



europaean network against racism

# ENAR Shadow Report 2009-2010

## ENAR SHADOW REPORT 2009/2010

### **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.

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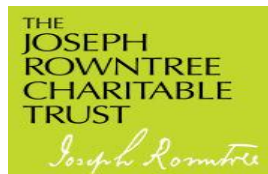
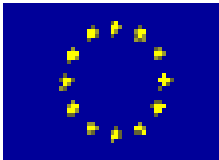
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1. providing analysis and policy advice on PROGRESS policy areas;
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3. promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
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## I. Executive summary

The main development during 1<sup>st</sup> January 2009 to 31<sup>st</sup> March 2010 in Sweden in the area of racism and ethnic discrimination was the entering into force of the new Discrimination Act on 1 January 2009. This law 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.

Sweden has the EU presidency from 1 July 2009. During that time the European Union ministers gathered in Stockholm on the 15 July 2009 to discuss the Stockholm Programme (2010-2015), and highlighted EU migration and asylum policies. The Stockholm Programme defines the priorities of the EU in the areas of freedom, security and justice for the next five years as agreed by the European Council in December 2009.

The Swedish Government presented the bill 'From Recognition to Empowerment – the Government's 'Strategy for the National Minorities' which was adopted in 2009. The bill contains a number of initiatives to improve the situation of national minorities. These initiatives include a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010;

In a new Government bill, proposed by the Ministry of Integration in September 2009 (*Regeringens proposition 2009/10:60, "Nyanlända invandrades arbetsmarknadsetablering – egenansvar med professionellt stöd"*) the State is taking over the main responsibility for newly arrived refugee's access to the labour market.

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

- The Swedish government should propose that even inaccessibility outside of working life should be considered a form of disability discrimination.
- The Swedish government, during the legislative process, should move the Jurisdiction of cases concerning ethnic and religious discrimination in employment from the Swedish Labour Court to the general courts;
- Amend the constitution to ensure that the full range of civil and political rights also apply to immigrants;
- Enact legislation for all undocumented migrants to have access to the same healthcare system, on the same basis as persons with residence permits.
- 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.

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### III. Introduction

In January 2009, the four previously existing Ombudsmen against Discrimination merged into a single Equality Ombudsman with competence to receive and examine individual complaints concerning alleged cases of discrimination, including on the grounds of age and transgender identity or expression.

Sweden has not yet established an independent national institution with a broad competence in the area of human rights in accordance with the Paris Principles. In their final report, which will be delivered on 30 September 2010 the Delegation for human rights will be considering the possibilities of such an institution<sup>1</sup>.

This report covers the period 1<sup>st</sup> January 2009 to 31<sup>st</sup> March 2010.

The first part discusses the communities particularly vulnerable to racism and ethnic discrimination in Sweden, and discusses several reports published in this area during 2009/2010

The report then provides an overview 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. This section especially focuses on the NGO perspective.

The third section of this report describes the legal and political developments during 2009/2010, and also focuses on the NGO perspective and NGO concerns.

Finally, the present report finishes by including a number of national recommendations in the field of racism and ethnic discrimination.

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<sup>1</sup> The Swedish Government "Delegationen för mänskliga rättigheter presenterar slutbetänkande" <http://www.sweden.gov.se/sb/d/12451/a/153830> (accessed 6 May 2010).

## IV. Communities vulnerable to racism and discrimination

A clear trend in 2009, like previous years, is that discrimination against persons of foreign origin is still widespread in Sweden. Several studies have pointed out that immigrants and persons born in Sweden, who have foreign born parents, are subjected to greater levels of racism and discrimination.<sup>2</sup> The complaints to the Equality Ombudsman and also to the Anti-Discrimination bureaus indicate that the majority of discrimination cases reported are based on the grounds of ethnic discrimination. In relation to the labour market, health care, access to housing and the provision of goods and services, minority and migrant communities are very vulnerable. There is also an increasing trend of racist and xenophobic overtones in the public arena.

Sweden's five recognised national minorities are the Jews, the Roma, the Sámi, the Swedish Finns and the Tornedalers. The national minority languages are Yiddish, Romany Chib, Sámi, Finnish and Meänkieli.

The Swedish Government presented the bill 'From Recognition to Empowerment – the Government's 'Strategy for the National Minorities' which was adopted in 2009. The bill contains a number of initiatives to improve the situation of national minorities. These initiatives include a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010. The municipalities and government agencies are obliged to actively promote national minority languages and culture. This is aimed at improving the participation of national minorities in the decision-making process and measures to actively promote and revitalise national minority languages. Despite these steps to protect national minorities, the Swedish Government has still not ratified the ILO Convention No. 169 which protects the rights of indigenous and tribal people<sup>3</sup>.

An alarming situation is the lack of protection of the Saami people in regard to their culture and the use of traditional land. Saami people also report discrimination in their contacts with public authorities.<sup>4</sup>

Another national minority, whose fundamental rights are constantly violated, is the Roma who face widespread discrimination and are adversely affected by prejudice, especially in the areas of education, employment and housing. The Delegation for Roma Issues<sup>5</sup> is the government body for investigating the

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<sup>2</sup> de los Reyes m.fl. 2002, Dahlstedt, Dahlstedt & Lindberg 2002

<sup>3</sup> Ministry of Integration and Gender Equality "Minority rights are strengthened" 8 December 2009 <http://www.sweden.gov.se/sb/d/11503/a/136758> (accessed 13 September 2010).

<sup>4</sup> Pikkarainen Heidi and Brodin Björn, *Diskriminering av samer - samers rättigheter ur ett diskrimineringsperspektiv* (Discrimination of the Sami – Sami rights from a discrimination perspective), Ombudsman against Ethnic Discrimination (DO report series no. 2008:1).

<sup>5</sup> The Delegation for Roma issues was appointed by the Government In 2007, with the task of playing a proactive role at the national level in the work to improve the situation of Roma in Sweden on the basis of Sweden's international human rights obligations.

situation of the Roma by collecting, compiling, analyzing and reporting the experiences and knowledge available. The Delegation is presently working on its final report to be delivered to the Government during 2010.

Another growing problem is Islamophobia which is on the rise in Sweden. In a book written by Andreas Malm "Hatet mot muslimer" [The hate towards Muslims] published in March 2009, the author concludes that the hate towards Muslims has parallels to Anti-Semitism. He argues that the Media's coverage of Muslims and Islam is false and dangerous. In the book, Andreas Malm outlines historical routes for the understanding of Islamophobia.<sup>6</sup>

Concerning discrimination and racism towards black people, an issue that is widely discussed in Sweden, is the use of the insulting word "Nigger" (in Swedish 'neger'). Black people are the victims of racism/xenophobia, which drew the attention of Brottsförebyggande Rådet (*Brå*) [The Swedish National Council for Crime Prevention]. In 2008, Afrophobia was recognised and reported separately in the annual report on hate crimes. Nonetheless, there is still a need to include Afrophobia as an official hate crime category<sup>7</sup>. Typical examples of Afrophobic hate crimes reported to the police are violations expressed through graffiti on front doors saying "ape", defamation by being called "nigger" or being assaulted in the market because of skin colour. More information and research is needed on the victimization and vulnerability to racism and discrimination experienced by the Afro-Swedish community<sup>8</sup>.

Furthermore, several cases Jewish buildings and sites being vandalized were reported in Malmö, a city in southern Sweden. Members of the Jewish community expressed worry that their children did not feel safe at their pre-schools and Jewish families decided in quantities to leave Malmö in order to escape persecution and harassment<sup>9</sup>.

Children of ethnic minorities, refugees, asylum-seeking children and children belonging to migrant families remain vulnerable groups in society. They are often the victims of discrimination, xenophobia and racist attitudes, especially in schools and public places. This was also pointed out by the UN Committee on the Rights of the Child in 2009. The Committee remained concerned that the best interests of asylum-seekers and migrant children are not sufficiently taken into consideration in the asylum process<sup>10</sup>.

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<sup>6</sup> Malm A. "Hatet mot muslimer" (2009) Bokförlaget Atlas

<sup>7</sup> *Experiences of discrimination and racism among young people with African background in Sweden*, maps out different types of racism and discrimination experienced by young people in Sweden. Ombudsman against Ethnic Discrimination, DO (2007, p. 55).

<sup>8</sup> *Experiences of discrimination and racism among young people with African background in Sweden*, maps out different types of racism and discrimination experienced by young people in Sweden. Ombudsman against Ethnic Discrimination, DO (2007, p. 55).

<sup>9</sup> Sveriges unga muslimer <http://www.ungamuslimer.se/> (accessed 4 June 2010).

<sup>10</sup> Committee on the rights of the child, CRC/C/SWE/CO/4, 12 June 2009, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf> (para 25-28) (accessed 23 June 2010).



In 2009 the Government appointed a committee of inquiry to investigate how access to education can be extended so as to include a wider group of children who are staying in Sweden without a permit. The committee presented its proposals in February 2010.

The steady increase in the number of asylum-seeking unaccompanied minors arriving in Sweden presents a challenge. Since 2006, local municipalities have been responsible for the accommodation and care of unaccompanied minors. Municipalities enter, on a voluntary basis into agreements with the Migration Board for this task and they are economically compensated by the state. As the number of unaccompanied minors has increased considerably since this reform was prepared, there is at present a lack of housing. The Government and the Migration Board have therefore entered into consultation with municipalities and will, if the situation cannot be satisfactorily resolved, consider other options.

The Equality Ombudsman received 148 complaints during the year and these could be said to have an intersectional aspect that is based on discrimination on more than one ground. Although intersectional discrimination is recognized as serious, particularly because it puts the victim in a vulnerable position, there are a few cases that have emerged at the Equality Ombudsman (DO) based on intersectional discrimination.. Still, DO reports that ethnicity is the single most common basis of intersectional cases (115 complaints). Women are primarily those who experience discrimination based on the interaction of gender and ethnicity<sup>11</sup>.

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<sup>11</sup> The Equality Ombudsman (Annual report 2009) Årsredovisning DO. 2009, p. 31

## V. Manifestations of racism and religious discrimination

### V.i Employment

The Equality Ombudsman (DO) during 2009 investigated a dozen cases using the new Discrimination Act (2008:567)<sup>12</sup>; all in the employment field.

In 2009 the Equality Ombudsman received 898 complaints concerning ethnic discrimination in employment. 785 of these complaints were in relation to the Discrimination Act and 69 in relation to the Parental leave Act.

The majority of discrimination cases in the employment sector are on the grounds of ethnicity (288 complaints). The rest, are based on gender discrimination (177), age (160), disability (130), religion (33) and sexual orientation (11). They were no recorded cases of transgender identity or expression<sup>13</sup>.

Of the total complaints to DO, seven cases have been brought to the Swedish Labour Court [Arbetsdomstolen]. The Equality Ombudsman settled 20 cases during 2009/2010.

One of the cases that the Equality Ombudsman took to Court, involved a Bosnian man with high qualifications and a great deal of work experience, who was denied employment while lower qualified applicants got the job. The Equality Ombudsman argued that this was a case of ethnic discrimination. The employer argued that the man was not suitable for the job. The labour court concluded that that personal suitability could be an argument not to employ someone, and that this had nothing to do with discrimination. The Equality Ombudsman responded by highlighting that it is problematic if the employer has his/her own suitability criteria's, which can lead to arbitrariness and discrimination.

A phenomenon that most commonly affects persons of foreign origin is that they are often denied employment because of their lack of knowledge of Swedish. In many cases, this may be an excuse rather than objective criteria. An illustrative example is the case of a woman who had an internship through the employment office at a Centre for the elderly in the municipality of Jönköping. The woman was dismissed from work after two hours on the grounds that she "does not speak good Swedish". The Equality Ombudsman argued that the woman spoke good Swedish and managed to reach a settlement which rewarded the woman 35 000

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<sup>12</sup> Discrimination Act (2008:567) <https://lagen.nu/2008:567#K6P1S1> (accessed 4 July 2010).

<sup>13</sup> Ibid p. 48

SEK (3500 Euros) in damages.<sup>14</sup>

### Examples of NGO Good Practice

A handbook on situation testing or discrimination testing “Att bevisa diskrimineringsfall, betydelsen av diskrimineringsstester” [Proving Discrimination Cases- The Role of Situation Testing] was published on the 27th of March 2009. The main author is Professor Isabelle Rorive with the contribution from the Swedish and American lawyer Paul Lappalainen. The book project was supported and promoted by the Centre for Equal rights in Kista and Migration Policy Group in Brussels. A Conference presenting the handbook for NGO:s and other actors was held in March 2009 in Stockholm.<sup>15</sup>

### V.ii Housing

The number of reports concerning the housing market is mostly about discrimination on the grounds of disabilities and ethnic origin. In 2009, the Equality Ombudsman received 79 complaints of discrimination in relation to the housing market. A housing case pending at the Court of Appeal (Case No. T 3501-08) was decided in favour of the Equality Ombudsman. The case concerned a Roma man who was denied a lease by the landlord. The court objected to landlord's argument that the man had a poor credit history. Moreover, the Court held that it was clear that in the case of a hypothetical tenant of a different ethnicity with a bad credit history but a solid guarantor had not been denied a rented apartment and therefore the Roma man was discriminated against on the grounds of ethnicity<sup>16</sup>.

The Ministry of Integration and Equality gave the Equality Ombudsman a mission to evaluate discrimination in the housing market. The investigation will cover all types of discrimination, and will likely be carried out with assistance from various colleges and universities. Through the study, the ombudsman will attempt to measure both the frequency and the scope of discrimination. According to the Ministry of Integration and Gender Equality, the study's results will allow for comparisons between different regions within Sweden, as well as between different types of housing. The government agreed to devote 1.1 million kronor

<sup>14</sup> The Equality Ombudsman, Case no. OMED 2007/1355. <http://www.do.se/Om-DO/Stamningar-och-forlikningar/Forlikning-Jonkopings-kommun/> (accessed 24 July 2010).

<sup>15</sup> Centre for Equal rights <http://www.likarattigheter.nu/> (accessed 10 July 2010).

<sup>16</sup> Göteborgs Tingsrätt (District court in Gothenburg) Case No. T 3501-08, decision 2009-01-15

(1,100,000 Euros) to this project. The goal is to have the study completed by August 2010<sup>17</sup>.

Segregation on the housing market is increasing in Sweden. According to a recently published report from Statistics Sweden (SCB), the number of immigrants has increased in all of the country's most immigrant-dense areas over the past ten years. Among the identified 38 districts with a high concentration of Immigrants, is Malmö's Rosengård in the south of Sweden, Hertsön in Luleå in the north. In Ronna, a district of Södertälje, south of Stockholm, for instance, the concentration of immigrants has increased from 66 to 84% in ten years. In Linköping's Skäggtorp neighbourhood in central Sweden, the concentration has increased from 22 to 49%. In nine of the 38 districts, more than 80% of inhabitants have a foreign background. The most densely populated immigrant district is Hjällbo in Gothenburg, with a concentration of 90%<sup>18</sup>.

Several cases reported by the Equality Ombudsman, show the difficulties for people with a foreign background to access the housing market in Sweden. Two cases are illustrative of this. The first case was solved through settlement. It concerned a couple of foreign background, who, despite having the highest bid, were denied the possibility to purchase the apartment from the HSB association, (which is a member-owned cooperative organization that works with home savings,) in Örebro in October 2009. The Equality Ombudsman reached a settlement with the HSB association who were obliged to pay 60 000 SEK (6000 Euros) in damages for ethnic discrimination<sup>19</sup>.

In the second case, the municipality of Ulricehamns decided not to sell a property to a speculator with foreign background, who placed the highest bid. The municipality denied discrimination and argued that the decision was due to the fact that they were seeking a suitable buyer and the approved speculators who were buying the property were known by the municipality, as opposed from the plaintive<sup>20</sup>.

The Equality Ombudsman lost a case at Örebro District Court concerning a refugee family i Hällefors. The family paid more than 4000 SEK (400 Euros) in rent than the ethnical Swedish neighbors. The Courts interpretation of the case was that neither refugee families nor immigrants are included by the legal definition of ethnic discrimination. The Equality Ombudsman has appealed to the Court of Appeal which has granted the Equality Ombudsman leave to appeal<sup>21</sup>.

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<sup>17</sup> The Swedish Government, Discrimination on the housing market <http://www.regeringen.se/sb/d/11290/a/133678> (accessed 15 October 2009).

<sup>18</sup> Statistics Sweden (SCB), [http://www.scb.se/Pages/PressRelease\\_279386.aspx](http://www.scb.se/Pages/PressRelease_279386.aspx) (accessed 3 August 2010).

<sup>19</sup> The Equality Ombudsman OMED 2007/1096) <http://www.do.se/Om-DO/Stamningar-och-forlikningar/Forlikning-bostadsrattsforening/> (accessed 3 August 2010).

<sup>20</sup> The Equality Ombudsman case no. OMED 2007/1389

<sup>21</sup> Örebro tingsrätt (Örebro district court) Case no. . T 1867 – 08

## Examples of NGO Good Practice

The umbrella NGO Center Against Racism, has during 2009 highlighted the situation of the Roma on the housing market through the report *Housing Situation of Roma in the housing market*". The report is part of The European Union Agency for Fundamental Rights (FRA)'s report, "Housing Conditions of Roma and Travellers in the European Union" . 28

### V.iii Education

The new Discrimination Act (SFS 2008:567) has replaced the law on discrimination and other degrading treatment of children and students (SFS 2006:67 - the Prohibition of discrimination and other degrading treatment of students and children). Protection against discrimination has been strengthened through the new Act. The law demands that schools assume equality plans with concrete measures to promote equal rights for children and students.

In 2009, the Equality Ombudsman received 234 complaints in the field of education. Discrimination based on ethnicity is one of the most common grounds in this field. The complaints are often about harassment between students and the discrimination. The main problem in education as reported to the Equality Ombudsman is the schools authorities' lack of ability to manage and resolve discrimination issues<sup>22</sup>.

The Equality Ombudsman's work did not led to any court decisions in the educational field during 2009. However, the Equality Ombudsman reached four settlements, one of which received attention. The case involves two Roma children who were victims of repeated harassment by fellow students. The Equality Ombudsman reached a settlement in which the municipality was found to have failed to take action in stopping the harassments as well as failing to live up to its obligation to provide the violated children with mother tongue education<sup>23</sup>. This case is important because it highlights the schools responsibility regarding ethnic harassment (OMED 2006/1165).<sup>24</sup>

Initiatives have been taken by the Swedish National Agency for Education, and by the Child and School Student Representative (BEO). Still, cases reported to the Equality Ombudsman show the persistence of this phenomenon in schools, in particular against children with disabilities and of foreign origin.

Nearly half of all the complaints in the educational field reported to the Equality Ombudsman are about discrimination on the ground of ethnicity. It is not

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<sup>22</sup> Årsredovisning DO 2009, p. 50 (The Equality Ombudsman, Annual report 2009).

<sup>23</sup> Årsredovisning DO: 2009, p. 18, (The Equality Ombudsman, Annual report 2009).

<sup>24</sup> Ibid p 27

uncommon that the violations reported are of serious nature and might contain elements of physical violence that have been going on for a long time.<sup>25</sup>

Another case involved two black brothers aged 9 and 14. They were victims of daily harassment by their fellow students at a school in Hässleholm. The boys were called "nigger" repeatedly and were physically abused. This case was considered very serious, since the school had been aware of the racial harassments but failed to take measures to prevent them. On 6 May 2009, the Equality Ombudsman reached a settlement with the municipality of Hässleholm to pay SEK 80 000 (8000 Euros) to the boys because of ethnic discrimination.

In another case concerning discrimination on the grounds of religion, a Muslim student was called a "terrorist" by a teacher. The teacher made offensive statements about Islam and argued that terrorism and suicide bombs are caused by Islam. The teacher also said that practicing Muslims should leave Sweden since they would never adapt to Swedish society. DO sued Västerås municipality to pay 100 000 SEK damages to the harassed student.

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

ACT - without discriminating In 2010, a national effort was made to disseminate and increase knowledge and awareness of non-discrimination, discrimination law and what you as an individual or organization can do. The initiative called ACT and funded by the EU Commission's Progress program, aims to strengthen member countries' non-discrimination work.

ACT is a collaboration between Sweden's anti-discrimination agencies, Red Cross, Rørelsfolkhögskolornas Association (RIO) and the Center Against Racism (CMR). The project addresses both the general public, civil society and chosen professions, including the media and judiciary.

The project runs from 1 December 2009 to 30 November 2010.<sup>26</sup>

#### **V.iv Health**

Research on health in Sweden has shown that the physical and mental health of foreign-born people is much worse compared to that of native Swedes.<sup>27</sup> Another area of concern is the health situation of national minorities. The Swedish National Institute of Public Health is currently investigating the

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<sup>25</sup> Ibid p 26

<sup>26</sup> ACT - Without Discrimination Project, [www.ageraprojektet.se](http://www.ageraprojektet.se) (accessed 5 August 2010)

<sup>27</sup> Bildt C. & Wamala S. (2006) Svenska empiriska studier av sambandet mellan och psykisk och fysisk ohälsa bland utlandsfödda, i Groglopo, A. & Ahlberg, BM. (red.) Hälsa, Vård och strukturell Diskriminering, Stockholm:rapport av utredningen om makt, integration och strukturell diskriminering, SOU 2006:78, ss 35–84.

health of national minorities. The first report from January 2010 shows that there are specific health issues to be addressed. The Agency's proposals to the Government on how to improve the situation will be presented in March 2010.

About 179 complaints were received by the Equality Ombudsman during 2009. The majority of the complaints (122) related to discrimination on the grounds of disability and around 30 complaints related to ethnic discrimination. In the FRA Annual report 2009, it was shown that Sweden received the highest number of complaints regarding discrimination in health care on grounds of racial or ethnic origin of 10 countries who collect such equality data<sup>28</sup>. The greater part of these complaints, (150) were directed mainly towards the regional county (landstinget).

Looking at court cases in the in the health care field, two interesting cases can be mentioned (OMED2004-1189 and 2006-172). The first case is about a psychiatrist who used patronizing and demeaning expressions with reference to ethnicity. The District Court found that the psychiatrist was guilty of ethnic discrimination.

A report was released about the poor health care for HIV positive immigrant women. The author of the report, Veronica Svedhem Johansson, who is a medical doctor on Infectious Diseases, pointed out that symptoms are often missed when detecting HIV positive migrant women since the Swedish HIV health care is very focused on men who have sex with men, or intravenous drug users.

The report highlighted that of the people diagnosed with HIV / AIDS at a late stage, half were women from Africa. The study was based on 82 persons who received their HIV diagnosis in 2007. Twenty-four patients among the 34 late detections were immigrants from outside the Nordic countries; 19 were from Africa. Seventeen of the late detection cases were women of African descent. A year later four of the 34 people with late detections had died, constituting a mortality rate of almost 12%, when the national average mortality rate among HIV-infected in Sweden that same year was 1%. These figures suggest a relaxed attitude towards health care for immigrants.

Many of the women from Africa had sought treatment for symptoms that are very common when you have HIV, but were not tested. One of the recommendations of is to improve health care of newly arrived refugees and asylum seekers by offering them a health check-up during the first year in Sweden<sup>29</sup>.

Sweden has one of the most restrictive health care rules for asylum-seekers and undocumented migrants in Europe The Act on health care for asylum-seekers

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<sup>28</sup> Annual Report 2009, European Union Agency for Fundamental Rights, p. 52.

<sup>29</sup> Veronica Svedhem Johansson, "23% of Newly Diagnosed HIV Cases 2007 in Karolinska University Hospital Had Opportunistic Infections," Department of Infectious Diseases, Karolinska University Hospital, Sweden, August 2009.

(2008:344) provides asylum-seekers and former asylum-seekers or “children in hiding” with the right to health care and medical services under the same conditions as children legally residing in the country<sup>30</sup>. However, undocumented children only have a right to urgent medical care, with no subsidies<sup>31</sup>. This is in violation of the right of all children to have the highest attainable health care.

## V.v Policing and ethnic profiling

A number of racist incidents within the police force were reported during 2009 concerned racist profiling of Africans and black people. A Stockholm police officer was reported to have said, “It’s nice to have a chance to smack a”Neger” (Nigger) when carrying out a deportation order against an African man. An investigation has been launched regarding the incident. In another similar incident, a police inspector in Landskrona in southern Sweden described a suspect as a “Neger (Nigger) in a green military jacket”. The police officer was reported to the National Swedish Police Disciplinary Board (Rikspolisstyrelsens Personalansvarsnämnd. According to the authorities’ official guidelines, it is said that “light-skinned”, “ruddy/red-faced”, “slightly dark-skinned”, “dark-skinned” and “very dark-skinned” are the official terms for describing skin colour.<sup>32</sup>

Following these incidents which revealed racism within the Swedish police force, a research project was initiated to assess the attitudes and values of Swedish police cadets before and after they completed their training. The evaluations were to be carried out as part of a Nordic research project which includes the participation of Sweden’s three police training academies. Around 300 students who have just begun their training will participate in the preliminary study<sup>33</sup>.

### Examples of NGO Good Practice

A good example of preventing Afrophobia during 2009, was when the Center Against Racism and several other NGO’s such as the African Swedish National Association and the NGO Equality for Afro-Swedes (JAS Group) put substantial pressure to stop the City of Karlstad naming a neighborhood “Negro”. The Center against Racism provided a petition to the municipality which led to the City Planning board rethinking their decision and renaming the neighborhood Tingvallastaden instead<sup>34</sup>.

<sup>30</sup> Health and Medical Care for Asylum Seekers and Others Act (2008:344).

<sup>31</sup> Ascher, Björkman, Kjellström, Lindberg, “Diskriminering av papperslösa i vården leder till lidande och död” (Author’s translation: Discrimination against undocumented migrants in the health care system causes suffering and death”, *Läkartidningen*, no. 8, 2008, vol. 105, p. 538.

<sup>32</sup> Peter Vinthagen Simpson 2009, “Swedish police officer disciplined for 'negro' email”, *The Local*, 11 August 2009. <http://www.thelocal.se/21240/20090811/> (accessed 11 July 2010).

<sup>33</sup> Engström A. 2009 “ Polisers attityd ska utvärderas”, *Svenska Dagbladet* 14 September 2009. Online [http://www.svd.se/nyheter/inrikes/artikel\\_3516139.svd](http://www.svd.se/nyheter/inrikes/artikel_3516139.svd) (accessed 22 August 2010).

<sup>34</sup> Bondeson M. 2009 “ Kvarteret Negern får nytt namn” *Dagens Nyheter* 23 September 2009 Online: <http://www.dn.se/nyheter/sverige/kvarteret-negern-far-nytt-namn-1.958662> (accessed 23 July 2010).



## V.vi Racist violence and crime

The main source of racist incidents and violence, can be found in the annual report from *Brottsförebyggande Rådet (Brå)* [The Swedish National Council for Crime Prevention]. In June 2009, new statistical data regarding hate crimes carried out in 2008 was published (Report 2009:10).

In 2009 the National Crime Council (*Brottsförebygganderådet, Brå*) reported that a total of 5,797 hate crimes were reported to the police by the public of which xenophobic/racist hate crimes amounted to 4,116. Xenophobic/racist hate crimes are the majority of all hate crimes (71%) in Sweden. Of the 555 reported white power ideology motivated hate crimes, the majority were xenophobic/racist hate crimes (81%).

During 2009, the definition of hate crime was changed as well as the method for gathering information from the narratives in the police reports. As a result, it is not possible to compare the level of xenophobic/racist hate crimes with previous years. One of the essential changes is that the scope of xenophobic hate crimes has expanded 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 black people (afro-phobic hate crimes), Roma (anti-Roma hate crimes) and towards Transgender persons (trans-phobic hate crimes). Concerning anti-religious motives, hate crimes towards Christians are also included in the statistics<sup>35</sup>.

Of the 4116 reported xenophobic/racist hate crimes, there were 585 reports containing an Afrophobic motive and there were approximately 120 reports identified with an anti-Roma motive. There were 591 reported anti-religious hate crimes in 2009. Of all reported anti-religious hate crimes in 2009, 42% were anti-Semitic, 33% were Islamophobic, and 25% were other anti-religious hate crimes. In 2009, unlawful threats/molestation are the most common types of xenophobic/racist hate crime (42%) and the single most common type of hate crime.

The Swedish National Council for Crime Prevention reported that 97% of all victims of xenophobic/racist hate crimes are 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 members of 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>36</sup>.

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<sup>35</sup> Brottsförebyggande rådet, Brå (The National Crime Council) Hatbrott 2008, Rapport 2009:10, online at: [http://www.bra.se/extra/news/?module\\_instance=3&id=310](http://www.bra.se/extra/news/?module_instance=3&id=310) (accessed 28 July 2010).

<sup>36</sup> Ibid. p. 32

Despite the prevailing cases of xenophobic/racist hate crimes reported to the police, this is not reflected in the amount of resources given to deal with this problem. Few projects dealing specifically with xenophobic/racist hate crimes were funded in 2009 by the Crime Victim Compensation and Support Authority. This can be compared to other forms of hate crimes being funded such as homophobic hate crimes<sup>37</sup>.

The Swedish Police Service project to combat hate crimes in the city of Stockholm has now evolved into a permanent Hate Crime Unit. At the Hate Crime Unit, six policemen including a squad leader, a preliminary investigator and four investigators are employed<sup>38</sup>. From October 2009, there are hate crime coordinators in each district. They serve as contact persons together with the Hate Crime Unit and the County Bureau of Investigation, working on coordination, monitoring, and method development and providing information on hate crimes<sup>39</sup>.

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

NGO's have also reported that Islamophobic hate crimes are increasing in Sweden. NGO's such as the Sweden's Young Muslims have raised attention to the piles of hate mails and threats they receive on a daily bases. The organization repeatedly complained about the way the police handled these cases by deciding to discontinue the investigations<sup>40</sup>. Sveriges Antidiskrimineringsbyråer (The Network of Anti-discrimination bureaus) had a national campaign in 2009 that focused on the growing Islamophobia in society. All members of parliament received a package entitled "Islamofobil" in their letter tray on October 6 with a call for action<sup>41</sup>.

### **V.vii Access to goods and services in the public and private sector**

The Equality Ombudsman received 353 complaints in 2009 relating to the provision of goods and services. Many of the complaints related to retail, hotel

<sup>37</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>38</sup> Årsredovisning Året 2009 med hållbarhetsredovisning: Redovisning av verksamheten 2009 för Polismyndigheten i Stockholms län p. 20. <http://www.polisen.se/Aktuellt/Rapporter-och-publikationer/Rapporter/Publicerat/Stockholms-lan/Hallbarhetsredovisning-2009/> (Accessed 20 August 2010).

<sup>39</sup> Årsrapport 2009: Polismyndigheten i Stockholms län, ekonomiavdelningen <http://www.polisen.se/Global/www%20och%20Intrapolis/Arsredovisningar/Stockholm/%C3%85rsrapport%202009.pdf> p. 10 (accessed 20 August 2010).

<sup>40</sup> Manfredh T. "Ökad anti-Semitism får judar att lämna Malmö" 25 January 2010, Dagen <http://www.dagen.se/dagen/article.aspx?id=200625> (accessed 10 July 2010).

<sup>41</sup> Sveriges Antidiskrimineringsbyråer (The Network of Anti-discrimination bureaus) <http://www.adbsverige.se/> (accessed 4 July 2010).

and restaurant industries. The courts made some interesting decisions in this area. Two cases concerned Roma and four other cases related to discrimination on the grounds of ethnicity, sexual orientation and disability<sup>42</sup>. The Equality Ombudsman had eight settlements of in the area of goods and services; the Equality Ombudsman also reached eight settlements. Four of the settlements related to ethnic discrimination in connection to access to restaurants.

In a case where the Equality Ombudsman had success in court, a Roma woman who attended a conference at a hotel, was continuously asked whether she was a guest. The District Court of Norrköping found the hotel guilty of ethnic discrimination, and fined them 8000 SEK (800 Euro)<sup>43</sup>. The Equality Ombudsman received 30 complaints from Roma during 2009, and a growing amount of these concerned discrimination in social services and care of children under the Act with specific provisions of the Care of Young Persons (LVU)<sup>44</sup>. During 2009, the Equality Ombudsman received 102 complaints of discrimination in social services. Most reports concerns discrimination in connection to children being taken into immediate custody under the special provisions for Care of Young People's Act. The plaintive has in such cases expressed that the decision of taking the children into immediate custody is related to the families' ethnicity and that the children are being deprived of their culture, language and religion<sup>45</sup>.

Access to restaurants is one of the most reported cases of discrimination regarding access to goods and services. In such a case, the Svea court of appeal made a ruling on 21 April 2009, that the restaurant Biblos Ltd was guilty of ethnic discrimination of a man of Iranian origin. The man was not allowed into the restaurant. The restaurant's owners were obliged to pay 15 000 SEK (1500 Euros) in damages<sup>46</sup>.

Denial of access to facilities is frequently reported by Muslim women to the Equality Ombudsman. In one case, a Muslim woman in Gothenburg was not allowed take part in a self defense course because she wore a headscarf. The Equality Ombudsman reached a settlement with the club, which argued to allow religious headscarves as far as possible while taking into consideration safety measures during exercises<sup>47</sup>.

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<sup>42</sup> The Equality Ombudsman (Annual report 2009) , Årsredovisning DO: 2009, p. 38

<sup>43</sup>Norrköpings Tingsrätt (Norrköping District Court) 27 October 2009, Case no. T 3730-0 , online at: <http://www.do.se/Documents/pdf/forlikningarochdomstolsarenden/T3730-08%20avid.pdf>

<sup>44</sup> The Equality Ombudsman (Annual report 2009), Årsredovisning: 2009 DO p. 17  
Lag (1990:52) med särskilda bestämmelser om vård av unga, <http://www.notisum.se/rnp/sls/lag/1990052.htm>

<sup>45</sup> The Equality Ombudsman (Annual report 2009), Årsredovisning DO, p. 52.

<sup>46</sup> Svea Hovrätt (Svea Court of Appeal ) 21 April 2009 online: <http://www.do.se/Documents/pdf/dom256-08.pdf> (accessed 22 June 2010).

<sup>47</sup> The Equality Ombudsman case no. OMED 395-2007

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

The Anti-discrimination Bureau, *Örebro Rättighets* (Örebro Rights Center) brought their first case to court using the new Anti-Discrimination law. The case concerned a Roma woman who was forced to pay for gasoline in advance as well having her rights violated through insulting remarks about her ethnicity. Örebro Rights Center has filed a lawsuit against the petrol station for discrimination and demands 20 000 SEK (2000 Euros) in compensation for the woman<sup>48</sup>.

### **V.viii Media, including the internet**

Racist and violating content on the internet is a growing problem for Swedish society. This has become a concern for schools where harassment between students through unlawful and harmful content is continually taking place on the internet. To combat this, the Government Committee Media Council and the Swedish National Agency for Schools began cooperating to improve the situation.

The internet is also a place where children have been subjected to criminal content. The Government therefore issued a law, which entered into force on 1 July 2009 criminalizing any intent to approach children on the Internet under a fictitious identity (i.e. adults pretending to be a child).

Other issues concerning violations of fundamental rights, is the ongoing discussion of the new surveillance law, called the FRA-law which came into effect on 1 January 2009. The FRA law gives the national defense's civilian agency National Defense Radio Establishment (FRA) the right to electronic surveillance of all phone calls and email crossing the Swedish border without the need for any suspicion of criminal activity. Several NGO's, the media, politicians and the public have criticized the legislation arguing that the law violates the civil liberties and personal integrity<sup>49</sup>.

Another widely discussed issue concerning fundamental rights on the internet concerns the protection of personal integrity. This was one of the decisive issues in the Swedish EP election in 2009. The Pirate Party, which is basically a single issue party managed to gather 7.13% based on a political agenda underlining the protection of fundamental rights regarding data surveillance activities on the internet. This heated political issue helped the Pirate Party to gain a seat to the European Parliament<sup>50</sup>.

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<sup>48</sup> *Örebro Rättighets* (Örebro Rights Center) <http://www.adbsverige.se/> (accessed 22 July 2010).

<sup>49</sup> (Lag (2008:717) om signalspaning i försvarsunderrättelseverksamhet) <https://lagen.nu/2008:717> (accessed 10 May 2009)

*En anpassad försvarsunderrättelseverksamhet, 2006/07:63 – An Adapted Military Intelligence* <http://www.regeringen.se/sb/d/8670/a/78367> (accessed 10 May 2009)

<sup>50</sup> Piratpartiet (the Pirate Party) <http://www.piratpartiet.se/> (accessed 10 August 2010).

Although the media rarely reports on racism and discrimination, one story that got a lot of attention is when the newspaper *Aftonbladet* decided to publish an article by Jimmie Åkesson, head of the xenophobic and nationalist party, Sweden Democrats. In the article, Åkesson claimed that Islam is the biggest threat to Sweden since World War II. According to Åkesson, "more than ten Muslim terrorist organizations have established themselves in Sweden". Further, he argued that Muslim men are highly overrepresented among the perpetrators of sexual violence<sup>51</sup>.

Several NGO's reacted against the space that the Swedish Democrats were given by *Aftonbladet* to express and spread Islamophobia. The anti-racist organization Centre against Racism (Centrum Mot Rasism) reacted by calling on the Chancellor of Justice to examine whether the statements made by Åkesson were tantamount to agitation against Muslims. The Chancellor of Justice disagreed and a preliminary investigation was never made<sup>52</sup>.

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

NätVaro- is a a pilot study conducted by the Anti-discrimination bureau in Uppsala (DU) to work against hate crimes and discrimination on the Internet. The purpose is to identify the work done to prevent 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>53</sup>.

The Anti-discrimination bureau in Uppsala is also the Swedish focal point for INACH (International Network Against CyberHate).

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<sup>51</sup> Åkesson J. "Muslimerna är vårt största utländska hot" 19 October 2009, *Aftonbladet*, <http://www.aftonbladet.se/debatt/debattamnen/politik/article5978707.ab> (accessed 5 June 2010).

<sup>52</sup> Sherifay O. M. "Därför polisanmäler jag Aftonbladet för hets mot folkgrupp" 20 October 2009, *News Mill* <http://www.newsmill.se/artikel/2009/10/19/mariam-om-ab>(accessed 5 June 2010).

<sup>53</sup> Diskrimineringsbyrån Uppsala, <http://www.diskrimineringsbyran.se/> (accessed 24 July 2010).

## VI. Political and legal context

Political developments during 2009/2010 (31 March) in the area of discrimination was most evident in the EU Parliamentary elections. There was a large turnout, 88% of Swedes voted, which is half a million more voters compared to the 2004 elections. The final results of the EP elections showed that the *Social Democrats* [Social Demokraterna] got 4% of the votes (5 seats), followed by the Moderate Party (4 seats). Thereafter, the *Liberal Party* [Folkpartiet] increased its votes from 7% to 13% and got 3 seats. The *Green party* [Miljöpartiet] nearly doubled its votes from 6% to 9% which gained them 2 seats. The biggest loser of the EP elections was the *June List* [Junilistan] who lost its seat<sup>54</sup>.

During the European Parliament election campaign, racism and discrimination was mainly reported by the media in relation to the xenophobic and racist nationalistic party, Sweden Democrats (SD). The media portrayed Sweden Democrats as having a significant impact on the outcome of the EP election.

Although this report only covers the period 1<sup>st</sup> January 2009 to 31<sup>st</sup> March 2010, an important issue to point out is the results from the parliamentary elections which were held on 19 September 2010. Swedish voters re-elected the centre-right government and the far-right anti-immigrant party, the Sweden Democrats won 20 seats in parliament. As a result, over 10.000 people gathered in central Stockholm in on 20 September 2010 to demonstrate against racism and against the Anti-immigrant Sweden Democrats entering parliament for the first time<sup>55</sup>.

On the 1<sup>st</sup> of July 2009 Sweden took over the EU Presidency and during that time the Stockholm Programme (2010 – 2015) was discussed which led to the adoption of a concerted Immigration and Asylum Policy within Europe. It represents the new 5-year EU programme for Justice and Home Affairs.

The main legal development during 2009 is the new Discrimination Act and the new Office of the Equality Ombudsman which is the most significant change concerning anti-discrimination law. One of the main features of the new law, is the possibility for NGO's to bring a case before court on behalf of the individual, a right which previous was only available to the Equality Ombudsman.

The right of NGO's to bring discrimination cases before the court as a result of the new Anti-Discrimination Act has strengthened the role of NGO's to be a fully independent actor in discrimination cases. The Anti-discrimination bureau, Örebro

<sup>54</sup> Swedish Election Authority, [http://www.val.se/in\\_english/index.html](http://www.val.se/in_english/index.html) (accessed 11 June 2009)

<sup>55</sup> Dawod N. "Demonstrationer mot SD idag" 2010 Aftonbladet <http://www.aftonbladet.se/nyheter/article7820435.ab> (accessed 24 September 2010).

*Rättighetscenter* has made use of this right by filing their first law suit in relation to a discrimination case.

## **VI.i Anti discrimination**

In 2009, Sweden adopted a new comprehensive Anti-discrimination law (Swedish Code of Statutes 2008:567) which came into effect on 1 January 2009. The law established a new supervisory body entitled the Equality Ombudsman (Diskrimineringsombudsmannen)<sup>56</sup>. Katri Linna – the former Ombudsman against Ethnic Discrimination – was appointed head of the new agency entitled the Equality Ombudsman. The work of the Equality Ombudsman is regulated by the Discrimination Act and by the Act concerning the Equality Ombudsman (Swedish Code of Statutes 2008:568). The Equality Ombudsman also supervises compliance with the prohibition against mistreatment in relation to parental leave in the Parental Leave Act (Swedish Code of Statutes 1995:584).

As a consequence of the entry of the new Discrimination Act the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination because of Sexual Orientation were all phased out on 31 December 2008.

The new Discrimination Act replaces the following legislation:

- the Equal Opportunities Act (Swedish Code of Statutes 1991:433),
- the Act on Measures against Discrimination in Working Life on Grounds of Ethnic Origin, Religion or Other Religious Faith (Swedish Code of Statutes 1999:130),
- the Prohibition of Discrimination in Working Life on Grounds of Disability Act (Swedish Code of Statutes 1999:132),
- the Prohibition of Discrimination in Working Life on Grounds of Sexual Orientation Act (Swedish Code of Statutes 1999:133),
- the Equal Treatment of Students at Universities Act (Swedish Code of Statutes 2001:1286),
- the Prohibition of Discrimination Act (Swedish Code of Statutes 2003:307),
- the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and School Students (Swedish Code of Statutes 2006:67).

The Swedish anti-discrimination legislation (Swedish Code of Statutes 2008:567) is based on several international legal instruments in the area to which Sweden has acceded, among them:

- The UN Convention on the Elimination of All Forms of Discrimination against Women
- The UN International Convention on the Elimination of All Forms of Racial Discrimination

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<sup>56</sup> Diskrimineringslagen (2008:567) [www.notisum.se/rnp/sls/lag/20080567.HTM](http://www.notisum.se/rnp/sls/lag/20080567.HTM) (accessed 25 July 2010).

- The Directive implementing the principle of equal treatment of persons irrespective of racial or ethnic origin (Directive 2000/43/EC), “Race Directive”.
- The Directive establishing a general framework for equal treatment in employment and occupation (Directive 2000/78/EC)
- The Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 /recast)

The new Anti-discrimination law (,Swedish Code of Statutes 2008:567) 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. What is still lacking and need to be implemented is inaccessibility outside of working life as discriminatory. The Government has appointed an inquiry (Dir. 2009:72) to investigate how protection against Age discrimination can be introduced in more areas of society.<sup>57</sup> Furthermore, a memorandum (Ds 2010:20) proposed the introduction into the Discrimination Act (2008:567) that the prohibition of discrimination through inadequate accessibility apply to all areas of society to which the other provisions of the Discrimination Act now apply.<sup>58</sup>

The part of the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and School Students concerning degrading treatment other than discrimination (e.g. bullying that is not related to a particular grounds of discrimination) has been transferred to the Education Act.

There has been an ongoing discussion on the impact of EU Directives at the national level. This discussion continued when the Equality Ombudsman, Katri Linna and EQUINET signed an open letter urging the Swedish Prime Minister Reinfeldt to work on supporting and securing the adoption of the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. The anti-discrimination horizontal Directive promotes equal treatment in fields outside the labour market. EQUINET and the DO argued that when enacted, the Directive would help close a significant gap in the legal protection against discrimination and remove the impression of a hierarchy of right's in the EU legal framework in this area<sup>59</sup>.

<sup>57</sup> The Swedish Government, ”Ett stärkt skydd mot diskriminering på grund av ålder” <http://www.sweden.gov.se/sb/d/11295/a/130215> (accessed 25 July 2010).

<sup>58</sup> The Swedish Government”*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 25 July 2010).

<sup>59</sup> The Equality Ombudsman “Do uppmanar Reinfeldt att stärka likabehandlingen inom EU” 2009, <http://www.do.se/Om-DO/Nyheter/DO-uppmanar-Reinfeldt-att-starka-likabehandlingen-inom-EU/> (accessed 10 July 2010).



During its first year, the Equality Ombudsman faced some challenges. One of these relates to the introduction of the new discrimination compensation. This new potentially innovative tool, replaces the concept of damages, since damages tended to be low. Therefore, the new concept of compensation has been imposed as a sanction to raise both compensations and settlement payments to real deterrent levels. So far, there hasn't been any court decisions announced based on the new law. In addition, there is little guidance provided from legislation regarding the amount of compensation, which means that currently there is legal uncertainty in this area.<sup>60</sup>

Still, the Equality Ombudsman has been effective in reaching settlements by claiming compensation using the new law. The amount has been between 75 000 SEK (7500 Euros) and 300 000 SEK (30 000 Euros). This can be compared to the labour courts practice in similar cases where the range of compensation has been between 30 000 SEK (3000 Euros) and 50 000 SEK (5000 Euros).

The methods of data collection to assess discrimination are mainly gathered by the Equality Ombudsman, the Anti-discrimination bureaus and NGO's such as the Centre against racism. Still, there are several hurdles when collecting data which reflects anti-discrimination case law.

Sweden has been criticized on several occasions by the treaty bodies such as ICESCR, Convention on the Elimination of Discrimination against Women, Convention against Torture, CRC, They have pointed out Sweden's lack of disaggregated data as a recurring theme in their concluding remarks. In Sweden, the collection of equality data is viewed as a sensitive issue because of potential abuses. Nevertheless, it is the opinion of the treaty bodies and two UN special rapporteurs that it is possible to safeguard the collection of equality data and that such collection is paramount if Sweden is to make real progress in fulfilling, monitoring and following-up on its human rights obligations. In a report from 2007 by the European Commission against Racism and Intolerance, an independent human rights monitoring body of the Council of Europe, concludes that current data protection laws can accommodate the collection of ethnic statistics for the purpose of fighting discrimination.

One of the government's engagements with civil society has been through initiating a web platform *dialogvärdegrund.nu* as a tool to help organizations in Sweden to work with dialogue on democracy and human rights. The web platform is part of the initiative the government started in 2008 to strengthen relations between democracy and human rights through dialogue..

The UN committee to combat racial discrimination, CERD, presented its report on Sweden on August 18, 2008. The Committee welcomed the adoption of the new Anti-Discrimination Act, which merges the various existing anti-

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<sup>60</sup> The Equality Ombudsman (Annual report: 2009) Årsredovisning DO:2009, p. 39

discrimination laws into one bill, the different Ombudsmen into a single institution and the increase in the level of damages awarded<sup>61</sup>.

On 23 July 2009 the Swedish Government responded with Sweden's follow-up to the recommendations. Among other things the Swedish Government pointed out that it had taken measures to counteract discrimination in the judicial and law enforcement systems through active recruitment efforts to gradually increase the share of employees with foreign backgrounds in the Swedish Courts, the Swedish Prosecution Authority and the National Police Board<sup>62</sup>. A critique is that Sweden should comply with its international legal obligations and act in accordance with the CERD Committee's repeated recommendations to implement a ban on racist organizations.

## **VI.ii Migration and integration**

Protecting asylum seekers' fundamental rights is a crucial issue in Sweden. As noted by UN Special Rapporteur on Health Paul Hunt, Sweden's restrictive health care rules for asylum-seekers and undocumented migrants violates the fundamental right to the highest attainable standard of health. Under the Health and Medical Care for Asylum Seekers and Others Act, asylum-seekers are entitled to "emergency" care and health care "that cannot wait", such as maternity care. Undocumented migrants, including children, can receive emergency health care, but they must pay for the cost of treatment and medication.

Further, Sweden has been recommended by the CRC Committee to provide the right to education for children without a residence permit, in particular children in hiding and undocumented children. The Government's inquiry on access to education presented a proposal that gives children who reside in Sweden without a permit the right to education and participation in pre-school<sup>63</sup>.

An important case that had an impact on legal developments in the area of migration and integration is the ruling by the Migration Court of Appeal in October 2009. Three men from Somalia were awarded permanent residence, overturning changing the Migration board's decision to deport the men. The court decision was based on Art. 8 (Internal Protection) in the Council Directive 2004/83/EC, the Qualification Directive. The court established that the criteria's for internal weapon conflicts were fulfilled regarding Mogadishu. The impact of the ruling is that asylum seekers from Mogadishu who received a deportation decision could

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<sup>61</sup>International Convention on the Elimination of all Forms of Racial Discrimination (CERD/C/SWE/CO/18) 21 August 2008. The Committee considered the seventeenth and eighteenth periodic reports of Sweden (CERD/C/SWE/18). Online: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-SWE-CO-18.pdf> (accessed 27 July 2010).

<sup>62</sup>Information provided by the Government of Sweden on the implementation of the concluding observations of the committee on the Elimination of Racial Discrimination (CERD/C/SWE/CO/18) <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-SWE-CO-18.pdf> (Accessed 27 July 2010).

<sup>63</sup>The Swedish Government, Ministry of Education, 2 February 2010 "Betänkandet Skolgång för alla barn" (SOU 2010:5) <http://www.regeringen.se/sb/d/12474/nocache/true/a/138869/dictionary/true> (accessed 27 July 2010).

now have their cases reviewed again by the Migration Board. In addition, more Somalis were given permanent residence permits due to the Migration Court of Appeals ruling<sup>64</sup>.

In another case, four asylum seeking children aged 6 to 14 years were deported by the Migration Board to an orphanage in Serbia. The European Court of Human Rights temporarily stopped the deportation while the court examined the legality of the Migration Board's decision. In the case, the children's mother, with whom the children have a functioning relationship, was serving a prison sentence. The children had relatives in Sweden who could care for them in the meanwhile. The Swedish Migration Board heard the case again and this time granted the children residency permits, on the basis of Article 8 (the right to family life) of the European Convention on Human Rights<sup>65</sup>.

In assessing policies related to family reunification and asylum and how they relate to anti-discrimination or the protection of fundamental rights, there was a lot of debate about a Government bill (Prop. 2009/10:77). The bill proposes to impose a support requirement (maintenance) as a condition for family reunification of foreign citizens and stateless persons<sup>66</sup>. The CRC Committee had previously raised concerns about this policy in its concluding observations on 12 June 2009. The Committee emphasized that these procedures should be dealt with in a positive, fair, humane and expeditious manner without a risk of infringement of the rights of children under the Convention<sup>67</sup>.

In addition, stricter requirements regarding the need to have valid passports have made it more difficult for Somalis and other nationalities who have received asylum in Sweden to reunite with their relatives. In January 2010 the Migration Board decided that people who want to come to Sweden to reunite with family members must have a valid passport. The requirement is made despite the fact that in some countries such as Somalia, it is difficult to get proper passports. According to the Migration Board, the decision is the result of two judgments of the Migration Court of Appeal in January<sup>68</sup>.

The Swedish government has previously transferred the responsibility for reception and housing of unaccompanied asylum-seeking children from the

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<sup>64</sup> The Migration Court of Appeal (Migrationsöverdomstolen) "Asylsökande från Mogadishu får permanent uppehållstillstånd" 6 October 2009, [http://www.domstol.se/templates/DV\\_Press\\_\\_\\_11264.aspx](http://www.domstol.se/templates/DV_Press___11264.aspx) (accessed 20 August 2010).

<sup>65</sup> Wachenfeldt, V. G. "Sverige kan få bakläxa", Svenska Dagbladet, 30 August 2009, [http://www.svd.se/opinion/brannpunkt/sverige-kan-fa-baklaxa-om-utvisning\\_3436393.svd](http://www.svd.se/opinion/brannpunkt/sverige-kan-fa-baklaxa-om-utvisning_3436393.svd) (accessed 23 August 2010).

<sup>66</sup> The Swedish Government, Departement of Justice, Regeringens proposition (2009/10:77) "Försörjningskrav vid anhöriginvandring", <http://www.sweden.gov.se/sb/d/12165/a/137206> (accessed 27 July 2010).

<sup>67</sup> Committee on the rights of the child, CRC/C/SWE/CO/4, 12 June 2009, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf> (para 64-65) (accessed 23 June 2010).

<sup>68</sup> Lecchini A. And Ljungberg A. "Hårdare krav på familjåterförening" 3 Mars 2010, Sveriges Radio, <http://sverigesradio.se/cgi-bin/international/artikel.asp?artikel=3504098> (accessed 23 June 2010).

Swedish Migration Board to the municipalities. Nonetheless, the situation for unaccompanied asylum seeking children is critical<sup>69</sup>. Only one-third of Sweden's municipalities are willing to accept unaccompanied minors, which has far reaching negative consequences for the support and security of these children. They are forced to spend months in temporary housing situations without access to education or adult guidance. The CRC Committee recently criticized Sweden for not appointing a legal guardian for each unaccompanied child quickly enough. The Committee also raised concerns about the large number of unaccompanied asylum-seeking children who disappear from reception centres. It is particularly concerned that these children are vulnerable to abuse and exploitation<sup>70</sup>.

Among the tasks for the EU member states when implementing the Common Basic Principles<sup>71</sup>, is to increase the capacity to monitor and evaluate integration policies as well as enhancing their capacity when collecting, analyzing and disseminating statistics related to integration. Statistics Sweden was appointed to collect and disseminate statistics on integration after the Swedish Integration Board [*Integrationsverket*] was closed in June 2007<sup>72</sup>. The closing of the Swedish Integration Board [*Integrationsverket*] and the National Institute for Working Life [*Arbetslivsinstitutet*] has complicated data collection in the field of racism and ethnic discrimination considerably and has contributed to a lack of statistics, data and research. This has created a vacuum in disseminating, monitoring, collecting and raising awareness around integration policies and measures.

## VI.iii Criminal justice

### VI.iii.i Racism as a crime

Several existing legal provisions address racist violence and other hate crimes. The criminal provisions on hate speech are found in the two constitutional laws, Freedom of Press (*Tryckfrihetsförordningen*) and Freedom of Speech (*Yttrandefrihetsgrundlagen*) Acts and in the Swedish Penal Code Ch. 16 para 8 (*Brottsbalken* 16:8).

Aggravating circumstances concerning common offences with a racist motive, Chapter 29, section 2 (7) of the Penal Code 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

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<sup>69</sup> Dan Eliasson, Elisabeth Dahlin and Fredrik Malmberg, "Situationen ohållbar för ensamma asylsökande barn" (Translation: The situation is not sustainable for unaccompanied asylumseeking children") *Dagens Nyheter*, 4 August 2009

<sup>70</sup> Committee on the rights of the child, CRC/C/SWE/CO/4, 12 June 2009, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-SWE-CO-4.pdf> (para 62) (accessed 23 June 2010).

<sup>71</sup> Council document on the 11 CBP: [http://eurlex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0389en01.pdf](http://eurlex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf) (accessed 23 June 2010).

<sup>72</sup> Statistics Sweden (SCB) [http://www.scb.se/Pages/Product\\_224579.aspx](http://www.scb.se/Pages/Product_224579.aspx) (accessed 23 June 2010).

and inflicting damage. The aggravating circumstances include: '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>73</sup>.

One of main concerns regarding the criminalization of racism is that the Chancellor of Justice rarely prosecutes hate speech under the Fundamental Law on Freedom of Expression and the Freedom of the Press Act. During 2007, 155 cases of agitation against ethnic minorities were reported, but the attorney general only initiated proceedings against six of them. Since 2003, only four cases have been considered by the Supreme Court, and only one of these led to a conviction.

One heated debate during 2009 was whether participation in groups and organisations which are involved in promoting racial hatred and violence should be banned. One of the groups under discussion is the umbrella organization UNA-Sweden<sup>74</sup>. They argued that existing legislation and measures to address racist violence are not sufficient to counteract it, nor provide protection to victims of racist propaganda or acts of violence agitated by racist organizations. Those against a ban, such as all the parliamentary parties, argued that this would violate the right to freedom of association. The Left Party, emphasized that this would lead to legal uncertainty and in the long run affects organizations other than racist ones<sup>75</sup>.

Concerning the assessment of data collection and the availability of statistics on hate crime, the National Board of Crime Prevention provides annual statistics on hate crimes. A welcomed effort is that from 2008, hate crimes towards Roma and black people are more visible in the statistics. Still, these hate crime motives are deemed invisible by not being included in the official hate crime categories such as, anti- Semitic, homophobic, transphobic, Islamophobic and bi-heterophobic hate crimes<sup>76</sup>.

In the 2009 annual report, presented by the National Council for Crime Prevention (Brå), xenophobic/racist motives are the majority of all hate crimes. It is therefore important in collecting, analyzing and disseminating information about xenophobic/racist hate crimes to differentiate among those groups in society particularly vulnerable to xenophobic/racist motives such as the Roma and black people and in doing so, this can enable these communities to be more involved in the fight against hate crimes.

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<sup>73</sup> Sweden/Brottsförebyggande rådet (2007) Hatbrott 2006 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv.

<sup>74</sup> Svenska FN-förbundet (UNA-Sweden) <http://www.sfn.se/om-oss/in-english/> (accessed 4 July 2010).

<sup>75</sup> Swedish Television (SVT) "Det ska vara straffbart att vara med i rasistiska partier" [http://svt.se/2.58360/1.651862/utskriftsvanligt\\_format&printerfriendly=true](http://svt.se/2.58360/1.651862/utskriftsvanligt_format&printerfriendly=true) (accessed 3 July 2010).

<sup>76</sup> Sweden/Brottsförebyggande rådet [http://www.bra.se/extra/pod/?action=pod\\_show&id=32&module\\_instance=2](http://www.bra.se/extra/pod/?action=pod_show&id=32&module_instance=2) (accessed 5 July 2010).

Overall, the police response and police training programmes to combat racism as a crime has been evident in Stockholm, through the work at the Hate Crime Unit. The Swedish Prosecution Authority produced a manual to guide and support prosecutors when dealing with preliminary investigations involving hate crimes (RättsPM 2008:2 Hets mot folkgrupp). The equal treatment plan of the Swedish Prosecution Authority for 2009–2011 establishes that the authority shall work to ensure that, in the long term, the proportion of employees, inter alia prosecutors, with foreign backgrounds will correspond to the share of the population with foreign backgrounds.

Several NGO's such as Centre against racism<sup>77</sup> in their parallel report to CERD have demanded that Sweden should comply with its international legal obligations to intensify efforts to prevent, combat and prosecute hate crimes. In addition, ECRI also made recommendations to the Swedish authorities that they should ensure that *"hate speech disseminated through means of communication covered by the Fundamental Law on Freedom of Expression and the Freedom of the Press Act is effectively countered"*<sup>78</sup>.

The national debate on the EU Framework Decision on Racism and Xenophobia has like the previous year, been very limited during 2009/2010.

### **VI.iii.ii Counter terrorism**

In its efforts to counter terrorism, the Ministry of Integration and Equality decided to take measures by assigning the Asymmetric Threat Studies (CATS) to conduct research on the prevention of violent extremism and radicalization.

The result was the highly criticised report *"Threats against democracy and value grounds- a situation report from Malmö [Hot mot Demokrati och värdegrund- en lägesbild från Malmö"]*. Critiques argued that the report had a negative impact on ethnic and religious minority communities in Sweden, especially Muslims.

In return, the authors of the report argued that segregation can spiral into alienation and distrust in society and they urged municipalities to play a key role and take action to counter cultures that can be breeding grounds for violence and terrorism. These statements of extremism on the rise in Rosengård, a poor immigrant dense area, caused outrage among researchers and NGO's due to its total reliance on interviews containing second hand information. The critique was that the authors mainly spoke to social workers etc, but did not interview those living in Rosengård. In addition, the report failed to examine the causes of exclusion. Instead, the problem was analyzed as stemming from the excluded

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<sup>77</sup> Centrum mot rasism <http://www.centrummotrasism.nu/> (accessed 7 July 2010).

<sup>78</sup> Ibid.

rather than being an indication of discrimination and other factors that can be attributed to those with power in society<sup>79</sup>.

### VI.iii.iii Ethnic profiling

There is still a lack of political discussions on the acceptability of the use of ethnic profiling<sup>80</sup> or specific methods for ethnic profiling. The government inquiry, "The Blue and Yellow Glass House" [Det blågula glashuset] by Paul Lappalainen, published in 2005 gave an effective picture of structural racism in the judiciary. The report showed that persons with foreign backgrounds are more likely to be checked by police, arrested, detained and sentenced to prison than native Swedes in the same situation. Furthermore it found that people with origins outside of Europe rely less on the police and courts than native Swedes.

During 2009, following a number of incidents which revealed of racism within the Swedish police force (see section V.v Policing and ethnic profiling) civil society and the public were outraged. Several actors stepped out and condemned the growing racism in the police force. The reaction from the police was that they have invested in educating more than 20 000 police men about code of ethics as a way of countering racism as well as improving recruitment of foreign born persons into the police force. Nevertheless, the problem of racist attitudes still prevails, and this can be linked to the belief within the police force that a police officer is a native Swede and the typical offender is an immigrant. Although, the term ethnic profiling was rarely used in these discussions, the practice of the police illustrates the use of ethnic profiling in practice.

In a report by the former Ombudsman against discrimination (2007)<sup>81</sup> about discrimination and racism against African youth, the authors showed that an immense number black youth, especially male, reported police abuses, insults, physical attacks and offensive treatment by the police. Other examples showed that it was not unusual to be singled out for extra attention by police and/or

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<sup>79</sup> Ranstorp M. and Santos Dos J. "Hot mot demokrati och värdegrund- en lägesbild från Malmö" Försvarshögskolan, Centrum för Asymmetriska Hot och Terrorism Studier (CATS) 28 January 2009, <http://www.fhs.se/upload/Forskning/centrumbildningar/cats/hot-mot-demokrati-och-vardegrund-20090128.pdf> (accessed 4 June 2010).

Carlborn A. "Kritiken av Ranstorps rapport är motiverad-tyvärr" 3 Februray 2009, News Mill <http://www.newsmill.se/artikel/2009/02/03/kritiken-av-ranstorps-rapport-ar-motiverad-tyvarr> (accessed 10 May 2010).

<sup>80</sup> Open Society Institute, *Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory*, Page 19. The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity"

<sup>81</sup> Kalonaityté Viktorija, Kawesa Victoria, and Tedros Adiam, *Att färgas av Sverige: Upplevelser av diskriminering och rasism bland ungdomar med afrikansk bakgrund i Sverige* (Stockholm: Ombudsmannen mot etnisk diskriminering 2007).

immigration or customs officials in airports and train stations. The youth explained that they felt targeted by the police because of their skin-colour. Furthermore, many of the interviewed youth did not report these crimes to the police since they lacked trust in the police investigating their colleagues.

#### **VI.iv Social inclusion**

In the Swedish *National Action Plan on Social Inclusion (NAPS 2006 – 2008)*<sup>82</sup> the government formulated steps to take actions taken to combat poverty and social exclusion, and to reform social protection systems. The priority policy objectives were formulated in four main points:

1. Promote work, education, and training for everyone.
2. Increase integration.
3. Ensure good housing and fight homelessness.
4. Strengthen groups in particularly vulnerable situations

In an attempt to integrate newly arrived immigrants into the labour market, the Ministry of Integration and Equality proposed a bill for the State to take over the main responsibilities for newly arrived refugee's integration into the labour market. Special appointed units will be compensated for getting the refugees jobs. This will be a reform aimed at integrating the newly arrived refugees that have permanent residence. The Government's proposed bill about Establishment efforts means that the State, through the unemployment Agencies, is now taking over the coordination responsibility from the municipalities. Among the newly arrived, only 30% on average have a job after three years. The suggested reform is said to change this and the Government is investing 920 Million SEK (92 Million Euros) into the new system. The new law will come into effect 1 December 2010<sup>83</sup>.

The Government hopes that with the assistance from the employment agency in the form of coaching and training, newly arrived refugees will have effective access to the labour market. This conclusion is in contradiction to the results from an investigation carried out by the Swedish Association of Local Authorities and Regions (SALAR), an association which represents the country's municipalities. The report shows that unemployment Agencies [Arbetsförmedlingen] have failed to get immigrants into the job market. The report shows that nine out of ten newly arrived immigrants who registered with the jobs agency during 2008 didn't receive any support at all. SALAR's study also revealed problems with the

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<sup>82</sup> The NAPS under the EU's OMC on Social Protection and Social Inclusion - For further information see Europa website:

[http://ec.europa.eu/employment\\_social/spsi/strategy\\_reports\\_en.htm](http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm)

<sup>83</sup> *Regeringens proposition 2009/10:60, "Nyanlända invandrares arbetsmarknadsetablering – egenansvar med professionellt stöd"* <http://www.regeringen.se/content/1/c6/13/59/98/31141681.pdf> (accessed 10 August 2010).

Sabuni N., "Vi satsar 920 miljoner på nyanlända flyktingar" 11 September 2009, Dagens Nyheter, <http://www.dn.se/opinion/debatt/vi-satsar-920-miljoner-pa-nyanlanda-flyktingar-1.949959> (accessed 11 September 2010).



unemployment Agencies' treatment of immigrants when it came to gender equality.

*Furthermore, in the assessment of the social aspects of migration, research has shown that discrimination and socioeconomic marginalization affect people with a foreign background on many fronts. This is apparent especially in the areas of housing, education and employment. There are several reports revealing poverty among households of non-Swedish ethnic origin. This is a growing problem in these times of economic crisis. In connection to this, the Government should draw up action plans addressing the very high proportion of immigrant children living in households with a persistently low income and the continuing deterioration of the economic situation of children from non-Swedish backgrounds.*

A study released by Statistics Sweden (SCB) reports widespread segregation in the fields of education, housing, employment and politics. The report reveals the differences in living conditions between native Swedes and the country's immigrant populations, particularly those born in Africa and Asia. For example, the study shows that foreign-born school children lagged behind their Swedish-born counterparts, with students born in Africa falling far behind their native peers by 9th grade, even if they came to Sweden at a pre-school age. The lowest employment levels are in the African-born population, who were also shown to hold more often lower-level jobs despite having high levels of education. Africans are also overrepresented in rental accommodations, with few living in houses or owner-occupied apartments<sup>84</sup>.

Regarding the principal of equal treatment, there are still loop holes in Swedish law which discriminates against immigrants from outside the EU who are Swedish residents. Citizens of the EU, Norway and Iceland are entitled to vote in the local elections if they are residents in Sweden. Citizens of other countries are entitled to vote if they are residents in Sweden *and have* been residents in Sweden for the last three years. This means that third country nationals who are legally resident in Sweden must wait three years before they can stand as candidates in the local elections or vote. About 100 000 people are affected by the provisions in Swedish law, inevitably meaning that during the waiting period they are entirely shut out from the democratic arena.

Disparities and inadequacies remain regarding the promotion of social inclusion of ethnic minorities and their active participation in society. Although the Government distributes funds to the civil society through the Swedish National Board for Youth Affairs<sup>85</sup>, the funding system is project-based, which has made it difficult for NGO's to sustain their long-term work to promote social inclusion.

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<sup>84</sup>Statistics Sweden (SCB) <http://www.scb.se/> (accessed 4 September 2010).

<sup>85</sup>The Swedish National Board for Youth Affairs [http://www.ungdomsstyrelsen.se/english\\_main/0,2693,,00.html](http://www.ungdomsstyrelsen.se/english_main/0,2693,,00.html) (accessed 4 September 2010).

## **VII. National recommendations**

### **VII.i General**

The Swedish government should:

- Amend the constitution to ensure that the full range of civil and political rights also apply to immigrants;
- Ratify the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- Ratify Additional Protocol 12 of the European Convention on Human rights and Fundamental Freedoms
- Amend the Swedish Constitution so as to give explicit recognition to the Sami people as an indigenous

### **VII.ii 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
- Change anti-discrimination legislation so that even inaccessibility outside of working life is considered discriminatory.
- 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.
- 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

### **VII.iii Migration and integration**

The Swedish government should:

- Enact legislation that ensures education is provided to all children, including asylum-seeking and undocumented children in Sweden.
- 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.

#### **VII.iv Criminal justice**

The Swedish government should:

- 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.

##### **VII.iv.i Racism as a crime**

The Swedish government should:

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

##### **VII.iv.iii Ethnic profiling**

The Swedish government should:

- Adopt special measures to monitor and document Ethnic Profiling in the police force, customs, immigration control and in security and counter-terrorism

#### **VII.v Social inclusion**

The Swedish government should:

- Take legislative amendments 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.

## VIII. Conclusion

The three most important developments in the realm of anti-racism, antidiscrimination, migration and integration between 1<sup>st</sup> January 2009 to 31<sup>st</sup> March 2010 in Sweden was the adoption of a new comprehensive law against discrimination, the Swedish Government's Strategy for National Minorities and the Government bill where the State will be taking over the main responsibility for ensuring newly arrived refugee's access to the labour market.

The first major development during 2009/2010 was the adoption of the new Discrimination Act which entered into force on 1 January 2009. The new law also established a new supervisory body entitled the Equality Ombudsman (Diskrimineringsombudsmannen). However, the new ban on discrimination concerning age is limited, broadly speaking, to the fields of working life and education. The Government has appointed an inquiry to investigate how protection against Age discrimination can be introduced in more areas of society. Furthermore, the government has appointed an investigator to assess how inaccessibility outside of working life can be considered a form of disability discrimination.

Secondly, another development is the Swedish Government's Strategy for National Minorities. The Swedish Government presented the bill 'From Recognition to Empowerment' which contains a number of initiatives to improve the situation of national minorities. These initiatives include a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010;

Finally a major development was a proposal that the government take responsibility for ensuring that newly arrived refugees' have access to the labour market. In the new Government bill, proposed by the Ministry of Integration in September 2009 (*Regeringens proposition 2009/10:60, "Nyanlända invandrades arbetsmarknadsetablering – egenansvar med professionellt stöd"*) unemployment Agencies will implement the Governments proposal.

Lastly, although the civil society has generally been positive to the new Discrimination Act and the Equality Ombudsman, they have raised attention to the growing racism and racial profiling in the Swedish police force. Furthermore, the need for the Government to take active measures to protect the fundamental Rights of the Saami people has been highlighted. Another important issue is that the Government should ensure that the new state responsibility for newly arrived refugees should be guided by the Councils Common Basic Principles on the area of integration as well as the Governments new policies on family reunification.

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## **X. 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]

CERD- Committee on the Elimination of Racial Discrimination

DO - Diskrimineringsombudsmannen [The Equality Ombudsmann]

ECRI - European Commission against Racism and Intolerance (ECRI)

EQUINET – The European Network of Equality Bodies

HRC- Human Rights Council

ICESCR- Convention on the Elimination of Discrimination against Women

INACH- International Network Against CyberHate

NAPS- National Action Plans on Social Inclusion

NGO - Non-governmental organisation

OHCHR- Committee on the Rights of the Child

SCB- Statistiska Central Byrån [Statistics Sweden]

SFS- Swedish Code of Statutes [Svensk författningssamling]

SEK- Swedish Krona



european network against racism

ENAR Shadow Report 2009-2010