

ECRI

European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

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European Commission against Racism and Intolerance

ECRI's country-by-country approach:

REPORT ON SWEDEN

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INTRODUCTION

The European Commission against Racism and Intolerance (ECRI) was set up in 1994, at the instigation of the first Summit meeting of Heads of State and Government of the member States of Council of Europe, to combat the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The members of ECRI were chosen for their recognised expertise in questions relating to racism and intolerance.

The task given to ECRI was to: review member States' legislation, policies and other measures to combat racism, xenophobia, anti-Semitism and intolerance and their effectiveness; propose further action at local, national and European level; formulate general policy recommendations to member States; and to study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

One aspect of the activities developed by ECRI to fulfil its terms of reference is its country-by-country approach, which involves carrying out an analysis of the situation in each of the member States in order to provide governments with helpful and concrete proposals.

The procedure adopted for the preparation of country-specific reports can be summarised thus:

- a. The preliminary collection of information as well as the preparation of the texts of the preliminary draft reports are carried out in small working groups of ECRI. Preliminary sources of information used are wide-ranging, including, *inter alia*, replies provided by governments to a questionnaire sent out by ECRI, input from the relevant national members of ECRI, information on national legislation collected for ECRI by the Swiss Institute of Comparative Law¹, information from international and national non-governmental organisations, various publications and the media.
- b. ECRI examines and discusses the preliminary draft report on each country in plenary session and adopts a draft report.
- c. The report is sent to the relevant government for a process of confidential dialogue conducted through a government-appointed national liaison officer. The draft country report is re-examined and possibly revised in the light of the comments provided by the latter.

¹ The report prepared by the Swiss Institute (ref: CRI (98) 80), covering relevant legislation in member States of the Council of Europe is available on the web site www.ecri.coe.int and, in hard copy, from ECRI's Secretariat.

- d. The report is then adopted in its final form by ECRI in plenary session, and transmitted through the Committee of Ministers of the Council of Europe, to the government of the country in question. Two months after this transmission, the report is made public, unless the government of the country concerned expressly requests that it is not made public.

To date, five series of ECRI's country-specific reports have been made public, in September 1997, in March 1998, in June 1998, in January 1999 and in March 1999 respectively². A sixth series of country-specific reports was transmitted to the governments of the countries concerned in March 1999, and is thus now being made public³.

The following report contains ECRI's analysis and proposals concerning Sweden.

It should be noted that ECRI is carrying out its country-by-country procedure by preparing reports for all forty member States of the Council of Europe. This sixth series of reports, for which the procedure was completed by March 1999, will be followed during 1999 by the reports on the remaining member States of the Council of Europe. The order in which the reports are produced has no significance other than that these are the first reports to be completed.

The publication of this report represents the start of an on-going and active process of exchange between ECRI and the authorities of each of the member States, in order to identify solutions to the problems of racism and intolerance facing Europe. ECRI will also welcome the input of non-governmental organisations and other parties working in this field to ensure that its work is as constructive and helpful as possible.

As from 1999, ECRI has begun a follow-up procedure to its country reports, examining what action governments may have taken on the proposals they contained, updating their contents generally and focusing on specific issues of concern in greater depth. Some 10 countries will be addressed annually in this way, over the period 1999-2002.

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² *The first five series comprise reports on Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Switzerland, Ukraine and the United Kingdom.*

³ *Reports on Andorra, Sweden and "the Former Yugoslav Republic of Macedonia".*

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Introduction

Although it is sometimes considered that immigration to Sweden is a fairly recent phenomenon, it has in fact in the long term been a country of immigration, apart from the period from 1850 to 1930 which was one of net emigration (almost a quarter of the population emigrated over this period, principally to the United States). Significant immigration into Sweden in this century began in the 1930s when Jewish refugees from Germany applied for asylum. During the Second World War, several hundred thousand refugees entered Sweden, mainly from neighbouring countries. Labour shortages in the post-War period of economic growth led to an influx of workers from other countries, mainly Finland but also other countries, particularly Balkan and Mediterranean countries. Since the mid-1970s, most non-Nordic immigration has been on the part of refugees.

Today, around 20% of the Swedish population comes from an immigrant background. Thus, it can be said that while significant immigration to Sweden is not a new phenomenon, its scale and nature have changed over the years. Seen in an international perspective, Sweden has in the past adopted a generous immigration policy. In recent years, however, Swedish immigration and asylum policies have been tightened up.

Among the challenges being faced by Swedish society today is the redefinition of the concept of identity in a society which must now be recognised as multicultural. The situation is rapidly-changing and characterised by new economic pressures, the increase in immigration and the implications of Sweden's recent and narrowly-supported membership of the European Union.

Sweden is traditionally associated with the advanced Scandinavian social welfare model. The period from 1980 to 1991 has been exceptional in the history of the Swedish labour market. Employment increased throughout the entire 1980s only to fall dramatically since 1991, when a period of economic recession began which resulted in an increase of unemployment which has also greatly affected other aspects of social life. This pattern has impacted particularly on minority groups in Sweden, whose social and economic position is generally weaker than that of the majority population.

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Note: Any development subsequent to 16 October 1998 is not covered by the following analysis and is not taken into account in the conclusions and proposals.

Besides immigrants, there are three main traditional minority groups in Sweden: the Samis, the Tornedalen Finns⁵ and the Roma/Gypsies (although some of the Roma/Gypsies in Sweden are of immigrant origin). The policy of the Swedish authorities as concerns the granting of certain rights to these traditional minorities appears to be currently less cautious and to be developing in a positive direction.

Although Sweden's approach to combating racism and intolerance provides many examples of "good practices", problems of discrimination and hostility towards minority groups persist. Such problems take the form both of violent acts of racism, often initiated by skinhead and neo-Nazi groups, and of more subtle forms of discrimination and intolerance in the fields of social and economic life. Anti-Semitism remains a problem, manifested by sporadic incidents of vandalism and violence.

Some of the key areas identified by ECRI as meriting particular attention include:

- the existence of racist violence and demonstrations as well as racist and antisemitic groups and organisations and other manifestations of intolerance;
- direct and indirect discrimination in the fields of employment and housing, and difficulties in proving and remedying discrimination in these and other fields;
- the need to ensure a full and consistent implementation of legislation in force;
- problems and discrimination faced by traditional minority groups.

⁵ *Out of a Finnish-speaking population of around 450,000 in Sweden, the majority of whom are immigrants, 20 000 are Tornedalen Finns .*

I. LEGAL ASPECTS⁶

A. International legal instruments

1. Among the relevant international instruments, there are two which have not yet been ratified by Sweden, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. It is noted that a Minority Language Commission has put forward a proposal concerning ratification of these instruments, and that a Bill is to be presented to Parliament in Spring 1999. ECRI encourages the rapid ratification of these instruments.

2. ECRI furthermore feels that Sweden should ratify ILO Convention N° 169 on Indigenous and Tribal Peoples and hopes that the Committee appointed to study this question will reach a favourable conclusion.

B. Constitutional provisions

3. Article 2 of Chapter 1 of the Instrument of Government (source of constitutional law) requires the State to respect "the equal worth of all and the freedom and dignity of the individual". Paragraph 4 of this provision calls on the public authorities to promote the cultural development of ethnic, linguistic or religious minorities : these requirements are recommendations to the legislature. Article 15 of Chapter 2 of the Constitution prohibits any legislative discrimination on the ground of race, skin colour or ethnic origin, and also applies to non-citizens. However, a court or administrative authority may not set aside a law or regulation violating a fundamental right unless the violation is manifest ("uppenbart"). Sweden should consider whether the constitutional protection afforded against such types of legislative discrimination is sufficient in practice.

4. Although the Supreme Court ruled in 1996 that it can be illegal to wear xenophobic symbols or racist paraphernalia, organisations with racist aims are not currently prohibited in Sweden, and Parliament and the government are not in favour of such prohibition. ECRI points out that the prohibition of racist propaganda and organisations is foreseen in Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Although provisions exist in the Criminal Code to render illegal the activities of racist organisations, further consideration should be given to measures to ensure the full implementation of Article 4 of this Convention.

C. Criminal law provisions

5. The Swedish Criminal Code penalises in its Article 8 of Chapter 16 the arousing of hostility towards a group of the population on grounds of race, national or ethnic origin, skin colour or religious belief. It includes a ban on the dissemination of racist statements

⁶ *A full overview of the legislation existing in Sweden in the field of combating racism and intolerance is provided in the publication CRI (98) 80. prepared for ECRI by the Swiss Institute of Comparative Law (see bibliography)*

or information, not only to the general public but also within the organisation. Article 9 of Chapter 16 deals with the prohibition of discrimination in the supply of services or access to public events: however this does not cover employment relations. Ways of remedying this situation should be closely examined. Article 2 of Chapter 29 states that the racist nature of any criminal offence is considered as an aggravating circumstance.

6. In addition to criminal penalties, adequate provision should be made to compensate victims of racist violence or discrimination. While the law provides for compensation of victims of racist violence in criminal proceedings, it is reported that this possibility is not fully implemented, and that the amount of compensation available is not sufficient. Further consideration should be given to ways of improving this situation.

D. Civil and administrative provisions

7. The Act against Ethnic Discrimination of 1994 is aimed at combating discrimination in the employment field. Sweden does not possess a complete body of civil legislation covering the range of fields where discrimination may occur, e.g. housing, education, access to services. Noting that in many areas racial discrimination is punished under criminal law in Sweden, but that there is limited possibility for civil proceedings, consideration should be given to extending the scope of the body of civil law in this field.

8. Furthermore, the Act against Ethnic Discrimination seems to ECRI to be unnecessarily restricted. It can only be applied in an extremely small number of cases, since ethnic discrimination cannot be said to have taken place until an employer has completed the process of employing. ECRI stresses that discrimination in employment should be prohibited throughout all stages of the employment process. Furthermore, the law requires that discriminatory treatment may only be based on the ethnic factor, although this is in practice seldom the case as the situation usually comprises several factors. It is suggested that this law be re-examined in the light of such issues to ensure that it is really an effective tool against discrimination in working life. Consideration should be given to extending the law to cover cases where there are signs that ethnic factors have been taken into account during the process of recruitment. Moreover, ECRI feels that since employers are in a better position than alleged victims to provide evidence as to whether their decision to choose one candidate over another was well-grounded or not, it should suffice for an applicant to provide some evidence of discrimination in civil cases of this kind.

9. ECRI notes that a Bill was put before Parliament in May 1998 on a new Act on Measures against Ethnic Discrimination, which covers both direct and indirect discrimination, is applicable regardless of a discriminatory intent on the part of the employer and which covers all stages of the recruitment process. ECRI encourages the rapid adoption of this Bill by Parliament.

E. Specialised bodies

10. The existence of an Ombudsman against Ethnic Discrimination is an important safeguard against this type of discrimination. However, it could be advisable that supplementary powers and resources be allocated to this body given the breadth of its task. The Ombudsman against Ethnic Discrimination may have recourse to the Labour Court in certain circumstances, but otherwise has no recourse to the courts. Consideration might be given to developing the role of this Ombudsman further, paying due attention to best practice as regards the powers allocated to the office. In this respect, ECRI welcomes the governmental proposal made to Parliament for a substantial increase in the resources of this body.

II. POLICY ASPECTS

F. Reception and status of non-citizens

11. Following a review of integration policies which was carried out by a special Commission, a bill on new integration policies was accepted by Parliament, and the new policies have been in force since January 1998, implemented by an authority set up for this purpose. ECRI stresses that any new policies developed should continue to take into account the need to ensure that all groups have the opportunity to participate on an equal footing in society while safeguarding their right to preserve their own cultural identity. This process could be strengthened by better co-ordination and monitoring of policy implementation to ensure that stated policy aims are applied on a practical level. Policies developed and the reasons behind such policies should be widely publicised and explained to the general public to ensure wide support for these measures.

12. The issue of areas with a high concentration of immigrants should be the subject of further in-depth study, bearing in mind the widely-differing views on this subject and the various solutions possible: while some feel that the concentration of immigrant groups in one area prevents their integration and fosters problems, others feel that such groups should be enabled to live together in an environment where they can organise their own associations, cultural and social life. ECRI feels that any policy initiatives in this area should allow full possibilities for groups to integrate, while stressing that such policies should in no way imply an obligation to assimilate.

13. The reported tendency of some municipalities to "export" refugees to other districts or to prevent refugees, asylum-seekers and immigrants from settling in their district seems to require a more decisive intervention from central government. Such strategies might include economic assistance for those municipalities which have to cater for a larger number of such vulnerable groups.

G. Education and training

14. Particular attention should be given to the situation of children from immigrant or refugee backgrounds, who may be subject to a high risk of exclusion. Such children should be given the opportunity in schools to acquire the necessary skills to participate on an equal basis in Swedish society, compatible with their right to their own cultural identity.

15. A particularly worrying phenomenon in Sweden is the use of youth culture such as rock music or university groups as a vehicle for racist and extreme right-wing propaganda. An amendment is to enter the Criminal Code in January 1999 to increase the possibility of taking action against audio recordings containing agitation against an ethnic group, if the recordings are disseminated to children or young people. ECRI stresses that in order to combat racism and intolerance among young people, it is most important that children and young people from majority Swedish society are educated to understand and respect the culture and background of children from minority groups with whom they are growing up.

16. There exist in Sweden active racist and neo-Nazi groups and their ideology has found an outlet in recent years in attacks on refugee centres and Jewish cemeteries, and in other violent acts. In the present absence of a prohibition of organisations with racist or anti-Semitic aims (see paragraph 4), ECRI stresses that particular care should be taken to inform the public, particularly young people, about the dangers of such organisations, in order to dissuade individuals from membership.

- *Training of professionals*

17. It is felt that special steps should be taken to provide groups such as the police, prosecutors, judges, other public officers, the military, teachers etc. with specialised training to enable them to recognise racism and xenophobia and to encourage them to take a proactive and efficient role in the fight against these problems by developing their capacity to detect racist propaganda, in order to help overcome the present tendency towards passivity which is observed in some professionals. Moreover, training in this area should aim to develop among such professions self-awareness and critical reasoning and encourage them to avoid making public expressions which may contribute to the development of intolerant attitudes among the public at large.

18. ECRI notes that initiatives have been taken to encourage the recruitment of police officers from immigrant backgrounds, and that a manual on how to combat racism and xenophobia has been prepared and is in use by police forces.

H. Employment

19. Unemployment rates for "immigrants" are double those of the majority population. Some of the difficulties faced by immigrants and refugees when looking for employment may decrease if their acquisition of the necessary skills required in these jobs is facilitated, through more widespread provision of efficient and regularly-evaluated training, more efficiency and careful evaluation of results. In particular, further efforts should be made to improve the quality of assistance provided to immigrants and refugees to enable them to acquire a good competence in the Swedish language since this is still a crucial factor in gaining access to the structures of Swedish society. The media and NGOs could also be encouraged to provide this type of skill acquisition and training.

20. In addition to the above-mentioned measures to improve relevant skills and competences among minority groups to facilitate their entry into the labour market, ECRI feels that more attention should be paid to the existence of structural and individual discrimination which are also factors explaining the relatively disadvantaged position of minority groups in the field of employment. In this respect, further research might be carried out into the forms such discrimination takes in Sweden, in order that appropriate legislative or policy measures may be taken to improve the situation.

I. Statistics

21. Reported cases of agitation against an ethnic group and unlawful discrimination are shown in the official crime statistics. Other types of crime with racist or xenophobic motives are not accounted for in the official statistics, although statistics on crimes with xenophobic or racist motives committed against ethnic and other minorities are compiled on the national level by the security services. One newspaper counted over 100 incidents of acts of violence and harassment against minority groups in a recent year. ECRI encourages the Swedish authorities to continue to take steps to establish a system of reliable data collection in this area, in order to monitor the situation and take appropriate measures to counter such acts.

22. The surveys conducted by the Ombudsman against Ethnic Discrimination, in which members of minority groups were asked about their experience of discrimination and racism, is a positive development in the collection of information in this field in Sweden and should be continued.

J. Media

23. It appears that certain media play a role in disseminating rather negative images of minority groups and issues related to immigration and refugees. Existing media codes of self-regulation should be implemented and monitored, paying special attention to questions of racism and intolerance. While bearing in mind the principle of media independence, the authorities should ensure that the media has access to reliable information about acts of racism and racist violence, to encourage them to report such incidents in a responsible fashion. The media may also play a role in disseminating

positive information about different minority groups, in order to raise public interest in other cultures and demonstrate the benefits of cultural diversity.

24. ECRI is concerned about reports that certain local radio stations have broadcast material pertaining to anti-Semitism and religious hatred. Legally, any broadcaster found guilty of an infringement on the provisions of freedom of speech through a grave misuse of this freedom may have his license revoked. In line with Article 4 of CERD and Article 8 Chapter 16 of the Swedish Criminal Code, ECRI urges the Swedish authorities to remain vigilant on this particular issue, and to take measures to ensure that when licensing local radios, it is made clear that licensees will not be permitted any sort of broadcasting spreading racist, anti-Semitic or intolerant ideas.

K. Other fields

- *Racial violence and manifestations*

25. In common with many other European countries, Sweden has seen an increase in racial violence and manifestations over recent years. Despite the fact that the majority of the Swedish population does not condone such acts, some analysts feel that some explanation for the rise in racial violence and intolerance may be found in the erroneous causal association of the arrival of minority groups and the economic and social problems currently faced by Swedish society. It has also been suggested that a tightening up of the traditionally liberal immigration and asylum policy may be interpreted by some groups as a tacit acceptance of this erroneous association. In this context, ECRI stresses that politicians and public figures in general have a responsibility to refute such associations and to condemn any demonstrations of racial hatred or discrimination in the strongest terms. Leaders and politicians - at local, regional and national level - should be further encouraged to take a firm public stance in favour of the benefits of cultural diversity, stressing the contribution made by members of minority groups to society and stressing their equal rights.

26. There are suggestions that the relevant authorities do not always react to incidents of racism and discrimination as actively as they might. Police and prosecutors should respond vigorously and publicly to such manifestations of racist violence and treat them with the seriousness they deserve.

- *Traditional minority groups*

27. There seems to exist a certain level of erroneous preconceptions and prejudices concerning the traditional minority groups. Little seems to be known about these groups among the general population, and their rights are often misconceived as special privileges. The members of these groups consequently run the risk of being either excluded from the rest of society or totally assimilated by the majority culture. A Delegation on Indigenous People, consisting of Sami and governmental representatives, has existed since 1995 to disseminate information about the Sami people and to promote the goals of the United Nations Decade of the World's Indigenous Peoples. Further efforts

should be made to develop educational and awareness-raising materials which would enable the whole Swedish society to know and value the particular characteristics of these groups. One measure to foster a better awareness of these groups might be to considerably strengthen teaching about their culture and history in schools and text books. The current development of a mixed system whereby Sami schools are integrated into schools for the majority population is a model which should be monitored.

28. The recognition of the rights of the Sami, including wider language rights, could be improved, although the creation of the Samedin (Sami Parliament) and the increase in funding destined to foster their language and culture are welcome steps forward. However, it is felt that care should be taken to ensure that these rights are extended to all Sami, and not only to those who carry out more traditional activities (such as reindeer-herding). In particular, public respect for the legal rights of the Sami should be promoted, in order to counter any tendency among the majority population to view such rights as special "privileges".

29. The Roma/Gypsy community in Sweden, as on most other countries, faces considerable disadvantages in many fields of social and economic life. In order to improve the situation of this minority group, ECRI encourages the implementation of the proposals put forward by the government-appointed working group, which included Roma representatives, for the improvement of the situation of the Roma in Sweden. ECRI feels that that the efforts made on different fronts (such as schooling, housing, health) might be integrated and co-ordinated by means of a general policy plan. The elaboration and implementation of such a plan should include individuals belonging to this minority group as well as the different levels of government - local and central - responsible for this matter. It is most important to build and maintain channels of communication between the Roma/Gypsy community and the relevant institutions of State and society.

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General data supplied by national authorities

For reasons of consistency, ECRI, in its CBC reports, has, in this box, reproduced statistical data only from the replies of Governments to ECRI's questionnaire. The questionnaire was sent to the Swedish government on 13 July 1994.

ECRI accepts no responsibility for the data below.

Number of people born abroad: 994,000 (11% of the population). Number of people either born abroad or with at least one parent born abroad: around 1.6 million. Some of the larger groups of those born abroad include: 210,000 born in Finland; 70,000 born in the former Yugoslavia; 50,000 born in Iran; 48,000 born in Bosnia-Herzegovina, 40,000 born in Poland, 33,000 born in Iraq and 31,000 born in Turkey. 42% of all residents born abroad come from the other Nordic countries.

Ethnic minorities of national origin: Sami, Roma/Gypsies, Swedish Finns, Tornedalen Finns, Jews (definition used by the Minority Language Commission).

* Population: 8,848 million (Jan. 1998). This figure is taken from the Council of Europe publication "Recent demographic developments in Europe" (see bibliography).

BIBLIOGRAPHY

This bibliography lists the main sources consulted during the examination of the situation in Sweden: it does not cover all the various sources of information (media, contacts within the country, national NGOs etc.) which were utilised.

1. Reply supplied to the ECRI questionnaire by the Swedish authorities
2. Recent Demographic Developments in Europe, Council of Europe Press, 1994
3. CDMG (94) 16 final: Recent developments in policies relating to migration and migrants, Council of Europe document
4. "Political extremism and the threat to democracy in Europe", Institute of Jewish Affairs
5. Trends in International Migration, Annual Report 1993, OECD, 1994
6. CRI (98) 80: Legal measures to combat racism and intolerance in the member States of the Council of Europe, Council of Europe publication
7. Antisemitism World Report 1995, Institute of Jewish Affairs publication
8. DECS/Rech (94) 69: Situation of the Sami population in Scandinavia, Council of Europe document
9. CERD/C/239/Add.1: Report submitted by Sweden to the Committee on the Elimination of Racial Discrimination, United Nations public document
10. CERD/C/SR.1018: Summary Report of the 1018th session of the CERD
11. A/45/18: Report of the Committee on the Elimination of Racial Discrimination to the 45th Session of the UN General Assembly concerning Sweden
12. CCPR/C/SR.1456: Summary record of the 1456th meeting of the UN Human Rights Committee: Consideration of the Report submitted by Sweden under Article 40 of the CCPR, United Nations public document
13. Swedish Code of Statutes SFS 1994:134
14. "Preventing Racism in the Workplace: Sweden", European Foundation for the Improvement of Living and Working Conditions
15. Country reports on Human Rights Practices for 1994, 1995, 1996, 1997: US Department of State, 1995, 1996, 1997
16. "New Xenophobia in Europe", Baumgartl B and Favell A, eds, Kluwer Law International, 1995.