetrators of xenophobic/racist hate crimes are the majority groups (77%) against the minority groups. Only 20% of the perpetrators were other minority groups. The least reported xenophobic/racist hate crimes (4%) are committed against the majority group, which are people with a Swedish background.<sup>73</sup>

### **Examples of NGO Good Practice**

Demonstrations against the growing hatred towards Africans were held on May 12 In Stockholm, organised by the social media group "**Strength! Against Racism**" (**Styrka Mot Rasism**), with over a hundred people participating in the demonstrations.

**The Foundation Expo (Stiftelsen Expo)** maps, reviews and raise awareness about far right-wing extremism and racist tendencies in society. Expo Foundation is divided into a magazine, the news website Expo, Expo Education and Research.<sup>74</sup>

**The Forum for Equal Rights** in Stockholm and the Muslim Council of Sweden, Ibn Rushd educational and Kista Folk High School developed a method to counter Islamophobia. One example is the "toolbox against Islamophobia and Racism."<sup>75</sup>

### **IX.i.iii Counter terrorism**

Counter terrorism measures have significantly impacted ethnic and religious communities. The Swedish Security Service (Säpo) produced a report that has significantly affected the Muslim communities in a negative way. This report constitutes the Swedish Security Service's response to the former Ministry of Integration and Gender Equality's assignment to describe violence promoting Islamist extremism in Sweden, as well as radicalisation processes and tools and strategies that can be used to counter radicalisation. The main conclusions of the report are that violence-promoting Islamist extremism and radicalisation do exist in Sweden and constitute a potential threat that should not be underestimated.<sup>76</sup>

In a case that was reported to the Equality Ombudsman, two men, originally from Somalia, were denied the possibility to send or receive money through the Company Western Union because their names resembled names on the

<sup>73</sup> Ibid. p. 32

<sup>74</sup> Stiftelsen Expo, [www.expo.se](http://www.expo.se), accessed 20 September 2011.

<sup>75</sup> The project was created web portal [www.antirasism.info](http://www.antirasism.info) where there is information about the project.

<sup>76</sup> The publication is also available in Swedish; "Våldsbejakande islamistisk extremism i Sverige"

international sanctions lists.<sup>77</sup> The case was brought to the Stockholm District Court which argued in its ruling that people from the Muslim communities almost exclusively have names derived from the Arab-Muslim cultural sphere. Western Union was found guilty of exposing the two men to indirect discrimination associated with ethnicity and religion. The company was convicted to pay damages of 10,000 SEK (1000 euro) and 5 000 SEK (500 euro) to the men.<sup>78</sup>

Sweden has long been spared from terrorist attacks. A suicide attack in Stockholm's inner city in December 2010 changed the situation. Such attacks had previously happened in several European countries and sadly also became a reality in Sweden. The threat from extremism and terrorism will be a part of everyday life for a long time to come.<sup>79</sup>

On counter-terrorism co-operation area is continuing. The Terrorism Cooperative Council is the central structure in order to deter, prevent, protect against and manage the consequences of terrorist activities. The number of participating authorities have during 2010 been expanded with an additional, Transport Agency. The Permanent Working Group National Center for Terrorhotbedömning (NCT) is continuing to produce and share terrorhotbilder against Sweden and Swedish interests on the basis of the common intelligence agency.<sup>80</sup>

#### **Examples of NGO Good Practice**

**Charter 2008** works to defend the rule of law and equality before the law, and promotes the widest possible support for the claim that neither the Säpo (The Swedish Security Service) the courts or other authorities may violate the rule of law. One of the aims is to raise awareness about abuses in the "war on terror."

### **IX.ii The political and legal context**

The Chancellor of Justice (Justitieombudsmannen, JK), received 140 reports of incitement to racial hatred. The Chancellor of Justice decided to initiate investigations in five cases compared to seven in 2009. This means that 135 cases involving complaints of hate speech were closed without an investigation. JK explains that the complaints werhave not been considered to be criminal, or that the Chancellor was not has not been authorized to prosecute since the instances of hate speeches were have been

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<sup>77</sup> The sanction list, ie. Annex I of Terrorist Ordinance, lists people who in the summer of 2007 are subject to sanctions under the Terrorism Ordinance. The list contains hundreds of names of individuals whose assets should be frozen. An absolute majority of the list's combination of personal names are considered to be Arab and/ or Muslim.

<sup>78</sup> Equality Ombudsman, Case Number 2006/1444, [www.do.se](http://www.do.se), accessed 20 September 2011.

<sup>79</sup> Budget Bill, PROP. 2011/12:1 UTGIFTSOMRÅDE 4, p. 17

<sup>80</sup> Budget Bill, PROP. 2011/12:1 UTGIFTSOMRÅDE 4, p. 22

expressed in a medium that is not covered by the Freedom of the Press<sup>81</sup> or the Freedom of Expression Act.<sup>82</sup>

The work of the Stockholm Hate Crime Unit initiated by the Swedish Police Department is still ongoing. The aim is to ensure that investigations of hate crimes are pursued swiftly and actively through specialist investigators investigating hate crimes at the scene of the crime at all hours.<sup>83</sup> Furthermore, the aim is to assess how local police handle hate crimes; holding outreach and training events, conducting surveys to assess the level of knowledge of hate crimes among police staff.<sup>84</sup>

#### **Update on political developments that occurred in 2010/2011:**

There has not been any political discussion on the acceptability of the use of ethnic profiling or specific methods for ethnic profiling. There was no national debate on the EU Framework Decision on Racism and Xenophobia during the reference period of this report.

The data collection and the availability of statistics on hate crime are organised by The National Council on Crime Prevention (Brottsförebygganderådet, Brå). In the annual National Crime and Security Survey (NTU) in 2010, data collection was done primarily through telephone interviews with approximately 15 000 randomly selected people aged 16 to 79.

The statistics gathered by Brå are primarily a statistical summary of the hate crimes reported to the police. A major change in the definition of hate crimes was made in 2008, when Brå decided to expand the scope of hate crimes to include offences between minority groups and offences by minority groups towards majority groups. New hate crime motives were added such as hate crimes towards Afro-Swedes (Afrophobic hate crimes) and Roma (anti-Roma hate crimes) since these groups emerged as being particularly vulnerable.<sup>85</sup>

Since Afrophobic and Anti-Roma hate crimes are new categories, there is only data since 2008. One major obstacle is that these categories are presented in the annual reports from the National Council on Crime Prevention, as merely sub-categories to xenophobic/racist hate crimes and therefore not officially acknowledged as independent categories of hate crimes in the same way as for example Islamophobia, Homophobia, Transphobic hate crimes etc.

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<sup>81</sup> The Freedom of the Press Act, (SFS 1949:105),

[http://www.riksdagen.se/templates/R\\_Page\\_6313.aspx](http://www.riksdagen.se/templates/R_Page_6313.aspx), , accessed 20 September 2011

<sup>82</sup> The Fundamental Law on Freedom of Expression, (SFS 1991:1469), accessed 20 September 2011

<sup>83</sup> Sweden/Polisen (2007) *Polisens hatbrottsprojekt – ett utvecklingsprojekt i city polismästardistrikt*.

<sup>85</sup>The Swedish National Council for Crime Prevention  
[http://www.bra.se/extra/news/?module\\_instance=3&id=310](http://www.bra.se/extra/news/?module_instance=3&id=310) accessed 10 July 2010.

### **Update on legislative/legal developments that occurred in 2010/2011:**

Hate crime/racist crime is outlawed in Sweden through Chapter 29, section 2 (7) of the Penal Code. It provides for the racist motives of offenders to be taken into account as an aggravating circumstance when sentencing in cases of criminal acts such as assault, unlawful threat, molestation and inflicting damage. The aggravating circumstances include that: 'a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance'.<sup>86</sup>

When the framework decision was to be implemented, the Swedish Government did not propose a Bill concerning the adoption of the Framework decision (FD).<sup>87</sup> The Ministry of Justice reported that existing Swedish legislation complies with the provisions of the Framework Decision. The provision on agitation against a national or ethnic group in the Penal Code is the main provision implementing the Framework Decision.<sup>88</sup>

### **NGO response to the political and legal developments:**

Although racist hate crimes have consistently been in the majority of all reported hate crimes to the police in Sweden, there is still a lack of research in this area compared to other forms of hate crimes such as homophobic hate crimes.<sup>89</sup> NGO's have criticised the Chancellor of Justice for the lack of prosecuting reports of incitement to racial hatred. Another problematic part of the regulation in practice has been the criminalisation of "disdain", as this leaves a lot of interpretive space for the police, prosecutors and courts. The Courts have, in accordance with the intentions of the Parliament, taken a rather extensive view on what behaviour and what expressions can be said to express disdain on such grounds.<sup>90</sup> This has resulted in a second problem for the courts, as in some cases the European Convention on Human Rights (ECHR) Article 10 on freedom of speech has been interpreted as placing obstacles in the way for convictions that would be in accordance with Swedish law.

Several Muslim organisations are organising a seminar during autumn 2011 to raise awareness about the "war on terrorism" and how it effects Muslims in Sweden since 9/11. One of the topics is the highly criticised deportation of two Egyptians who were forcibly handed over to the CIA by Swedish security service agents as part of the so called terror suspect "rendition"operation.

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<sup>86</sup> Sweden/ SFS 1962:700, Chapter 29, Section 2(7).

<sup>87</sup> E-mail correspondence with the Swedish Ministry of Justice 14 October 2010.

<sup>88</sup> Sweden/ SFS 1962:700, Chapter 16, Section 8.

<sup>89</sup> Tiby, Eva (2000). *De utsatta: brott mot homosexuella kvinnor och män*. Stockholm: Folkhälsoinstitutet. Tiby, Eva och Lander, Ingrid (1996). *Hat, hot, våld: utsatta homosexuella kvinnor och män: en pilotstudie i Stockholm*. Stockholm: Folkhälsoinstitutet. Tiby, Eva (1999). *Hatbrott?: homosexuella kvinnors och mäns berättelser om utsatthet för brott*. Stockholm: Stockholms universitet, Kriminologiska institutionen.

<sup>90</sup> See for example Supreme Court cases NJA 1982 s. 128, NJA 1996 s. 577 and NJA 2006 s. 467

NGO's are also advocating for Afrophobic and Anti-Roma hate crimes to be presented in the annual reports from the National Council on Crime Prevention (Brå) independent categories of hate crimes and not just merely as sub-categories to xenophobic/racist hate crimes.

## **X. Racism and related discrimination in access to goods and services**

### **X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector**

Several cases concerning access to goods and services have involved discrimination against Roma. In February 2011 a Roma woman and her children were forced to leave a grocery store. The Roma woman walked into the store with her son to buy candy. The store owner chased them out saying that she had previously experienced problems with Roma. The Equality Ombudsman sued the grocery store, but the case was resolved through a settlement. The Roma woman received 20,000 SEK (2,000 euro).<sup>91</sup>

In another case, a restaurant in Stockholm, refused to serve food to a Roma family, and demanded that they leave. In February 2011 the Stockholm City Court ruled that the restaurant to pay 25,000 SEK (2,500 euro) to each of the parents.<sup>92</sup>

In January 2011, four Roma women were excessively watched by a security guard when they visited an IKEA store in Bäckebol outside of Gothenburg. The Equality Ombudsman settled the case with IKEA and the women were rewarded 15,000 SEK each.<sup>93</sup>

Two Roma women made a complaint to the Equality Ombudsman after they visited a small shop in Linköping to buy a present. The women were stopped by a store employee who said she was tired of "them and their costumes" and did not want them in the store. The Equality Ombudsman sued the store for discrimination and harassment based on ethnicity and gender. A settlement was agreed upon that awarded the women 15 000 SEK (1,500 euro) each.<sup>94</sup>

A Roma man was not allowed to buy a gym membership card to a spa and wellness facility. The Equality Ombudsman sued the municipality and the private company. The settlement awarded the man 8,500 SEK (850 euro) each from the municipality and the company, MOSAB.<sup>95</sup>

In June 2010, the Equality Ombudsman reached a settlement with the grocery store, ICA. A Roma woman was stopped when she was leaving the store. An

<sup>91</sup> The Equality Ombudsman, Case Number: 2008/895, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>92</sup> The Equality Ombudsman, Case Number: 2006/1034, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>93</sup> The Equality Ombudsman, Case Number: Ikea: Omed 2008/960, <http://www.do.se/sv/Om-DO/Stamningar-och-forlikningar/Forlikning-Ikea/>, accessed 20 September 2011.

<sup>94</sup> The Equality Ombudsman, Case Number: 2008/845, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>95</sup> The Equality Ombudsman, Case Number: 2007/114, [www.do.se](http://www.do.se) accessed 20 September 2011.



employee at the store accused her of stealing goods. The case was reported to the Equality Ombudsman and was resolved through a settlement that rewarded the woman 55,000 SEK (5500 euro).<sup>96</sup>

## **X.ii The political and legal context**

The Swedish Green Party (Miljöpartiet de Gröna, Mp) made a proposal to the government to introduce regular discrimination tests of restaurants to combat discrimination in the restaurants. The suggestion is to introduce tests similar to those that exist to ensure that pubs do not sell alcohol to people who are already drunk.<sup>97</sup>

The Equality Ombudsman received 378 complaints of ethnic discrimination in goods and services during 2010.<sup>98</sup> Almost 60% of those who made complaints in this area are men. The majority of cases, just over 50%, are reported by Roma. Most cases are resolved through settlements.<sup>99</sup>

There has not been many legal developments e.g. new law, in this specific policy area during the reference period (March 2010-March 2011).

NGO's have highlighted discrimination in restaurants and also argued that the main challenge is that it is hard to prove and the problem is invisible to the majority of society. NGO's suggest regular discrimination tests such as "situation testing" to combat discrimination in the area of goods and services.

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<sup>96</sup> The Equality Ombudsman, Case Number: 2009 /1815, [www.do.se](http://www.do.se) accessed 20 September 2011.

<sup>97</sup> Miljöpartiet de Gröna, [www.mp.se](http://www.mp.se) accessed 20 September 2011.

<sup>98</sup> These areas are housing, insurance and banking, healthcare, government employment, restaurant and retail, insurance, etc., social, military and other goods and services

<sup>99</sup>The Equality Ombudsman, Årsredovisning 2010 p. 38, <http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf> accessed 20 September 2011.

## XI. Racism and related discrimination in the media

### XI.i Manifestations of racism and related discrimination in the media, including the Internet

The Educational Broadcasting and RFSU (The Swedish Association for Sexuality Education) produced a film "Sex on the map" – a sex education film that raised questions about LGBTQ issues and ethnicity. As part of the film, there was an animated image depicting a black man who has sex with a white woman. The internet exploded with racist remarks from over half a million contributors upset over what was called "racial mixing".<sup>100</sup>

The Swedish coffee brand Gevalia, broadcasted a TV commercial on several TV-Channels showing a black man, almost naked, performing as a fictive soul artist, Jah Roast. The man comes out of the water and begins to sing while he wanders around among several half naked black women. The man does some sort of dance while the choir sings "so dark, so deep" in the background. He is then struck by lightning and thus becomes a "roasted" black coffee bean. At the end, a male voice says in Swedish "exotic dark roasted coffee." The facebook group, "Styrka!- Mot Rasism" (Strength!-Against Racism) contacted Gevalia highlighting that it is racist, degrading and stereotypical of black people.<sup>101</sup> Gevalia decided to withdraw the racist commercial from all TV-Channels.<sup>102</sup>

The company, Swedish Games (Svenska Spel AB) was reported to the Advertisement Ombudsman (Reklamombudsmannen, RO) for broadcasting a commercial on several TV-Channels which, it was argued, portrayed a stereotypical image of "Africans" as drifters, throwing trash around them, receiving old clothes from Sweden and behaving like children. The Advertisement Ombudsman decided not to charge the company Svenska Spel, explaining that the commercial did not violate article 4 of the International Chamber of Commerce (ICC) rules for advertising and commercial marketing that forbids any form of discrimination, including that relating to race, nationality or descent.<sup>103</sup>

#### Examples of NGO Good Practice

**AfrophobiaXposed-** The purpose of this site is to provide news about Afrophobia in Sweden to an international audience. The website was created after the demonstration of 100 Afro-Swedes against the growing Afrophobia and hatred towards Africans.<sup>104</sup>

<sup>100</sup> Sveriges Radio, <http://sverigesradio.se/sida/artikel.aspx?programid=3718&artikel=4315900> accessed 20 September 2011.

<sup>101</sup> Styrka!-mot rasism, Facebook group

<sup>102</sup> Arbetarbladet, <http://arbetarbladet.se/nyheter/gavle/1.3626056-gevalia-stoppar-krankande-reklam> accessed 20 September 2011.

<sup>104</sup> AfrophobiaXposed, [www.afrophobixposed.nu](http://www.afrophobixposed.nu), accessed 20 September 2011.

**NätVaro-** is a pilot study conducted by the Anti-discrimination bureau in Uppsala (DU) to work against hate crimes and discrimination on the Internet. The project brings together different stakeholders such as the City Police's hate crime Unit, BRÅ, ECPAT, RFSL and BRIS, among others.<sup>105</sup>

## **XI.ii The political and legal context**

### **Update on political development**

The Data Inspection Board has raised concern about the increasing complaints from people being violated on the Internet. The Data Inspection Board is developing strategies to investigate several typical cases of violations.<sup>106</sup>

### **Legislative up-date**

The Advertisement Ombudsman, a self-regulatory agency which polices marketing and advertising communications in Sweden, announced during 2010, that nearly half of the cases received are about discriminatory advertisements, the majority being sex discrimination. The Advertising Ombudsman was established by the business community on 1 January 2009 and took over the tasks previously undertaken by the Marketing Council of Ethics and Business Ethical Council Against Sexist Advertising, which therefore were then closed.<sup>107</sup>

### **NGO responses to the political and legal developments**

Several anti-racism NGO's voiced the concern over the increased cyberhate, especially after the racist comments posted after the broadcasting of the sexual education film.<sup>108</sup> Several NGO's, such as the Centre Against Racism, have been attacked in the media for raising attention about racism in the media and advertisements. Often the negative stereotypes in commercials are rarely directly racist but operate on a symbolic level of racism. This kind of racism can be difficult to communicate to the general public, and therefore the public reacts with accusing NGO's of not combating "real" racism such as the far-right extremists. This is a frequent problem, which also reveals the Swedish self-perception of being a tolerant and humane society where everyday and structural racism is continuously contested.

<sup>105</sup> Diskrimineringsbyrån Uppsala (DU) <http://www.diskrimineringsbyran.se/> accessed 20 September 2011.

<sup>106</sup> Data Inspection Board Annual Report 2010

<sup>107</sup> Reklamombudsmannen, <http://www.reklamombudsmannen.org/> accessed 20 September 2011.

<sup>108</sup> Dagens Nyheter, <http://www.dn.se/debatt/rasister-pa-natet-forsoker-skramma-medier-till-tystnad> accessed 20 September 2011.

## XII. Political and legal developments in anti-racism and anti-discrimination

### Update on political developments that occurred in 2010/2011:

The government tasked the state agency, Living History Forum (Forum för levande historia) to prepare a report examining the possible causes of Islamophobia and anti-Semitism in Sweden. The Equality Ombudsman confirmed in its annual report that of the nearly 3000 complaints received in 2010 about 101 were affiliated with discrimination on the grounds of religion or belief. The report also confirms that discrimination on religious grounds is strongly related to appearance and dress. People who differ in their appearance (skin-colour) and clothing faced significant discrimination in Sweden. Muslim school girls and Muslim women with headscarves were found to be especially vulnerable in public places, in work situations and at school.<sup>109</sup>

### Update on legislative/legal developments that occurred in 2010/2011.

The EU Equality Directives have had an impact at national level through the new Discrimination Act (2008:567). The exemption made by Sweden when transposing the Racial Equality Directive was limiting the ban on age discrimination in the fields of working life and education. The Government appointed an inquiry (Dir. 2009:72) to investigate how protection against age discrimination can be introduced in more areas of society.<sup>110</sup> The investigator proposed in the final report (SOU 2010:60) published on the 27 August 2010, to improve the protection against age discrimination in goods, services and housing, public meeting and public event, health care, social services, social insurance, unemployment insurance, student aid and public employment.<sup>111</sup>

Furthermore, inadequate accessibility was not included in the new Discrimination Act as discrimination on the grounds of disability. A memorandum (Ds 2010:20) proposed the introduction into the Discrimination Act<sup>112</sup> the prohibition of discrimination through inadequate accessibility to apply in all areas of society to which the other provisions of the Discrimination Act now apply.<sup>113</sup> Sweden goes beyond prohibiting discrimination by establishing an obligation to take positive action in order to promote equality. An example of positive obligations imposed by Sweden is that in the new Discrimination Act there is an obligation for employers to have equality plans, which should be evaluated every three years. NGO's have pointed out the need for the Swedish government to improve

<sup>109</sup> Forum för levande historia.

<sup>110</sup> Ett stärkt skydd mot diskriminering på grund av ålder <http://www.sweden.gov.se/sb/d/11295/a/130215> accessed 10 September 2010.

<sup>111</sup> Ministry of Labour: A wider protection against age discrimination SOU 2010:60 (Ett utvidgat skydd mot åldersdiskriminering), <http://www.sweden.gov.se/sb/d/108/a/151201> accessed 20 September 2011.

<sup>112</sup> *Bortom fagert tal - Om bristande tillgänglighet som diskriminering* (Beyond fair words – Inadequate accessibility as discrimination (Ds 2010:20) <http://www.sweden.gov.se/content/1/c6/14/89/24/e5d517ab.pdf> accessed 20 September 2011.

<sup>113</sup> *Bortom fagert tal - Om bristande tillgänglighet som diskriminering* (Beyond fair words – Inadequate accessibility as discrimination (Ds 2010:20) <http://www.sweden.gov.se/content/1/c6/14/89/24/e5d517ab.pdf> accessed 20 September 2011.

positive action by requiring annual equality plans covering all grounds of discrimination by employers with more than 10 employees.

The Equality Ombudsman has been effective in using the new discrimination compensation. This new potentially innovative tool, replaces the concept of damages, since damages tended to be substantially low. Therefore, a new concept of compensation has been imposed as a sanction to raise both compensations and settlement payments to real deterrent levels. The Equality Ombudsman reported in its annual report 2010 that the new sanctions have been effective in terms of increased claims in the authority's lawsuits and higher remuneration in the settlements. The highest compensation during 2010 was 200 000 SEK (20 000 euro). This can be compared to 100 000 SEK (10.000 euro) in the previous damage sanctions.<sup>114</sup>

The Equality Ombudsman has received criticism from the Parliamentary Ombudsman (Justitieombudsmannen) and the Chancellor of Justice (Justitiekanslern) for prolonged duration in managing discrimination cases.<sup>115</sup>

The total budget to combat discrimination was 118 million SEK (11,8 million euro) in 2010, and 120 million SEK (11,9 million euro) in 2011. From this budget, the government allocated 93 million SEK (9,3 million Euros) to the Equality Body (DO). During 2011, the Equality Body was allocated 94 million SEK (9,4 million euro) which is a slight increase from the previous year. The rest 25 million SEK (2,5 million euro) was allocated to NGO's combating discrimination, racism and related intolerance. In 2011, there was a slight increase to 27 million SEK (2,7 million euro). The funds are also used in combating homophobia and to support organisations for homosexuals, bisexuals, transsexuals and people with gender identity or expression issues.<sup>116</sup>

The Government sent a communication to the Riksdag (parliament) announcing the elimination of the possibility to take gender into account in admissions to college and higher education. The government suggests that affirmative action in admissions to higher education should be abolished from 1 August 2010.<sup>117</sup>

No mechanisms have been developed to collect data on racial discrimination in line with the data protection legislation as an effective means of identifying, monitoring and reviewing policies and practices to combat racial discrimination and promote racial equality. The available data on racial discrimination is based on statistics from the Equality Ombudsman. The Swedish National Council for

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<sup>114</sup> The Equality Ombudsman, Årsredovisning 2010 p. 42,  
<http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf>

<sup>115</sup> The Equality Ombudsman, Årsredovisning 2010, p. 16,  
<http://www.do.se/Documents/Material/%C3%85rsredovisningar/arsredovisningdo2010.pdf>

Ministry of Finance, The Budget Bill for 2010, <http://www.regeringen.se/sb/d/11453/a/131716>

<sup>117</sup> <http://www.regeringen.se/sb/d/12473/a/141904> accessed 20 September 2011.

Crime Prevention (Brottsförebygganderådet, Brå), collects data on hate crimes in Sweden.<sup>118</sup>

One of the ways the government engages with civil society the government initiated web platform *dialogvärdegrund.nu* that is a tool to help organisations in Sweden to work with a dialogue on democracy and human rights. The web platform is part of the initiative the government started in 2008 to strengthen the relation between democracy and human rights through dialogue as a method.<sup>119</sup>

For cases that have been brought forward on the basis of the EU Race Equality Directive please also see cases and settlements from the Equality Ombudsman outlined in the different chapters in this report.

### **NGO response to and assessment of the political and legal developments concerning integration and migration.**

The Centre Against Racism (CMR) reported in its annual report that there is an increase in the number of local settlements through the Anti-discrimination bureaus. CMR concluded that discriminated against individuals now have the opportunity to obtain redress locally and relatively quickly without having to undergo the long process that reporting the incident to the Equality Ombudsman often means. It is therefore important that the government ensures that all victims of discrimination have access to local anti-discrimination agencies. The local agencies should also receive increased resources to be able to take discrimination cases to court.<sup>120</sup>

#### **Examples of NGO Good Practice**

**Samarbetsorgan för etniska organisationer i Sverige (SIOS)** initiated a project aimed at implementing a continuous intersectional perspective in anti-discrimination and equality work.<sup>121</sup>

**Afrosvenskarnas Riksförbund (Afro-Swedes' Association)** initiated a project during 2010 called “Mixed working teams” (Mixade arbetslag) in cooperation with Örebro Rights Centre, the Equality Office in Uppsala and RFSL. The aim was for the different organisations to create a network and exchange experiences.<sup>122</sup>

**Forix - Suburban parliament (Förorterernas Riksdag)** works to combat intolerance, racism and xenophobia through the advocacy of young marginalised people. The aim is to capture the political will that exists among young people

<sup>118</sup> [www.bra.se](http://www.bra.se), accessed 20 September 2011.

<sup>119</sup> Dialog värdegrund, <http://xn--dialogvrdegrund-6kb.nu/>, accessed 20 September 2011.

<sup>120</sup> Centrum mot rasism, *Annual report on ethnic discrimination and racism in Sweden 2010*, [www.centrummotrasism.nu](http://www.centrummotrasism.nu), accessed 20 September 2011.

<sup>121</sup> Samarbetsorgan för etniska organisationer i Sverige (SIOS), <http://www.sios.org/>, accessed 20 September 2011.

<sup>122</sup> Afrosvenskarnas Riksförbund, [www.afrosvenskarna.se](http://www.afrosvenskarna.se), accessed 20 September 2011.

living in the suburbs by organising training courses and meetings in cities across Sweden.<sup>123</sup>

**ACT - without discriminating (Agera projektet)** is a collaboration between Sweden's anti-discrimination agencies, the Red Cross, Rörelsfolkhögskolornas Association (RIO) and the Centre against Racism (CMR). In 2010, a national effort was made to disseminate and increase knowledge and awareness of non-discrimination and discrimination law.<sup>124</sup>

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<sup>123</sup> Forix <http://fororternasriksdag.blogspot.com/>, accessed 20 September 2011.



### XIII. Migration and integration

#### Update on political developments that occurred in 2010/2011:

In a few years, the proportion of unaccompanied minors has increased from two to 10 % of the total number of asylum seekers. In the government report "Home sweet home" [Hem, ljuva hem] which was submitted on 12 March 2010, the investigator describes the reception system that was created based on a forecasted 300-400 children arriving per year while the actual inflow of children has increased to about 2500 children per year. The report contains 17 suggestions for improving the current system.<sup>125</sup> According to reports from the Swedish Migration Board, about 2,393 unaccompanied children came to Sweden during 2010 and figures from 2011 appear to be no exception.<sup>126</sup> The majority (closer to 80%) were boys, and of those, just over half aged 16-17 years. Mainly Iraqi, Afghan and Somali children have been seeking asylum in Sweden.<sup>127</sup> Challenges still remain in finding housing for unaccompanied children. Currently, nearly 500 children are waiting in the municipalities that they arrived in for a permanent community placement. Of Sweden's 290 municipalities, only 152 municipalities have a contract with the Swedish Migration Board agreeing to receive unaccompanied refugee children.

In 2010, the number of asylum seekers increased by 32% in Sweden. According to the UNHCR report, Sweden was one of the five countries, which received the largest number of asylum applications in 2010; Sweden (31,800). It is forecasted by the Swedish Migration Board that between 26,000 and 34,000 people will seek asylum in Sweden during 2011.<sup>128</sup>

In the government instruction to the Swedish Migration Board (Migrationsverket) it states that the time from the asylum application to residing in the municipality shall not exceed six months for asylum seekers whom have been granted residence permits in the first instance. The Migration board project "Shorter waiting" (Kortare väntan) is a new approach to strengthen asylum seekers right to get quick and legally certain decisions.<sup>129</sup>

The outcome of MIPEX in Sweden shows that Sweden's score of 83 gives it the highest rank among countries included in the study. From a grassroots perspective, the assessment of the areas chosen for measuring integration are lacking in many ways. There is still much that can be done better in the practical

<sup>125</sup> The report "Home, sweet home" [Hem, ljuva hem] download (in Swedish) at: <http://www.sweden.gov.se/content/1/c6/14/14/54/4f94dca2.pdf> accessed 15 August 2011

[http://www.migrationsverket.se/download/18.57c92aec130eb7a09cf80005674/Prognos\\_4\\_20110801\\_Migrationsverket.pdf](http://www.migrationsverket.se/download/18.57c92aec130eb7a09cf80005674/Prognos_4_20110801_Migrationsverket.pdf) , accessed 15 August 2011

<sup>127</sup> Budgetpropositionen 2010 s. 15

<sup>128</sup> <http://www.migrationsverket.se/info/3896.html>, accessed 20 September 2011.  
[www.migrationsverket.se](http://www.migrationsverket.se) accessed 15 August 2011



work at the local, regional and national level in terms, such as health. Another lack in the MIPEX study is that immigrants are defined as non-EU nationals who enter their countries of destination legally. Integration cannot be measured without analysing the integration of asylum seekers, refugees, the undocumented, and intra-EU migrants and people with immigrant backgrounds who haven't themselves immigrated.

### **Update on legislative/legal developments that occurred in migration and integration/inclusion in 2010/2011 (e.g. new law, in any given policy area)**

The Swedish Government Bill on the strategy for integration was adopted by the Parliament on 17 March 2010. The new law entered into force on 1 December 2010. The Bill "Newly arrived immigrants' labour market establishment – Personal responsibility with professional support" (Nyanlända invandrades arbetsmarknadsetablering – egenansvar med professionellt stöd)<sup>130</sup> is one of the government's most prioritised areas in the strategy for integration policies.

A new Act (2009:724) on National Minorities and National Minority Languages entered into force 1 January 2010. The law also entails changes in the Sami Parliament Act and the Social Services Act and is part of the government's national minority policy strategy adopted in June 2009.<sup>131</sup> The purpose of this strategy is, in part, to adopt an integrated approach to minority issues by clarifying the goals of minority policy, making the responsibilities of central and local authorities clear and introducing a system for follow-up.

The amendment to the Swedish Instrument of Government, which entered into force on 1 January 2011, also signifies stronger protection for the national minorities. The Sami population is specifically named as an indigenous people and not just a national minority.<sup>132</sup> The budget appropriation for minority policy has been raised, in effect from 2010, to just over 80 million SEK (8 million euro) per year, and from 2011 to just over 85 million SEK (8,5 million euro) per year. The budget appropriation was previously 10 million SEK (1 million euro) per year.

The Swedish delegation for Roma rights presented its final report to the government in 2010, "Roma Rights - A Strategy for Roma in Sweden" (SOU 2010:55).<sup>133</sup> The Equality Ombudsman has a number of proposed measures to promote Roma rights:

- Training to strengthen Roma knowledge of protection against discrimination
- Increased cooperation between the DO and a number of agencies such as

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<sup>130</sup> Bill 2009/10:60, bet. 2009/10: AU7, Riksdag Communication. 2009/10:208

<sup>131</sup> In June 2009, the Swedish Parliament adopted the Government Bill From Recognition to Empowerment – the Government's Strategy for the National Minorities (Government Bill 2008/09:158, Report 2008/09:KU23, Parliamentary Communication 2008/09:272).

<sup>132</sup> The Government presented the bill A Reformed Constitution (Government Bill 2009/10:80) in December 2009. The bill proposed that the provision in Chapter 1 Article 2 of the Instrument of Government on protection of certain minorities should be amended. The Swedish Parliament adopted the proposal in the autumn of 2010.

<sup>133</sup> "Roma Rights - A Strategy for Roma in Sweden" (SOU 2010:55).<sup>133</sup>

the National Council, National Board of Schools Inspectorate

- Developed collaboration with the DO's European sister organisations
- Opportunities for non-profit organisations seeking funding to pursue litigation
- Strong support for Roma civil organisations both financially and in terms of knowledge
- Increased transparency in the provision of housing
- Review the scope for mediation in discrimination cases
- Increased research on discrimination

Swedish-born children of foreign-born parents are faced with lifelong challenges that differ greatly from those faced by people with two Swedish-born parents. This was reported in a new report from Statistics Sweden (SCB).<sup>134</sup>The report indicates that Swedes with foreign parents are less inclined to start families, suffer lower life expectancy, live in less prosperous areas and are more likely to move away from Sweden than the majority population.<sup>135</sup>

### **NGO response to and assessment of the political and legal developments concerning integration and migration.**

Several NGO's such as the Swedish Red Cross Youth have raised awareness about the lack of accommodation for unaccompanied refugee children. They have a campaign urging every municipality in Sweden to sign contracts with the Swedish Migration Board to house unaccompanied refugee children.<sup>136</sup>

Representatives from FARR and the Somali National Association<sup>137</sup> arranged a meeting with the Migration Board Legal Counsel to discuss the policies connected to the right of family reunification. The two NGO's voiced their critical concern about family reunification policies having a negative effects on family immigration. The current practices have especially affected the Somalis right to family reunification since they have difficulties to meet the passport and identity requirements in the absence of state authorities that can approve the identity documents. This has led to many Somali families and children being unable to reunite.<sup>138</sup>

### **Examples of NGO Good Practices**

**The Swedish Network of Asylum and Refugee Support Groups (FARR)** was founded in 1988. FARR publishes a quarterly newsletter in Swedish called Artikel 14, which reviews current asylum and refugee issues in Sweden.<sup>139</sup>

<sup>134</sup> The SCB report is entitled "Born in Sweden - still different?", [www.scb.se](http://www.scb.se), accessed 20 September 2011.

<sup>135</sup> [http://www.scb.se/statistik/\\_publikationer/BE0701\\_2010A01\\_BR\\_BE51BR1002.pdf](http://www.scb.se/statistik/_publikationer/BE0701_2010A01_BR_BE51BR1002.pdf), accessed 20 September 2011.

<sup>136</sup> Röda Korsets Ungdomsfrbund, <http://rkuf.se/>, accessed 20 September 2011.

<sup>137</sup> Somaliska Riksförbund i Sverige, [www.somsweden.com](http://www.somsweden.com), accessed 20 September 2011.

<sup>138</sup> FARR, Flyktinggruppernas och Asylkommittéernas Riksråd, [www.farr.se](http://www.farr.se), accessed 20 September 2011.

<sup>139</sup> FARR, Flyktinggruppernas och Asylkommittéernas Riksråd, [www.farr.se](http://www.farr.se), accessed 20 September 2011.

**"No One is Illegal Network" (Ingen människa är illegal)** works to provide practical support to undocumented asylum-seeker's. A campaign "Ain't I a Woman" was launched to lobby for undocumented women's right to protection.<sup>140</sup>

**The Swedish Red Cross** works to safeguard the rights of unaccompanied refugee children. All children are assigned a guardian.<sup>141</sup>

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<sup>140</sup> Ingen människa är illegal, [www.ingenillegal.org](http://www.ingenillegal.org), accessed 20 September 2011.

## **XIV. National recommendations**

### **Employment**

- During the legislative process, move the Jurisdiction over cases concerning ethnic and religious discrimination in employment from the Swedish Labour Court to the general courts
- Full participation of ethnic minorities and migrants on the labour market through increased resources to multistakeholder approach and coordinated actions from the public sector, the private sector, and civil society alike.
- Measures should be taken to ensure that the newly arrived immigrants are treated as professionals in order for them to enter the skilled labour market.

### **Housing**

- A holistic and mainstreamed approach to discrimination and racism on the housing market and investigate the inter-relation between discrimination and poverty and social exclusion.

### **Education**

- The needs of multicultural children in schools and preschools must be adressed through increased resources and training to teachers to be able to meet these needs.

### **Health**

- Provide for linguistically and culturally appropriate services most notably within the health care system in Sweden.

### **Criminal justice**

- Intensify efforts to prevent, combat and prosecute hate speech and hate crimes under the Fundamental Law on Freedom of Expression and the Freedom of the Press Act.
- Adopt further special measures to prevent, combat and punish hate crimes as well as xenophobia and racism.
- Take effective legislative, administrative and judicial measures against the propagation of racial and religious hatred in the media and through the internet.
- Include Afrophobia and anti-Roma hate crimes as official hate crime categories.
- Adopt special measures to monitor and document Ethnic Profiling in the police force, customs, immigration control and in security and counter-terrorism actions.

### **Access to goods and services**

- Exert pressure on service providers to combat the exclusion and discrimination of ethnic minorities from accessing goods and services which they might have a right to such as access to shops, public transport, financial services as well as places of entertainment.

### **Media**

- Monitor and counteract negative messages spread by the media that reinforce prejudices against people of foreign origin.

## **VII.i General**

### **Anti-discrimination**

The Swedish government should:

- Consider establishing a national human rights institution in conformity with the Paris Principles
- Provide increased resources allocated to programmes combating xenophobia, discrimination, racism and other intolerance
- Give particular attention to potential discrimination based on multiple grounds
- Improve data collection and statistics on disaggregated data in relation to racism, xenophobia and discrimination to create indicators and benchmarks to measure progress made in anti-discrimination work.
- Ensure that all victims of discrimination have access to the help and support of an anti-discrimination agency in their municipalities.

### **Migration and integration**

The Swedish government should:

- Develop (age and gender sensitive) integration policies which understand integration in line with the EU Common Basic Principles on integration.
- Exert pressure on municipalities to receive unaccompanied minors so that children are not forced to live in temporary shelters for months at a time.
- Enact legislation which will ensure that unaccompanied asylum-seeking children are appointed a temporary guardian within 24 hours of arrival.
- Enact legislation for all undocumented migrants to have access to the same healthcare system, on the same basis, as persons with a residence permit.
- Ensure that the Councils Common Basic Principles are implemented in all areas of integration policies.
- Make legislative amendments in order to grant immigrants from outside the EU who are residents, the right to vote in municipal and regional elections on equal terms as Swedish residents.

## **XV. Conclusion**

The three most important developments in the realm of anti-racism and anti-discrimination, is first, the increase of xenophobia, intolerance and racism in Sweden, especially towards Muslims, the Jewish communities, the Black

communities and the Roma communities. Civil society has expressed its concerns, especially in regard to the anti-immigration political party, the Swedish Democrats, entering parliament for the first time. Anti-racism organisations are urging the government to increase funding to civil society to create networks regionally and locally to effectively enhance the fight against xenophobia, intolerance and racism.

The second identified major development is that the Government appointed a special investigator to obtain an overall picture of the knowledge available about xenophobia and related forms of intolerance and to identify weaknesses to be addressed in future work. The inquiry "A more effective work against xenophobia and related intolerance" is mainly targeting schools and public authorities.<sup>142</sup> The mission is to investigate anti-Semitism, Islamophobia, Afrophobia and anti-Roma issues.<sup>143</sup>

A third major development is the increase of Afrophobia in Sweden through racist incidents such as the "slave auction in Lund", increased hate crimes against Africans and reported Afrophobic harassment and discrimination. International organisations such as the European Network Against Racism (ENAR) and The European-based organisation, RED Network, with 17 member organisations in Europe have openly condemned Afrophobia in Sweden and urged the Swedish government to take a stand against these racist incidents. The well-known American civil rights activist, Jesse Jackson has also demanded that the Swedish government ensures that Swedes have a better understanding of the transatlantic slave trade. Yet, the Swedish Government has not responded with any measures to acknowledge or take a stand the increase of Afrophobia in Sweden despite the fact that the United Nations declared 2011 as the International Year for people of African descent. The UN has urged countries to do their utmost during the year so that people of African descent have the opportunity to fully enjoy their economic, cultural, social and political rights.

Swedish civil society organisations such as the Centre against racism (CMR) and the Afro-Swedish Association have urged the government to fund the dissemination of knowledge and education about Afrophobia in Sweden in consultation with the African communities and to implement measures that meet UN demands. NGO's have also urged the government to take measures and implement the recommendations from the Equality Ombudsman's report about discrimination on the housing market. NGO's have also expressed their concerns that current Establishment Guides (Etableringslotsar) system risks locking newly arrived immigrants into unskilled jobs or causing them to remain in training programs without them leading to jobs. NGO's demand that measures are taken to ensure that the newly arrived immigrants are treated as professionals in order for them to enter the skilled labour market.

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<sup>142</sup> (Dir. 2011:39)



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## **Annex 1: List of abbreviations and terminology**

ADB- Antidiskrimineringsbyrå [Anti-discrimination Bureau] BEO - Child and School Student Representative

BRÅ - Brottsförebyggande rådet [The Swedish National Council for Crime Prevention]

CMR- Centrum mot rasism

DO- Diskrimineringsombudsmannen [The Equality Ombudsman]

ECRI - European Commission against Racism and Intolerance

EQUINET -The European Network of Equality Bodies

HRC- Human Rights Council

INACH- International Network Against CyberHate

NGO - Non-governmental organisation

SCB- Statistiska Central Byrån [Statistics Sweden]

SFS- Swedish Code of Statutes [Svensk författningssamling]

SEK- Swedish Krona

