



european network against racism

ENAR Shadow Report 2008

ENAR SHADOW REPORT 2008

Racism in Sweden

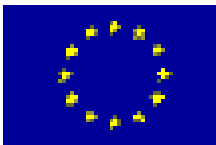
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Centre against racism

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. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

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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I. Executive summary

The main development during 2008 in Sweden in the area of racism and ethnic discrimination was the adoption of a new comprehensive law against discrimination on 4th June 2008 by the Swedish Parliament.

The new Discrimination Act entered into force on 1 January 2009. This law covers working life as well as essentially all other aspects of society. The grounds covered are gender, ethnicity, religion, disability, sexual orientation, transgender discrimination and age.

The new law also established a new supervisory body entitled the Equality Ombudsman (*Diskrimineringsombudsmannen*).

The Swedish Government presented new strategies for integration policy to be implemented through general measures. In addition, special measures focusing on immigrants are only to take place for new immigrants who are in need of such measures.

Concerning newly arrived immigrants, the Government presented a comprehensive integration strategy *Egenmakt mot utanförskap – regeringens strategi för integration*.

A reformed regulatory framework to provide for labour force immigration came into effect on 15 December 2008. The employer, and not public authorities, is to determine whether there is a need to employ a third-country national in decisions on work permits.

Some of the national recommendations suggested in this report are:

- The Swedish government should consider the various gaps in the new Discrimination Act. The gaps between the different grounds concerning active measures related to the various grounds are retained in the new law.
- The Swedish government should propose that even inaccessibility outside of working life should be considered to be a form of disability discrimination.
- The Swedish government, during the legislative process, should move Jurisdiction over cases concerning ethnic and religious discrimination in employment from the Swedish Labour Court to the general courts;
- The Swedish government should ensure that anti-discrimination clauses allow for cancellation in cases of discrimination in all public contracts.

II. Table of contents

I. Executive summary.....	3
II. Table of contents	4
III. Introduction	5
IV. Communities vulnerable to racism.....	6
V. Manifestations of racism and religious discrimination.....	9
V.i Employment	9
V.ii Housing	10
V.iii Education.....	12
V.iv Health	13
V.v Policing and racial profiling.....	14
V.vi Racist violence and crime.....	15
V.vii Access to goods and services in the public and private sector	16
V.viii Media, including the internet	17
VI. Political and legal context	19
VI.i Anti discrimination.....	19
VI.ii Migration and integration	22
VI.iii Criminal justice	23
VI.iii.i Racism as a crime	23
VI.iii.ii Counter terrorism	25
VI.iii.iii Racial profiling	26
VI.iv Social inclusion	27
VII. National recommendations.....	29
VII.i General.....	29
VII.ii Anti-Discrimination.....	29
VII.iii Migration and integration	30
VII.iv Criminal Justice	30
VII.v Social inclusion.....	30
VIII. Conclusion.....	31
IX. Bibliography.....	32
X. Annex 1: List of abbreviations and terminology	37

III. Introduction

The trends in the area of racism and ethnic discrimination in Sweden during 2008 were characterized by the Swedish Parliament's adoption of a new comprehensive law against discrimination on 4 June 2008. On 1 January 2009 the new Discrimination Act went into effect¹. The law also established a new supervisory body entitled the Equality Ombudsman [Diskrimineringsombudsmannen]². Katri Linna – the previous Ombudsman against ethnic discrimination – was appointed in July 2008 to head the new authority.

New regulations for labour immigration and recruitment came into effect on 15 December 2008³. The Migration Board is given extended responsibility for considering applications for work permits. The new regulations give the employer – and not public authorities – the right to determine whether there is a need to employ a third-country national⁴.

The time period covered by this report is from January to December 2008. This report provides an overview of recent developments in the area of racism and discrimination in Sweden during 2008 from a Swedish civil society perspective.

The first part describes the communities particularly vulnerable to racism and ethnic discrimination in Sweden, and discusses several reports published in this area during 2008.

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 2008, 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.

¹ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM

² Riksdagen (2008) *Beslut i korthet*

³ <http://www.regeringen.se/sb/d/108/a/104328>, accessed 15 May 2009

⁴ The proposed new regulations on labor force immigration are included in the Government Bill 2007/08:147

IV. Communities vulnerable to racism

In 2008, several reports discussed the situation of various communities vulnerable to racism in the Swedish national context.

Concerning the communities vulnerable to racism, some statistics are relevant. On 31 December 2008, Sweden had a population of 9,256,347. Out of these, 562,124 are foreign citizens, which represent about 6.1% of the total population. 1,281,581 are foreign born, and represent 13.8% of the total population. Those born in the country who have two foreign born parents amount to 379,422 persons. This means that the percentage of the population either born outside of Sweden or with two parents born outside of Sweden amounts to 17.9 % in 2008⁵. The largest immigrant groups in Sweden from outside Scandinavia as of 2008 consists of people from Iraq (109 446), Former Yugoslavia (72 285), Poland (63 822), Iran (57 663), Bosnia and Herzegovina (55 960), Chile (28 118), Thailand (25 858), Somalia (25 159) and Lebanon (23 291). In the last decade most immigrants have come from Iraq, Poland, Thailand, Somalia and China⁶.

During 2008, the largest groups who immigrated to Sweden from outside Scandinavia were Iraqis (2 451) and Somali citizens (1 305). There are about 100 568 individuals with African background in Sweden⁷. The largest African group in Sweden is Somalis, who are about 25 159 people⁸. Swedish national statistics are often based on the individual's country of birth and their parents' country of birth. In other words, the central category in the available statistical data is nationality.

Concerning immigrants and persons born in Sweden who have foreign born parents, it is apparent from a number of studies that within the broader numbers certain groups are subject to greater levels of racism and discrimination in Sweden. These groups are mainly those who originally come from the Middle East and Africa. It is also well known that Roma, whether born in Sweden or outside, are also the targets of racism. Sweden has the largest number of Roma in the Nordic countries. There are about 50 000 Roma living in Sweden⁹. Skin colour, hair colour and assumptions related to a person's background tend to have a negative effect on the opportunities available in Sweden¹⁰.

⁵ Statistics Sweden, http://www.scb.se/Pages/TableAndChart_26040.aspx, accessed 9 July 2009)

⁶ <http://en.wikipedia.org/wiki/Sweden#Demographics> accessed 22 July 2009

⁷ See e.g. Kalonaityté Viktorija, Kawesa Victoria, and Tedros Adiam, *Att fårgas av Sverige: Upplevelser av diskriminering och rasism bland ungdomar med afrikansk bakgrund i Sverige* (Stockholm: Ombudsmannen mot etnisk diskriminering 2007).

⁸ http://www.scb.se/Pages/PressArchive_259760.aspx?PressReleaseID=273492, accessed 22 July 2009)

⁹ <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=46963b005e&>, accessed 22 July 2009)

¹⁰ See e.g. the Swedish government inquiry headed by Paul Lappalainen, *Det blågula glashuset: strukturell diskriminering i Sverige SOU 2005:56 (The Blue and Yellow Glass House: Structural Discrimination in Sweden SOU 2005:56)* <http://www.regeringen.se/sb/d/108/a/46188>, accessed 9 July 2009.

In February 2008 Brå [The Swedish National Council for Crime Prevention] presented a report 2008:4 *Diskriminering i rättsprocessen; om missgynnande av personer med utländsk bakgrund* (Discrimination in the legal process). The report is based on current research, analyses of complaints to the Ombudsman against ethnic discrimination and interviews with key categories of persons within the legal system. The report concludes that discrimination and the perception of discrimination are serious issues within the Swedish legal system. The report is part of the assignment given to the Council in by the government in April 2006 to examine the incidence of discrimination in the judicial process against defendants and plaintiffs with a foreign background. The assignment has been reported in such a way that any differences between men and women exposed to crime are highlighted. The report proposes various initiatives which are needed to promote non-discrimination within the judicial system¹¹.

One of several reports released by the Ombudsman against Ethnic discrimination in 2008 focused on national minorities.

In November 2008 one of the reports was entitled *Diskriminering av nationella minoriteter inom utbildningsväsendet* [Discrimination of national Minorities in the education system] in 2008. The aim of the report was to contribute to the knowledge about the situation of national minorities in the education system by illustrating their experiences of discrimination and proposing measures to prevent and combat discrimination¹².

In July 2008 the Ombudsman against Ethnic Discrimination published a new report entitled *Diskriminering av samer - samers rättigheter ur ett diskrimineringsperspektiv* [Discrimination of the sami – sami rights from a discrimination perspective]. The report describes discrimination of the Sami from and makes various recommendations concerning empowerment as well as enforcement to the government¹³. The Sami are the indigenous people of northern Europe who live in a region that now extends across four countries –

¹¹ BRÅ Rapport 2008:4 *Diskriminering i rättsprocessen Om missgynnande av personer med utländsk bakgrund* (Discrimination in the criminal justice process in Sweden), available at: [http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering i rättsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf](http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering_i_r%C3%A4ttsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf) together with an English summary that is available at: http://www.bra.se/extra/measurepoint/?module_instance=4&name=summary_diskriminering.pdf&url=/dynamaster/file_archive/080415/d69cbcd96e95036f85db399ba45a47e4/summary%255fdiskriminering.pdf (26.09.08)

¹² Pikkarainen Heidi and Brodin Björn, *Diskriminering av nationella minoriteter inom utbildningsväsendet* (Ombudsmannen mot etnisk diskriminering, DO report no. 2008:2). Download at: <http://do.episerverhotell.net/upload/Ladda%20ner/dorapport-nationella-minoriteter-engelska.pdf>, accessed 15 May 2009.

¹³ 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). Download at: <http://do.episerverhotell.net/upload/Ladda%20ner/discrimination-of-the-Sami.pdf>, accessed 15 May 2009.

Sweden, Norway, Finland and Russia. There are about 20 000 Sami living in Sweden¹⁴.

In December 2008 the report *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden* [Discrimination on the Swedish housing market- A report from DO:s special work during 2006-2008 about Discrimination on the housing market] the Ombudsman against Ethnic Discrimination] confirms that Roma are particularly vulnerable to discrimination in Sweden, and discrimination within the housing market clearly stands out as a problem¹⁵.

A group that is especially vulnerable in Sweden is children without documentation and refugee children in hiding. The report *Barn utan paper-Jag vill bara landa* [Children without papers-I just want to land] is the final report in the project *Utanpapper* [Without papers] a help line for hidden and undocumented children. *Rädda Barnen* [Save the children] has worked with the project for the past two years. The report is based on the contacts with the 470 children and young adults with *Rädda Barnen*. The findings show that the children have problems with their living conditions in Sweden, they long to go to school, they fear of being deported and they have problems due to the separation from their families¹⁶.

Finally, in December 2008, the periodical *Socialvetenskaplig Tidsskrift* [Periodical in Social Science] published in the theme number *Diskriminering och Exkludering* [Discrimination and exclusion]. One of the articles *Svarta(s) strategier* [Strategies by Black Swedes] based on 60 interviews with black Swedes shows that they experience everyday discrimination and racism such as racialized language use, integrity violations, sexual harassment, suspicion of crime and hate crimes¹⁷. Another article shows that Swedish employer's have stereotypical views of Muslims¹⁸.

¹⁴ This area consists of the Kola Peninsula in Russia, northernmost Finland, the coastal and inland parts of northern Norway and parts of Sweden from Idre northwards. This region is called Sápmi (Samiland). The original Sami area of settlement was even larger, but they have gradually been forced back. Although many Sami still live in Sápmi, many others live in other parts of Sweden and are not involved in reindeer herding. About 2,500 of the approximately 20,000 Sami who live in Sweden are involved in reindeer husbandry. The total Sami population is an estimated 70,000. More than half – 40,000 – live in Norway, 20,000 live in Sweden, 6,000 in Finland and 2,000 in Russia. Almost 10,000 are involved in reindeer husbandry. The Sami - an Indigenous People in Sweden, Publication date: February 2005, Sweden's Ministry of Agriculture <http://www.sweden.gov.se/content/1/c6/03/97/05/4ef76212.pdf> , accessed 9 July 2009.

¹⁵ *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden* (Ombudsmannen mot etnisk diskriminering DO:s rapportserie 2008:3). Download at: http://do.episerverhotell.net/upload/Ladda%20ner/DO_Bostadsrapport_2008_ny.pdf, accessed 15 May 2009.

¹⁶ Westin Sanna, *Barn utan paper- Jag vill bara landa* (Rädda Barnen 2008)

¹⁷ Kalonaityté Viktorija, Kawesa Victoria, and Tedros Adiam, *Svarta(s) strategier*, *Socialvetenskaplig Tidsskrift* 2008:3–4 *Temanummer: Diskriminering och exkludering*.

¹⁸ Agerström Jens, Carlsson Rickard, Ekehammar Bo, Rooth Dan-Olof: *Svenska arbetsgivares implicita stereotyper av arabiska muslimer och överviktiga*, *Socialvetenskaplig Tidsskrift* 2008:3–4 *Temanummer: Diskriminering och exkludering*.

V. Manifestations of racism and religious discrimination

V.i Employment

In 2008 the Ombudsman against Ethnic Discrimination, received 300 complaints concerning ethnic discrimination in employment, and brought four cases of discrimination in recruitment processes to *Arbetsdomstolen* [the Swedish Labor Court]¹⁹.

In the first case the Ombudsman against ethnic discrimination sued the municipality of Eslövs for discrimination in connection with a recruitment interview²⁰.

The second case was about religious harassments of two Muslim women at Friskis och Svettis (a sports facility). The two Muslim women were employed at Friskis & Svettis in Malmö and were subjected to religious discrimination. The Ombudsman against Ethnic Discrimination demanded 100.000 SEK (10. 000 euro) in damages to both women. The events occurred around the turn of the year 2007-2008²¹.

In the third case the Ombudsman against ethnic discrimination (DO) sued a cleaning company in Anderstorp after it dismissed a Muslim woman from Somalia due to her failure to dress appropriately for the job. In a suit filed with the Labour Court, the ombudsman demanded the company to pay 120,000 SEK in damages²².

In the last case, a nursing home for the elderly was sued by the Ombudsman against ethnic discrimination for ending a woman's internship arguing that she lacked language skills in Swedish²³.

Moreover, during 2008 there were 22 settlement cases in the area of employment. The trade unions filed 13 settlement cases, one was a private settlement by the complaint and eight settlements were by the DO²⁴.

¹⁹ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

²⁰ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008). Dnr 722-2008

²¹ http://do.episerverhotell.net/t/Page_3093.aspx, accessed 3 May 2009

²² http://www.do.se/upload/rattsfall/eda_ad_do/dnr1416-2007.pdf, accessed 3 May 2009

²³ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008). Dnr 1355-2007

²⁴ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008)

The Swedish Ombudsman against Ethnic Discrimination continued to educate and provide training for representatives of trade unions and employer organizations about anti-discrimination legislation²⁵.

One of the consequences of the closing down of the Swedish Integration Board and the National Institute for Working Life in June 2007 is the difficulties in collecting relevant disaggregated employment data broken which takes into account ethnic origin and religion²⁶. In Sweden's seventeenth and eighteenth report to the UN Committee on the Elimination of Racial Discrimination (CERD) the Committee recommends that the State party takes measures to ensure that the closure of the Swedish Integration Board does not detract from a holistic approach to the development of strategies to combat racial discrimination in the State party²⁷.

Examples of NGO Good Practice

The NGO *Simba center* [Simba Centre] runs daily labor market activity for foreign women and men. The Simba centre collaborates with the city of Stockholm, the local employment offices and employers. The aim is to help foreign women and men to faster get access to the labour market²⁸.

The NGO *Paraplyprojektet- ställningstagande mot diskriminering inom arbetslivet* [The Umbrella Project – taking a stand against discrimination in working life] develops tools to increase interest, awareness and knowledge about diversity at the work place and the understanding of the processes behind exclusion and discrimination. The main target groups are NGO's, trade unions and employers²⁹.

V.ii Housing

The Ombudsman against Ethnic Discrimination received 55 complaints about housing discrimination during 2008. This is a decrease compared to 2007 when the number of housing complaints received was 92. One of the reasons for the decrease is the major impact of the housing project that the Ombudsman against ethnic discrimination ran during 2007³⁰.

²⁵ Sweden/Ombudsmannen mot etnisk diskriminering (2007) *DO utbildar fack och arbetsgivare*, available at: <http://www.do.se/o.o.i.s?id=2236> accessed 5 May 2009.

²⁶ Sweden/Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007*, p. 34, available at: http://www.do.se/upload/lagar_styrdokument/Årsredovisning_2007_DO_2_Dnr159-2008.pdf, accessed 5 May 2009

²⁷ http://www.manskligarattigheter.se/extra/pod/?id=95&module_instance=2&action=pod_show&navid=95, accessed 5 May 2009

²⁸ www.simbacenter.se, accessed 10 May 2009

²⁹ www.paraplyprojektet.se, accessed 10 May 2009

³⁰ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

A total amount of five cases in the area of housing were taken to court by the Ombudsman against ethnic discrimination. Complaints are often made by people from the Middle East or people with Muslim names as well as with a Roma background.

In 2008 the Ombudsman against Ethnic Discrimination filed a number of lawsuits concerning ethnic discrimination against Roma persons in the housing market. One of the cases concerned a private landlord in the city of Ulricehamn that was sued for refusing to let out a flat to a Roma man. The DO won the case in Göta Court of Appeal, ruling on 2 December 2008 and the court awarded the man damages of SEK 40,000 (4, 000 Euro)³¹.

Another court case filed, concerned a pregnant Roma woman who signed a housing contract on 19 September 2005 with a private housing company. The woman paid the rent according to the contract. When the woman and her children returned some weeks later after a short trip, she found that her landlord had changed the lock to her apartment. The district court found that the landlord's eviction of the pregnant Roma was due to her ethnic background and awarded the woman damages of SEK 50,000 (5,000 Euro)³². The landlord appealed to The Göta Court of Appeal, but the case was settled³³.

The Ombudsman against Ethnic discrimination (DO) completed its review of how six cleaning companies lived up to the law against ethnic discrimination and the requirements to prevent ethnic discrimination. The review showed that several companies did not live up to the requirements according to the law but that the companies have now adopted Action plans against discrimination³⁴.

The Swedish Union of Tenants (Hyresgästföreningen) conducted investigation about ethnic discrimination towards tenants during 2006. This led to several complaints submitted to the DO during 2008.

In 2008 the Ombudsman's housing project, which began in 2006, continued. The housing project's aim was to prevent ethnic discrimination in housing and to raise awareness regarding housing discrimination with a focus on three cities, Göteborg, Malmö and Sundsvall. The experiences of this effort are described in *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*.

³¹ Source: www.do.se, Göta Court of Appeal Case nr 3501-08

³² DO Complaint, OMED 2005/1209

³³ Source: www.do.se, DO Complaint Omed 2005/1209

³⁴ For more information: http://www.do.se/t/news_1098.aspx

Examples of NGO Good Practice

In April 2008, the *Anti-discrimination Bureaux in Göteborg*³⁵ and *Malmö*³⁶ co-arranged each, workshops on discrimination on the housing market together with the Ombudsman against Ethnic Discrimination, Westander PR and the Network *jagvillhabostad.nu*³⁷.

The Network *jagvillhabostad.nu* [i want an apartment now.nu] is an NGO for young people between the ages of 18-35 years who are tired of the housing shortage and want to take action to influence the housing market. The Network's aim is to empower youth to take charge of their living conditions and enable them to get access to the housing market. Anti-discrimination work is among the many activities that the Network is engaged in³⁸.

V.iii Education

During 2008 the Ombudsman against Ethnic Discrimination received 46 complaints about ethnic discrimination in education. 31 of these complaints concerned discrimination in schools on the basis of the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students³⁹.

A total of 15 complaints filed with the Ombudsman against Ethnic Discrimination concerned discrimination in universities and higher education according to the Equal Treatment of Students at Universities Act. The number of complaints was on the same level as previous years⁴⁰.

Moreover, the Ombudsman filed one lawsuit of ethnic discrimination in education. The majority of cases regarding discrimination in education have been resolved through negotiation and mediation⁴¹.

In the case that the Ombudsman against ethnic discrimination took to court, the municipality of Hässleholm was sued for its failure to stop the racist harassment of two students. Instead of fulfilling the requirements of the law, the school asserted that the harassed students were at fault. The DO demanded 160 000

³⁵ http://www.centrummotrasism.nu/index.php?option=com_contact&view=contact&id=32%3Aantidiskrimineri-ngsbyra-i-goeteborg&catid=24%3Amedlemmar&Itemid=168&lang=en, accessed 20 May 2009

³⁶ www.adbmalmö.se, accessed 20 May 2009

³⁸ <http://www.jagvillhabostad.nu/>, accessed 20 May 2009

³⁹ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

⁴⁰ *ibid*

⁴¹ *ibid*

SEK (16 000 Euro) in damages⁴². The municipality of Hässleholm paid 80 000 SEK (8000 Euro) to the two brothers after settlement in May 2009⁴³.

An important aspect of education is that the Swedish government ensures that schools not only provide an education concerning the dramatic violations of human rights carried out in other countries, but also concerning the violations of human rights that are part of Swedish history. The Delegation for Human Rights in Sweden completed the production of school material about Sweden's participation in the transatlantic slave trade. The material called Slaveri då och nu [Slavery then and now] is the result of collaboration between the Delegation and a number of organizations that work against racism and discrimination. The material was distributed to 2000 students in classes 7-9 and at high schools⁴⁴.

Example of NGO Good Practice

The Centre against Racism initiated a project called 'Dialogue Days' together with the Swedish Church and Sweden's Young Muslims. The project is intended to reach out to youth in high schools. Its goal is to bring together youth with different social and cultural backgrounds to create a forum for discussions and positive insights about living together in a multicultural society. The project aims at engaging youth, NGO's, municipalities and cities around issues concerning non-discrimination and intercultural coexistence⁴⁵.

V.iv Health

The Ombudsman against Ethnic Discrimination received 29 complaints regarding ethnic discrimination in health care during 2008 which is in line with the previous year⁴⁶.

The Ombudsman against Ethnic Discrimination filed a lawsuit in January 2008. The case was brought before the Stockholm's district court concerning a doctor who issued a psychiatric declaration concerning a woman with Greek origin. The purpose of the declaration was to provide an analysis to the Social Insurance concerning a long term sick listing of the patient. After two visits, a declaration was issued based on generalizations and negative prejudices concerning Greek immigrants. The complainant felt that the declaration was insulting and a violation

⁴² http://www.do.se/t/Page_1952.aspx, accessed April 2009

⁴³ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

⁴⁴ http://www.manskligarattigheter.gov.se/extra/news/?module_instance=1&id=1256

⁴⁵ http://www.centrummotrasism.nu/index.php?option=com_content&view=section&layout=blog&id=9&Itemid=191&lang=sv, accessed April 12 2009

⁴⁶ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

of her integrity. The DO demanded 80 000 SEK (8000 Euro) in damages on behalf of the woman⁴⁷.

In the government bill 2007/08:110, presented to the Parliament 13 March 2008, the government clarifies its renewed public health policy. Public health should be focused on the individual's needs, integrity and freedom of choice. Municipalities and the county councils have a key role in public health and should work on improving methods and tools in this area.

When it comes to the Rights of children, the Swedish Child Ombudsman [Barnombudsmannen BO] raised concerns about access to health care on equal terms. The Swedish Child Ombudsman pointed out that Sweden must offer all children within its jurisdiction, health on an equal basis. The BO also pointed out that the pre- and postnatal care available to mothers must be provided on equal terms. All of this is necessary in order for Sweden to be in compliance with its obligations under the UN Convention on the Rights of the Child⁴⁸.

One NGO working with undocumented children, asylum seekers and refugees is Rosengrenska which is a local network of different health professionals working with undocumented migrants. During 2008 the network continued providing health care to undocumented asylum seekers. The organization collaborates with other organizations such as the Church; Doctors without Borders, the hospital etc and their activities have been instrumental in influencing Sahlgrenska University Hospital to offer emergency and other health services⁴⁹.

Examples of NGO Good Practice

Terrafem is the only national organisation, which supports women and girls of a foreign background against sexual violence against women. Terrafem works in over 40 languages, has shelters for women and girls 16-26 years and runs an emergency telephone that provides legal support and advice⁵⁰.

V.v Policing and racial profiling

Several incidents concerning racism within the police force surfaced during December 2008 in various media. The first incident revealed was when the racist comments were caught on a surveillance video the police used during the riots in Rosengård in December 2008. The police was filmed using racist language calling immigrant youth "damn little apes" during the riots. Later it was also revealed that fictitious names such as "Negro Niggersson" and "Oskar Negro"

⁴⁷ http://www.do.se/t/Page_1229.aspx, accessed April 12 2009

⁴⁸ www.bo.se, accessed 12 April 2009

⁴⁹ Rosengrenska, www.rosengrenska.org, accessed 2 April 2009.

⁵⁰ www.terrafem.org, accessed 20 May 2009

were used by the police force in *Skåne* [Southern Sweden] in an internal education during the spring of 2008⁵¹.

These incidents caused outrage among NGOs, politicians, and the public. The police men were reported to the Ombudsman against Ethnic discrimination and to the *Justitieombudsmannen* [Parliamentary Ombudsman] one of the organizations that submitted a complaint against the police force in *Skåne* was the organisation *Jämlikhet för Afrosvenskar* [Afro-Swedish for equality]. According to the organization the incident shows the extension of the racist culture within the police force towards Afro-Swedes in particular and other minority groups.

The Chief District Prosecutor initiated a preliminary investigation against the police according to *Lagen om hets mot folkgrupp* [The Act on Persecution of Minority Group]⁵².

V.vi Racist violence and crime

In July 2008 statistical data regarding hate crimes in 2007 was published by *Brottsförebygganderådet* [The Swedish National Council for Crime Prevention]. In 2007, hate crimes with xenophobic, anti-Semitic or Islamophobic motives were identified in 2813 police crime reports. A total of 3,536 complaints submitted to the police in 2007 were considered to have a hate crime motive which represents an increase of eight percent by comparison to the previous year⁵³. A xenophobic motive was identified in 2,489 complaints (70 percent), an Islamophobic motive in 206 of the complaints (6 percent), an anti-Semitic motive in 118 complaints (three percent) and a homophobic motive in 723 complaints (20 percent)⁵⁴.

During 2008 the Swedish Police Service project to combat hate crimes in the city of Stockholm was due to end 1 September 2008 and it is uncertain if the project will continue⁵⁵. The project's aim was to ensure that investigations of hate crimes are pursued swiftly and actively and to ensure that specialist investigators were available to investigate hate crimes at the scene of the crime at all hours⁵⁶.

⁵¹ <http://www.kvp.se/nyheter/1.1458013/niggersson-anvands-som-laroexempel>, accessed 12 April 2009

⁵² <http://sydsvenskan.se/malmo/article411666/Skanepolisen-JO-anmals.html>, accessed 12 April 2009

⁵³ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2008:15 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv*.

⁵⁴ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2008:15 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv* p.10. www.bra.se

⁵⁵ Telephone correspondence with Mikeal Ekman at the Hate crime office City of Stockholm (10 June 2008)

⁵⁶ Sweden/Polisen (2008) *Polisens hatbrottsprojekt – ett utvecklingsprojekt i city polismästardistrikt*, available at: http://www.polisen.se/mediaarchive/1690/9449/6991859/1_hatbrottwebb.pdf, accessed 10 October 2008.

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

During 2008 the Ombudsman against Ethnic Discrimination received 365 complaints about ethnic discrimination regarding access to goods and services, which was a decrease compared to 2007.⁵⁷

In general, men seem to submit complaints more than women, and in 2008 out of 62 % complaints made by men, 38 % submitted complaints regarding discrimination to goods and services⁵⁸.

The Ombudsman won three cases in court in this field and the damages awarded ranged between 15 000 SEK and 40 000 SEK (1 600 euro and 4 300 euro). The Ombudsman reached 23 out-of-court settlements and filed lawsuits in seven cases during 2008⁵⁹.

The civil society in Sweden has long expressed concern that the rule of law in the area of discrimination in Sweden can only be guaranteed with new and innovative methods to prove discrimination. Situation testing is such a method that has been used mainly by a group of law students to prove ethnic discrimination in night clubs. This method basically involves comparing the treatment of groups of persons with certain “immigrant” markers such as darker skin, hair colour or foreign sounding names to the treatment of groups of persons without those markers such as blond, blue-eyed persons with typical Swedish names. If the groups are similar in all other respects, less than equal treatment of these groups is assumed to be an indication of discrimination. This method can be used for research, for quality controls in terms of policies as well as for actually proving discrimination in the courts⁶⁰.

In the highly anticipated ruling from the Supreme Court [Högsta Domstolen] the compensation to be paid to four men who were discriminated against by a Malmö night club was reduced. The Supreme Court reduced the damages to 5, 000 SEK (500 euro) for each person. Previously the court of appeal had ordered Escape to pay 15, 000 SEK (1500 euro) each to the four men. The men, all of whom have “foreign” appearances, were denied entry to the Escape night club in Malmö, while their “Swedish-looking” friends were allowed into the establishment. The men, who were law students, using the method known as situation-testing, recorded the incident and later sued the nightclub with support from Sweden’s Ombudsman against Ethnic Discrimination⁶¹.

⁵⁷ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

⁵⁸ *ibid*

⁵⁹ *ibid*

⁶⁰ For more information see Proving Discrimination Cases - the Role of Situation Testing, http://www.migpolgroup.com/publications_detail.php?id=230 (9 July 2009).

⁶¹ <http://www.do.se/t/Page.aspx?id=1219> accessed 17 April 2009

This Supreme Court ruling contributes to the clarification or interpretation of damages awarded in cases of discrimination testing. While discrimination testing was accepted as proof of discrimination, the Supreme Court concluded that lower damages were appropriate in such cases.

Sweden has previously received international criticism due to the low level of damages awarded in discrimination cases in, for example, the third report on Sweden from the European Commission against Racism and Intolerance (ECRI). In this report ECRI urges Sweden to provide for effective, proportionate and dissuasive sanctions in cases of discrimination⁶².

V.viii Media, including the internet

On 16 February 2008 *Sametinget* [the Sami Council] presented to the Swedish Government a report about the pilot study regarding a new joint web site for national minorities in Sweden. The outcome of the pilot study was presented in the report *Förstudie- hemsida/webbportal för nationella minoriteter*⁶³. In 2007 the Sami council was assigned by the Government to conduct the pilot study⁶⁴. The pilot study is registered by the Sami Council, in cooperation with representatives of the other national minorities (Roma, Jews, Tornedalers and Swedish Finns)⁶⁵.

During 2008 *Quick Response*, an independent part of the Swedish Red Cross continued its work on reporting about how the Swedish media reports on immigration, xenophobia and integration. As part of its aim to review and react to media reports, Quick Response conducted an enquiry by email available to 6300 active members of the organization for Journalist SRAO and Swedish Press. About 25% of the respondents answered the enquiry which was conducted between 25 November and 4 December 2008. The results are presented on the Quick Response website and the conclusion is that issues concerning xenophobia are often by-passed by the Swedish journalists⁶⁶.

The Government initiated 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 the relation between democracy and human rights through dialogue as a method⁶⁷.

⁶² ECRI (2005) *Third report on Sweden CRI (2005)26*, paragraph 25, available at: http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/sweden/Sweden_CBC_3.asp#TopOfPage accessed 15 Mars 2009.

⁶³ http://www.minoritet.se/slutrapport_forstudie.pdf, accessed 05 May 2009

⁶⁴ Integrations- och jämställdhetsdepartementet, *Uppdrag till Sametinget att genomföra en förstudie om hemsida rörande de nationella minoriteterna IJ2007/3138/D* (Integrations- och jämställdhetsdepartementet, 2007

⁶⁵ <http://www.minoritet.se/> accessed 5 Mars 2009.

⁶⁶ <http://www.quickresponse.nu/artiklar/2009/februari/framlingsfientlighet-passerar-journalister/>, accessed 05 April 2009

⁶⁷ <http://www.dialogvardegrund.nu/Om-dialogvardegrundnu/>, accessed 4 May 2009

Examples of NGO Good Practice

The National Association of Afro Swedes [Afrosvenskarnas Riksförbund (ASR)] continued to provide teaching tools against racism, through the internet site Get Educated. The site provides, among other things, information, new reports and research on racism and ethnic discrimination that is deemed relevant for teachers as well as definitions, practice and discussion exercises for students around particular themes (media, the development of the idea of race, prejudice)⁶⁸.

⁶⁸ Afrosvenskarnas riksförbund, www.afrosvenskarna.se, accessed 10 April 2009

VI. Political and legal context

During 2008 the new comprehensive discrimination law was adopted by the Swedish Parliament on 4th of June 2008⁶⁹. The law came into effect on 1 January 2009. The law also established a new supervisory body entitled the Equality Ombudsman (*Diskrimineringsombudsmannen*)⁷⁰. Katri Linna – the former Ombudsman against Ethnic Discrimination – was appointed in July 2008 to head the new authority⁷¹.

One of main political developments during 2008 in the field of anti-discrimination was the government's new policy regarding the distribution of funds to civil society in the fight against racism and other forms of intolerance. The new funding system is project-based and all eligible organizations can apply for funds on a competition basis⁷². In addition, the task of providing subsidies to immigrant organizations and anti-discrimination bureaux was transferred to the Swedish National Board for Youth Affairs [Ungdomsstyrelsen]⁷³.

New regulations for labour immigration and recruitment came into effect on 15 December 2008⁷⁴. The Migration Board is given extended responsibility for considering applications for work permits. The new regulations give the employer – and not public authorities – the right to determine whether there is a need to employ a third-country national⁷⁵.

VI.i Anti discrimination

The new legal developments in the area of anti-discrimination in Sweden during 2008 were that on 4 June 2008 the Swedish Parliament adopted a new comprehensive law against discrimination. This law covers working life as well as essentially all other aspects of society. The grounds covered are gender, ethnicity, religion, disability, sexual orientation, transgender discrimination and age⁷⁶.

The new ban on discrimination concerning age is limited in the new law, broadly speaking, to the fields of working life and education. It can basically be said that the current seven civil laws against discrimination have been merged and various gaps were closed. However, more significantly, the gaps between the different

⁶⁹ Riksdagen (2008) *Beslut i korthet*

⁷⁰ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM

⁷¹ http://www.do.se/t/Page___1967.aspx,

⁷² <http://www.sweden.gov.se/sb/d/11041/a/111945>

⁷³ <http://www.ungdomsstyrelsen.se/kat/0,2070,1526,00.html>, accessed 15 May 2009

⁷⁴ <http://www.regeringen.se/sb/d/108/a/104328>, accessed 15 May 2009

⁷⁵ The proposed new regulations on labor force immigration are included in the Government Bill 2007/08:147

⁷⁶ <http://www.riksdagen.se/Webbnav/index.aspx?nid=7160&datum=6/4/2008> (04.05.2009)

grounds concerning active measures related to the various grounds were retained in the new law. Furthermore, the government failed to propose that even inaccessibility outside of working life should be considered to be a form of disability discrimination. The new law also bans transgender discrimination. The requirement concerning the production of annual gender equality plans by employers with 10 or more employees was changed to once every three years by employers with 25 or more employees⁷⁷.

During 2008 the Ombudsman against ethnic discrimination (DO) received 796 complaints of ethnic and religious discrimination and had five court cases and 24 settlements. The Ombudsman against Ethnic Discrimination won three cases in the District Court and/or Court of Appeal which concerned Roma. One case was lost in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination. The DO had 10 settlements of which two concerned Roma and 13 settlements where by the Unions and one case was through a private settlement⁷⁸.

The damages awarded in these four cases ranged from 15 000 Swedish crowns to 40 000 Swedish crowns (approximately 1 600 euro and 4 300 euro).

In February 2008 Brå [The Swedish National Council for Crime Prevention] presented a report 2008:4 *Diskriminering i rättsprocessen Om missgynnande av personer med utländsk bakgrund* (Discrimination in the legal process). The report is based on current research, analyses of complaints to the Ombudsman against ethnic discrimination and interviews with key categories of persons within the legal system, concludes that discrimination and the perception of discrimination are serious issues within the Swedish legal system⁷⁹. The report is part of the assignment given to the Council by the government in April 2006 to examine the incidence of discrimination in the judicial process against defendants and plaintiffs with a foreign background. The assignment will be reported in such a way that any differences between men and women exposed to crime will be highlighted. The aim is that the results will form the basis for an assessment of further initiatives which could be required to ensure that discrimination does not occur within the judicial system⁸⁰.

⁷⁷ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM

⁷⁸ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2008* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

⁷⁹ BRÅ Rapport 2008:4 *Diskriminering i rättsprocessen Om missgynnande av personer med utländsk bakgrund* (Discrimination in the criminal justice process in Sweden), available at: [http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering i rättsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf](http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering_i_r%C3%A4ttsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf) together with an English summary that is available at: http://www.bra.se/extra/measurepoint/?module_instance=4&name=summary_diskriminering.pdf&url=/dynamaster/file_archive/080415/d69cbcd96e95036f85db399ba45a47e4/summary%255fdiskriminering.pdf

(26.04.09)

⁸⁰ *ibid*

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-discrimination laws into one bill, the different Ombudsmen into a single institution and the increase in the level of damages awarded.

The Committee welcomed the adoption of a second National Action Plan for Human Rights for the period 2006-2009. Concerns were raised about the limited enjoyment by members of the Roma community of the rights to education, employment, housing and access to public places and the limited progress achieved in resolving Sami rights issues.

The Committee noted with appreciation the new methods to investigate and combat discrimination, such as situation testing and anonymous job applications. The Committee recommended the State party to intensify its efforts to prevent, combat, and prosecute racially motivated offences and hate speech and review its position on the prohibition of racist organizations. The Committee raised concerns about discrimination in the judicial and law enforcement systems and about allegations of racial prejudice among judicial personnel and about the lack of legal interpreters⁸¹.

Sweden has developed several national action plans against discrimination. As a result of the second National Action Plan for Human Rights in Sweden (2006-2009), which deals extensively with the problem of discrimination, the Delegation for Human Rights in Sweden was formed. Its mandate is to support government agencies, municipalities and county councils in their obligation and efforts to secure full respect for human rights as well as to engage in awareness raising activities directed towards public authorities and the general public⁸².

During 2008 several projects, campaigns and other measures to reduce discrimination have been carried out by the *Local Bureaux against Discrimination (ADB)*. The majority of the cases that the ADB had during 2008, were about discrimination in working life and the social services. Further, the majority of those cases (70 percent) dealt with ethnic or religious discrimination. During 2008 the ADB handled 902 cases of which only 52 cases (six percent) were sent to the Ombudsman against Ethnic Discrimination. The representatives for the ADB, The Ombudsman against Ethnic Discrimination as well as *Ungdomsstyrelsen* [Swedish National Board for Youth Affairs] argues that people who are discriminated against due to ethnicity or religious belief have few actors to turn to. They are often more vulnerable due to lack of resources and the poor

⁸¹ COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION-Seventy-third session (28 July - 15 August 2008)

http://www.manskliqarattigheter.se/extra/pod/?id=95&module_instance=2&action=pod_show&navid=95

⁸² *En nationell handlingsplan för de mänskliga rättigheterna 2006-2009* (Skr. 2005/06:95). Download at: <http://www.sweden.gov.se/sb/d/5920/a/59842>, accessed 13 April 2009

knowledge of the Swedish language. They are therefore in need of local support and service that the ADB can offer⁸³.

The [Co-operation Forum for Anti-discrimination Bureaux in Sweden (ADB-Forum) which was formed in 2007 represents over 500 NGOs and gathers 15 bureaux. There are 17 bureaux today working on a local and regional level⁸⁴.

The Center against Racism (CMR) has been active in the implementation of the UN Durban Declaration and Programme of Action in view of the Durban Review Conference of April 2009. In connection to the preparatory work, CMR attended the two regional conferences in Brazil and Abuja and The Civil Society Forum. CMR also organized two seminars in Sweden, one in March 2008 and a seminar during the European Social Forum that took place 17-21 September in Malmö with the title "*Combating racism, From Transatlantic slavery to Durban Review Conference*"⁸⁵. While it can be said that Sweden has, relatively speaking, been implementing its obligations concerning the Durban declaration in words, not much has been done in practice.

Regarding the *EU Framework Decision on Racism and Xenophobia*, unfortunately there was basically no national debate on the EU Framework Decision on Racism and Xenophobia.

VI.ii Migration and integration

The Council of the European Union and the representatives of the governments of the member states established 11 Common Basic Principles for immigrant integration policy in the European Union⁸⁶. In Sweden these principles have generally been recognized and implemented in various policies and actions. The main problem is that these principles failed to sufficiently put equality at the center of integration.

During 2008 a total of 101 171 persons immigrated to Sweden. The population in Sweden has increased with 55 877 people which is approximately 1800 more people than last year. During 2008 the immigrants came from – the Nordic countries, including returning Swedish citizens (26 413) – EU Member States outside of the Nordic countries (23 694) – Other countries (49 378). The 10 largest groups in 2007 were citizens of Sweden/returnees (17 853), Iraq (12

⁸³ *Rapport utvärdering av lokal Antidiskrimineringsveksamhet* (2009). The rapport is written by Rambol Management on the mission from the Ministry of Integration and Gender Equality. http://www.rattighetscenter.se/files/utvardering_adv_slutrapport_090331.pdf, accessed 13 May 2009

⁸⁴ MRforum, *Antidiskrimineringsbyråerna bildar nationellt samarbetsforum*, <http://www.mrforum.se/default.aspx?documentid=3&g=31&c=31&articleid=351>, accessed 13 May 2009

⁸⁵ www.centrummotrasism.nu

⁸⁶ (COM(2005)0389 FINAL

103), the Nordic countries (9251), Poland (6970), Somalia (4064), Germany (3405), Romania (2544), Thailand (3060), China (2677) and Serbia (1791)⁸⁷.

A total of 24 400 people applied for asylum in Sweden during 2008, which is 33 % fewer applications than in 2007 when many asylum seekers from Iraq came to Sweden. A majority (44 %) of asylum seekers during 2008 were refugee children without parents. The Swedish Migration board gave 8300 asylum seekers permit to stay during 2008. A total of 90 000 people were given permanent permit to stay in Sweden, a majority of these applied on their connection as relatives. The largest group that became Swedish citizens during 2008 is former Iraqis⁸⁸.

The Swedish Migration board and the County Administrative Boards are responsible for the reception of new immigrants to ensure that the municipalities have the preparedness and capacity to receive refugees. The focus of refugee reception is the cooperation of the municipalities and the county agencies. Agreements on the reception of refugees must be made in the first instance with municipalities where there is a strong labour market within commuting distance.

New regulations for labour immigration and recruitment came into effect on 15 December 2008⁸⁹. The Migration Board is given extended responsibility for considering applications for work permits. The new regulations give the employer – and not public authorities – the right to determine whether there is a need to employ a third-country national⁹⁰.

VI.iii Criminal justice

VI.iii.i Racism as a crime

During 2008, no new criminal legislation entered into force. The existing Swedish legal provisions applicable for hate crime is Penal Code 16:8 on *agitation against a national or ethnic group*⁹¹ and 16:9 on *unlawful discrimination*⁹².

In the Swedish penal law, a provision is included on sentencing and hate crimes Penal Code 29:2. The law states that a court shall determine that an aggravating circumstance exists if it finds that a motive for the specific crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, color, national or ethnic origin, religious belief, sexual orientation or other similar

⁸⁷ Migrationsverket, Kort om migration 2008, http://www.migrationsverket.se/infomaterial/om_verket/statistik/kort_om_migration.pdf, accessed 15 May 2009.

⁸⁸ *ibid*

⁸⁹ <http://www.regeringen.se/sb/d/108/a/104328>, accessed 15 May 2009

⁹⁰ The proposed new regulations on labor force immigration are included in the Government Bill 2007/08:147

⁹¹ Sweden/ SFS 1962:700 (21.12.1962), Chapter 16, Section 8.

⁹² Sweden/ SFS 1962:700 (21.12.1962), Chapter 16, Section 9.

circumstance⁹³. However, this provision is seldom applied by the court which is acknowledged in the Swedish Prosecution Authority's 2007 annual report⁹⁴.

Only offences that fall under Penal code 16:8 and 16:9 are recognized by the Swedish Prosecution Authority and the Swedish courts as hate crimes. However, the Swedish National Council for Crime Prevention [Brottsförebyggande Rådet (Brå)] and The Swedish Police Service use a broader definition of what constitutes a hate crime and include all offences with a hate crime motive as part of the hate crime register⁹⁵.

The statistics on hate crimes are provided by Brottsförebyggande Rådet (Brå) [The Swedish National Council for Crime Prevention] and are compiled annually in a report based primarily on police crime reports⁹⁶. This means that the incidents/crimes recorded by the police are equivalent to the number of complaints received. Thus the method of data collection differs significantly from that employed in the official crime statistics.

In July 2008 statistical data regarding hate crimes in 2007 was published by the Swedish National Council for Crime Prevention. The number of hate crimes during 2007 with a xenophobic, anti-Semitic or Islamophobic motives was identified in 2813 police crime reports. A total of 3,536 complaints submitted to the police in 2007 were considered to have a hate crime motive which represents an increase of eight percent by comparison to the previous year⁹⁷. A xenophobic motive was identified in 2,489 complaints (70 percent), an Islamophobic motive in 206 of the complaints (6 percent), an anti-Semitic motive in 118 complaints (three percent) and a homophobic motive in 723 complaints (20 percent)⁹⁸.

During 2008 Brottsförebyggande Rådet (Brå) [The Swedish National Council for Crime Prevention] has investigated if the definition of hate crimes could be changed and include all offences due to skin-color, nationality and ethnic background, religious belief and sexual orientation. During this work, Brå discussed the possibilities of expanding the definition to more specifically cover hate crimes against Afro-Swedes and Romas. This is because Brå noticed, while examining police reports that these groups were particular targets of hate crimes⁹⁹.

⁹³ Sweden/ SFS 1962:700 (21.12.1962), Chapter 29, Section 2.

⁹⁴ The Yearly Report from the Office of the Prosecutor 2007, (Åklagarmyndighetens årsredovisning 2007) p. 42.

⁹⁵ The National Council for Crime Prevention (BRÅ) *Hatbrott 2006* (translated: Hate crimes 2006), Report 2007:17, p. 15 and p. 44.

⁹⁶ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2008:15 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv.*

⁹⁷ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2008:15 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv.*

⁹⁸ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2008:15 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv p.10. www.bra.se*

⁹⁹ Email correspondence with Anna Molarin (Brå) (26.09.2008).

VI.iii.ii Counter terrorism

The government bill *En anpassad försvarsunderrättelseverksamhet, 2006/07:63* [proposition 2006/07:63 – An Adapted Military Intelligence]¹⁰⁰ was adopted on 18 June 2008. The national defense's civilian agency National Defense Radio Establishment (FRA) was granted the right to electronic surveillance of all phone calls and email crossing the Swedish border without the need for any suspicion of criminal activity was¹⁰¹. The new FRA-law came into effect on January 1 2009 [Lag om signalspaning i försvarsunderrättelseverksamhet (2008:717)]¹⁰².

During the voting of the bill in parliament, four votes of the 349 in parliament would have been enough to throw the bill out. But the bill was passed with 143 votes in favor, 138 opposed and one parliamentarian abstaining¹⁰³.

The passing of the so-called anti-terrorist laws and policies was largely discussed among politicians, bloggers, the media, the public, NGOs and researchers. The "FRA Bill" was often referred to as "Lex Orwell" on blogs and elsewhere. One of the critical voices was raised by the former chief of the Swedish security police (SÄPO) Anders Eriksson in an interview published in the Swedish news paper *Dagens Nyheter* on June 12 June 2008¹⁰⁴. Through a public appeal to stop the adoption of the law, the Network Stop the FRA-law [Nätverket Stoppa FRA-lagens] managed to mobilize hundreds of demonstrators through their website¹⁰⁵ with the aim to demonstrate outside the parliament building on the day the voting in parliament was to take place¹⁰⁶.

The Third money laundering directive 2005/60/EG was implemented through law on the 15 December 2007. The law was based on the government inquiry, *Genomförande av tredje penningtvättsdirektivet, SOU 2007:23*¹⁰⁷. The law contains detailed rules and policies needed to counteract money laundering and the financing of terrorist activities.

¹⁰⁰ En anpassad försvarsunderrättelseverksamhet - Proposition 2006/07:63 Försvarsdepartementet. <http://www.regeringen.se/content/1/c6/07/83/67/2ee1ba0a.pdf>, accessed 10 April 2009.

¹⁰¹ ibid

¹⁰² Lag om signalspaning i försvarsunderrättelseverksamhet (2008:717)

¹⁰³ Röstprotokoll, Riksdagen". Sveriges riksdag. 18 juni 2008. <http://www.riksdagen.se/webbnav/index.aspx?nid=3158&guid={0E3EEB46-2D55-4810-A44C-58DD7F4E9606}&rm=2007/08>. Accessed on 18 June 2008.

¹⁰⁴ Nandorf, Tove (12 juni 2008). "Förre Säpochefen kritiserar förslaget". *Dagens Nyheter*. <http://www.dn.se/DNet/jsp/polopoly.jsp?d=1042&a=778995>. Accessed 23 June 2008.

¹⁰⁵ <http://www.stoppafralagen.nu/>, accessed 19 June 2008

¹⁰⁶ Hernadi, Alexandra (18 juni 2008). "FRA-protester utanför riksdagen". *Svenska Dagbladet*. http://www.svd.se/nyheter/inrikes/artikel_1378779.svd. Accessed 19 June 2008

¹⁰⁷ Finansdepartementet, *Genomförande av tredje penningtvättsdirektivet, SOU 2007:23* (Stockholm: Finansdepartementet, 2007).

The Ombudsman against Ethnic Discrimination receives regularly complaints concerning discrimination in the international transfer of funds by certain financial institutions¹⁰⁸.

One of the cases sued by the Ombudsman against Ethnic Discrimination in 30 June 2008 concerned three Muslim men with Arabic names that tried to transfer money through the financial service company Western Union. The company declined the transaction arguing that the names reminded of names on the international and national lists combating terrorism. The DO sued Western Union and demanded 80 000 SEK (8000 euro) in damages to each of the two men¹⁰⁹.

VI.iii.iii Racial profiling

Although racial profiling is yet to be widely recognized in Sweden, the issue was greatly discussed after the riots in Rosengård in December 2008 when the police was caught on a surveillance video using racist language calling immigrant youth "damn little apes" and the usage of fictitious names such as "Negro Niggersson" and "Oskar Negro"¹¹⁰.

A wide range of studies on the topic is also increasing. In February 2008 Brå [The Swedish National Council for Crime Prevention] presented a report 2008:4 *Diskriminering i rättsprocessen Om missgynnande av personer med utländsk bakgrund* (Discrimination in the legal process). The report discussed how people with a foreign or minority background are disproportionately targeted in police controls in Sweden. They are also more likely to be stopped and interrogated on looser grounds than ethnic Swedes. They are more likely to be arrested and charged, and they are also held in detention for longer periods of time because they are considered at higher risk of escaping¹¹¹.

As a result of racial profiling, offenses committed by people with a foreign or minority background are more often recorded than offenses committed by per-

¹⁰⁸ Ombudsmannen mot etnisk diskriminering, Dnr 864-2007, 948-2007, www.do.se/t/Page____1936.aspx, accessed 26 June 2008.

¹⁰⁹ http://do.episerverhotell.net/t/Page____1943.aspx. Dnr: 1444-2006, 864-2007, 948-2007, accessed on 15 May 2009

¹⁰⁹ Source: <http://sydsvenskan.se/malmo/article411666/Skanepolisens-JO-animals.html> (2009-02-10). <http://www.kvp.se/nyheter/1.1458013/niggersson-anvands-som-laroexempel> (2009-02-07)

¹¹¹ BRÅ Rapport 2008:4 *Diskriminering i rättsprocessen Om missgynnande av personer med utländsk bakgrund* (Discrimination in the criminal justice process in Sweden), available at: [http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering i rättsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf](http://www.bra.se/extra/measurepoint/?module_instance=4&name=Diskriminering_i_r%C3%A4ttsprocessen.pdf&url=/dynamaster/file_archive/080221/8d3777a5a695c10112ff794be0046226/Diskriminering%5fi%5fr%5fttsprocessen.pdf) together with an English summary that is available at: http://www.bra.se/extra/measurepoint/?module_instance=4&name=summary_diskriminering.pdf&url=/dynamaster/file_archive/080415/d69cbcd96e95036f85db399ba45a47e4/summary%255fdiskriminering.pdf (26.04.09)

sons with an ethnic Swedish background. Similar results can be seen when police specifically target predominantly minority populated areas¹¹².

VI.iv Social inclusion

In the Swedish *National Action Plans on Social Inclusion*¹¹³ (NAP¹¹⁴ 2006 – 2008), the government formulated the priority policy objectives in four main points: Promote work and education and training for everyone. Increase integration. Ensure good housing and fight homelessness. Strengthen groups in particularly vulnerable situations.

It is also the basis for *Sveriges strategirapport för social trygghet och social inkludering 2008-2010* [Sweden's Strategy Report for Social Protection and Social Inclusion 2008-2010] which was presented by the Government in September 2008. The report contains national strategies for pensions, health and medical care, and elderly care and an action plan for social inclusion. The field of integration is a priority objective mainly focusing on integration in the labor market.

A reformed regulatory framework to provide for labour force immigration was proposed by the Government and entered into force on 15 December 2008¹¹⁵. The employer and not public authorities is to determine whether there is a need to employ a third-country national in decisions on work permits.

In the Government's reform programme for 2008-2010 the Government's ongoing policy for sustainable growth and full employment was presented. This report is submitted to the Riksdag as a Government Communication at the same time that it is presented to the European Commission.

The Riksdag considered the 2007 Progress Report on the Reform Programme 2006-2008 in early 2008. (Riksdag Communication 2007/2008:127).

One of the main points in the Government's reform programme for 2008-2010 was to strengthen what the Government calls the work-first principle¹¹⁶.

To achieve this, some of the proposed measures were highly reduced social security contributions for young people in order to increase the demand for young workers, intensified initiatives for newly arrived immigrants, the introduction of a new sick leave process and a number of changes to unemployment insurance.

¹¹² ibid

¹¹³ NAP p. 14

¹¹⁴ The NAPS under the EU's OMC on Social Protection and Social Inclusion - For further information see Europe website:

http://ec.europa.eu/employment_social/spsi/strategy_reports_en.htm

¹¹⁵ prop. 2007/2008:147 Nya regler för arbetskraftsinvandring.

¹¹⁶ <http://www.regeringen.se/content/1/c6/11/36/58/8d1d6647.pdf>

Concerning newly arrived immigrants, the Government presented a comprehensive integration strategy *Egenmakt mot utanförskap – regeringens strategi för integration*¹¹⁷ in a special report in connection with the 2009 Budget Bill. The proposal suggest that the Swedish Public Employment Service will be responsible for planning and executing an establishment plan for newly arrived immigrants when a residence permit is granted. In effect this means that where in Sweden there is a demand for the skills the newly arrived immigrant possesses or acquired, will have greater importance in the choice of a place of residence.

With the aim of further improving newly arrived immigrants' opportunities to get established in the labour force, increased resources for supplementing foreign higher education and for validating professional skills acquired abroad were also proposed. Again, the problem with these plans is that they need to be transformed into action.

In regard to funding initiatives, the government provides certain funds in the area of social inclusion that NGOs, municipalities and regions can apply for. One of main political developments during 2008 in the field of anti-discrimination was the government's new policy regarding the distribution of funds to the civil society in the fight against racism and other forms of intolerance. The new funding system is project-based and all eligible organizations can apply for funds on a competition bases¹¹⁸.

¹¹⁷ skr. 2008/09:24

¹¹⁸ <http://www.sweden.gov.se/sb/d/11041/a/111945>

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 equally to immigrants;
- The Swedish government should 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;
- The Swedish government should ratify Additional Protocol 12 of the European Convention on Human rights and Fundamental Freedoms;

VII.ii Anti-Discrimination

- Legislation should be amended in order to specify that a job seeker who is discriminated in recruitment even though he or she was the most qualified applicant has a right to economic damages;
- The Swedish government should give the Equality Ombudsman authority responsibility for research and data collection in the field of discrimination and racism;
- The Swedish government should consider the various gaps in the new Discrimination Law. The gaps between the different grounds concerning active measures related to the various grounds are retained in the new law.
- The Swedish government should propose that even inaccessibility outside of working life should be considered to be a form of disability discrimination.
- The Swedish government should consider merging the Delegation for Human Rights in Sweden and the new Equality Ombudsman into one single human rights institute in order to strengthen the connection between discrimination and human rights;
- The law should be amended in order to specify that a job seeker who is discriminated even though he or she was the most qualified applicant has a right to economic damages;
- The Swedish government should ensure that counteracting discrimination is made a priority in the work of both national and local government authorities. The authorities should be using their full powers as employers, rule-makers, service providers and providers of public contracts to counteract discrimination and proactively promote equal rights and opportunities;

VII.iii Migration and integration

- The Swedish government should initiate an inquiry into the quality of the lawyers appointed to represent asylum seekers as well as the procedure for appointing those lawyers.
- The Swedish government should initiate an inquiry into the implementation of the principle of equality by the Swedish Migration Board

VII.iv Criminal Justice

- The Swedish government should co-operate with civil society in the development of situation testing as a research method, as a quality control method and in particular as a method of evidence that will increase the possibility for victims of discrimination to gain redress in court.
- The Swedish government should establish a special trust from which NGOs and private lawyers can seek financial support for bringing test cases on behalf of victims of discrimination;
- The Swedish government should move jurisdiction over cases concerning ethnic and religious discrimination in employment from the Swedish Labor Court to the general courts;
- The Swedish government, in the same process, should specify that the new Discrimination Law also prohibits discrimination within the judicial system;

VII.v Social inclusion

- The Swedish government together with representatives of Stockholm, Gothenburg and Malmö should initiate the use of local democracy boards made up of and chosen by residents of public housing in so-called segregated urban areas.
- The Swedish government should help to establish an equality forum that brings together the various civil society organisations that are working to counteract discrimination and promote equal rights and opportunities - a forum that is to ease a dialogue among the various organisations and thereby contribute to their mutual empowerment.

VIII. Conclusion

The three most important developments in the realm of anti-racism and antidiscrimination during 2008 in Sweden was the adoption of a new comprehensive law against discrimination, the Swedish Governments new strategies for integration and a reformed regulatory framework to provide for labour force immigration.

The first major development during 2008 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 in the new law, broadly speaking, to the fields of working life and education. It can basically be said that the current seven civil laws against discrimination have been merged and various gaps were closed. However, more significantly, the gaps between the different grounds concerning active measures related to the various grounds were retained in the new law. Furthermore, the government failed to propose that even inaccessibility outside of working life should be considered to be a form of disability discrimination.

The second important development was the Swedish Governments new strategies for integration policy to be implemented through general measures. In addition, special measures focusing on immigrants are only to take place for new immigrants who are in need of such measures. Concerning newly arrived immigrants, the Government presented a comprehensive integration strategy *Egenmakt mot utanförskap – regeringens strategi för integration*. The outcome and effects of these policies are a shift that is far from anti-racism and anti-discrimination measures.

Finally the government presented a reformed regulatory framework to provide for labour force immigration. These measures give the employer and not public authorities the right to determine whether there is a need to employ a third-country national in decisions on work permits.

Civil society responded to the current trends by raising attention regarding several specific issues. For example, several organisations gave their input regarding the new Discrimination Act and the new authority Equality Ombudsman. The civil society also protested and reacted to the growing racism and racial profiling in the Swedish police force.

The civil society continued its work to raise awareness regarding anti-discrimination legislation and to assist individuals subject to discrimination and racism. Several projects were conducted to combat discrimination in employment, housing and in education.

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X. Annex 1: List of abbreviations and terminology

ADB- Antidiskrimineringsbyrå [Anti-discrimination Bureau]

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

CERD- Committee on the elimination of racial discrimination

DO - Ombudsmannen mot etnisk diskriminering [The Ombudsman Against Ethnic Discrimination]

NAPS- National Action Plans on Social Inclusion

NGO - Non-governmental organisation

UN - United Nations

UNESCO - United Nations Educational, Scientific and Cultural Organization



european network against racism

ENAR Shadow Report 2008