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SECOND REPORT ON SWEDEN

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TABLE OF CONTENTS

FOREWORD	5
EXECUTIVE SUMMARY	6
SECTION I: OVERVIEW OF THE SITUATION	7
A. INTERNATIONAL LEGAL INSTRUMENTS	7
B. CONSTITUTIONAL PROVISIONS AND OTHER BASIC PROVISIONS.....	7
- Freedom of Press Act and Fundamental Law on Freedom of Expression ..	8
- Laws on national minorities and on the use of minority languages	8
- Law on Citizenship.....	9
- Relationship between the Church and the State	9
C. CRIMINAL LAW PROVISIONS	9
- Racial agitation	9
- Leading young people astray	10
- Unlawful discrimination	10
- Common offences with a racist motive.....	11
- Racist organisations.....	11
D. CIVIL AND ADMINISTRATIVE LAW PROVISIONS.....	11
- Prohibition of discrimination in employment relationships.....	11
E. ADMINISTRATION OF JUSTICE	12
F. SPECIALISED BODIES AND OTHER INSTITUTIONS	13
- The Ombudsman against Ethnic Discrimination (DO)	13
- The Swedish Integration Board	13
- Council for Ethnic Equality and Integration.....	14
G. EDUCATION AND TRAINING/AWARENESS-RAISING.....	14
- Law enforcement system	14
- Schools.....	14
H. RECEPTION AND STATUS OF NON-CITIZENS	15
- Refugees and Asylum seekers.....	15
- The Special Control of Aliens Act 1991	16
I. ACCESS TO PUBLIC SERVICES	17
- Access to social services such as health care, welfare and housing	17
J. EMPLOYMENT	18
K. VULNERABLE GROUPS	19
- Persons of immigrant origin	19
- Immigrant women	19
- Muslim community	20
- Sami community	20
- Roma community	20
- Jewish community.....	21
L. MONITORING THE SITUATION IN THE COUNTRY.....	22
- Data and statistics.....	22

M.	CONDUCT OF CERTAIN INSTITUTIONS (AT CENTRAL AND LOCAL LEVEL)	22
-	Police	22
-	Private security companies	23
N.	MEDIA	23
SECTION II: ISSUES OF PARTICULAR CONCERN		23
O.	RACIAL VIOLENCE AND HARASSMENT	23
P.	DISCRIMINATION IN DAILY LIFE	24
Q.	LACK OF AN INTEGRATED SOCIETY WITH REGARD TO PERSONS OF IMMIGRANT ORIGIN	25
BIBLIOGRAPHY		28
APPENDIX		33

Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Sweden is dated 16 October 1998 (published on 24 May 1999). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Sweden took place on 8-12 April 2002. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Swedish national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation each of whom provided much valuable information on their own field of competence. ECRI would also like to thank the Swedish national liaison officer whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

Furthermore, ECRI would like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 28 June 2002 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Sweden has taken a number of new and positive steps towards combating racism and discrimination in recent years. In particular, it has developed a legislative and policy framework to enhance the situation of national minorities, has reviewed its legislation on discrimination in working life, has initiated a National Action Plan against Racism, Xenophobia, Homophobia and Discrimination, and has recently revised its integration policies with a view to making them more effective. All these initiatives build upon Sweden's considerable efforts to tackle effectively the problems of racism and discrimination.

However, problems of racism, xenophobia, antisemitism and intolerance persist in Sweden. Although Sweden today has become a society in which persons from many cultures and backgrounds live, members of minority groups, particularly persons of immigrant origin, still find it difficult to feel fully part of Swedish society and remain partly excluded from its structures, facing discrimination and disadvantage on the labour market, in housing, access to public places such as restaurants and discos, education and in other fields. There is a lack of awareness within society and key institutions of the issue of discrimination and the relevant legislation is seriously under-used. There is also a lack of policy evaluation. The activities of extreme right-wing organisations and movements, including acts of violence and the production of white power music, remain a subject for concern.

In the present report, ECRI recommends that the Swedish authorities take action in a number of fields. It recommends, inter alia, the extension and effective implementation of legislation and the intensification of awareness-raising measures to combat in particular racial discrimination; further measures to combat the problem of racial violence; the continuation and monitoring of current initiatives underway to improve societal integration with regard to persons of immigrant origin, including measures aimed at improving levels of acceptance among the general public of persons from minority groups as equal members of society; and measures to fully implement and monitor policies and legislation in the field of national minorities.

SECTION I: OVERVIEW OF THE SITUATION

A. International Legal Instruments

1. Sweden has signed and ratified a large number of the international legal instruments of relevance to the fight against racism and intolerance. Since the publication of ECRI's last report, Sweden has ratified, inter alia, the European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities, thus establishing a framework for the protection of national minorities and minority languages in the country.
2. Among those international legal instruments not yet ratified, ECRI strongly urges Sweden to ratify Protocol No 12 to the European Convention on Human Rights, thus providing for a wide-ranging protection against discrimination under the Convention. Moreover, ILO Convention No 169 on Indigenous and Tribal Peoples has not yet been ratified by Sweden. A committee has been studying the question of ratification of this Convention and submitted a report in March 1999, recommending accession to the convention within a period of five years: ECRI urges Sweden to ratify ILO Convention No 169 as swiftly as possible.
3. International legal instruments, treaties and agreements do not automatically become part of the national law of Sweden. Treaties must be incorporated into Swedish law in order to apply before Swedish courts and public authorities, either by stating in the law or other enactment that the provisions of the treaty apply directly in Sweden or by so-called transformation, whereby the provisions of the treaty are translated into Swedish and included in a Swedish enactment or rearranged as a Swedish statutory text. If the substantive provisions of a treaty correspond with the content of current Swedish law, the legislator has considered that no special procedure is necessary.

B. Constitutional provisions and other basic provisions

4. Article 2 of Chapter 1 of the Instrument of Government requires the State to respect "the equal worth of all and the freedom and dignity of the individual". More specifically, paragraph 4 of this provision calls on the public authorities to promote the cultural development of ethnic, linguistic or religious minorities: however, these requirements have no specific normative force but are recommendations to the legislature.
5. Article 15 of Chapter 2 of the Instrument of Government states that no act of law or other provision may imply the unfavourable treatment of a citizen because he or she belongs to a minority group by reason of race, colour or ethnic origin. Article 22, para 1 (7) of Chapter 2 of the Instrument of Government states that a foreign national within the realm shall be equated with a Swedish citizen in respect of protection against unfavourable treatment on grounds of race, colour, ethnic origin or sex. Article 23 of Chapter 2 states that no act of law or other provision may be adopted which breaches Sweden's undertakings with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which itself protects against discrimination in the enjoyment of the rights set out therein (Article 14). However, there is no constitutional provision specifically protecting all persons against discrimination on the grounds of race, colour, religion, nationality, or national or ethnic origin: ECRI stresses that a

provision containing more precise guarantees and protection against discrimination on grounds of race etc should be introduced.

6. The various fundamental rights enshrined in Chapter 2 of the Instrument of Government, such as Article 15, are enforceable in law. However, a court or administrative authority may set aside a law or regulation as a violation of a fundamental constitutional right only if the violation is manifest (uppenbart): thus, the issue is rarely brought before Swedish courts. ECRI reiterates the recommendation made in its first report that Sweden consider whether the constitutional protection offered against possible discriminatory laws or regulations is sufficient in practice.

- ***Freedom of Press Act and Fundamental Law on Freedom of Expression***

7. Violations of the provisions of the Freedom of Press Act and the Fundamental Law on Freedom of Expression due to the racist nature of the expressions in question are investigated and prosecuted by the Chancellor of Justice. However, it has been noted that a major barrier to successful prosecutions in such cases is the statute of limitations, which means that the material must have been disseminated no more than six months or one year previously, depending on the type of material in question. Since it is often very hard to determine when dissemination took place, particularly as regards “white noise” music recordings, where publication dates are often removed for this very reason, it has proved very difficult to prosecute such cases. ECRI notes with interest that the statute of limitation in such cases will be extended to the same periods as for criminal law offences of this nature as from 2003.

- ***Laws on national minorities and on the use of minority languages***

8. Following Sweden’s ratification of the Framework Convention for the Protection of National Minorities, five national minorities were acknowledged: the Sami, Swedish Finns, Tornedalers, Roma and Jews. As regards minority languages, upon ratification of the Charter for Regional or Minority Languages, two legal acts were adopted – the Act on the right to use Sami in administrative authorities and courts of law, and the Act on the right to use Finnish and Meänkieli (Tornedal Finnish) in administrative authorities and courts of law. These acts entitled speakers of these languages to use their mother tongue in their contacts with administrative authorities and courts of law in those geographical areas where these languages have traditionally flourished and continue to be used to a sufficient extent. The Acts entered into force on 1 April 2000.
9. Five minority languages are recognised as national minority languages: Sami, Finnish, Meänkieli, Romani chib and Yiddish. Pupils who speak these languages as their mother tongue are entitled to mother tongue instruction in schools. There are also State Sami schools where the teaching is conducted partly in Sami. ECRI notes with interest that speakers of Sami, Meänkieli and Romani Chib are entitled to mother tongue instruction even if the number of pupils is less than five (the threshold for the other languages). However, it appears that the possibility of accessing education in minority languages is not equal in the various municipalities and for the different languages in question. While understanding the practical difficulties in fulfilling such ambitious goals for the teaching of the languages of national minorities, ECRI feels that further efforts should be made to monitor the application of the provision concerning the right to mother tongue

education and to ensure that the entitlement to mother tongue instruction is guaranteed in practice, across all municipalities, for all pupils who request such instruction. ECRI notes that the National Agency for Education presented a report in May 2002 on how to strengthen mother tongue education in Sweden and urges the authorities to implement the recommendations of this report without delay.

10. In a more general sense, given that the area of national minority legislation and policy is a rather new one in Sweden, ECRI encourages the authorities to ensure that the resources and structures – such as a supervisory mechanism - necessary to implement legislation and policy in this area are established. ECRI also encourages the authorities to develop and implement evaluation measures to assess the practical effect of the new arrangements for national minorities and to further fine-tune this area of legislation and policy as necessary.

- ***Law on Citizenship***

11. A new Citizenship Act came into force on 1 July 2001. The new Act accepts the possibility of dual citizenship and facilitates the acquisition of citizenship for young people and children, who can now gain citizenship after five years in Sweden upon simple notification. Stateless children born in Sweden can gain citizenship immediately, while other stateless children can gain citizenship after three years. The law also reduces the residency requirement for naturalisation of persons married to Swedish citizens.
12. Although the number of persons requesting naturalisation increased after the adoption of the new law on citizenship, the take-up was not as large as had been expected. ECRI considers that further steps should be taken to disseminate information about the facilitated conditions for naturalisation.

- ***Relationship between the Church and the State***

13. ECRI notes that the formal link between the Swedish Church and the State has recently been abolished, and hopes that any regulations which emanated from this relationship and which may have had a discriminatory effect on persons belonging to minority religions, will now be amended as a result.

C. Criminal law provisions

- ***Racial agitation***

14. Chapter 16 Section 8 of the Penal Code prohibits racial agitation. The criminal act consists in a disseminated statement or communication, threatening or expressing contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic affiliation or religious belief. Dissemination through an organisation or similar group is also punishable under the law. Agitation is also punishable when the act is committed through the printed word, film, sound recording and other such media, including via the Internet. The provision also covers communications in pictorial form or gesture: thus, the Supreme Court ruled in 1996 that the bearing of symbols that can be associated with the Nazi persecution of the Jews and other persons can constitute racial agitation.

15. The maximum penalty for the crime of racial agitation is two years' imprisonment. Fines are imposed if the offence is "of little gravity", a concept which the Criminal Code does not define. ECRI notes with interest that a Bill aiming to increase the penalty for very serious crimes of racial agitation, such as extensive dissemination of racist material, has been approved by Parliament and will enter into force on 1 January 2003.

- ***Leading young people astray***

16. Chapter 16 Section 12 of the Penal Code penalises the distribution to young people or children of a writing, picture or technical recording which through its content could brutalise or otherwise involve serious danger to the moral nurture of the young. This provision has been used to penalise the distribution of racist propaganda to young people through, for example, the sale of CD recordings, without impediment from the provisions contained in the Fundamental Law on Freedom of Expression.

- ***Unlawful discrimination***

17. Chapter 16 Section 9 of the Penal Code criminalises discrimination by a person during the conduct of his or her business, or in organising a public assembly or gathering, against another person on the basis of race, colour, national or ethnic affiliation, religious belief or homosexual orientation. The provision, which carries a penalty of up to one years' imprisonment, also applies to those employed in public service or having a public duty.
18. The crime of unlawful discrimination has been reported as regards access to restaurants (apparently a particularly serious problem for Africans in Stockholm), discrimination by shops, housing and property companies, workplaces and bus companies. In recent years, over 200 cases of unlawful discrimination have been reported annually. However, despite an increase in the reports of discrimination, particularly as regards access to restaurants, and despite an instruction from the Prosecutor General to prosecutors to give priority to this kind of crime, very few cases are taken to court and at best only one or two convictions are obtained per year: thus, it is generally accepted that the law against unlawful discrimination is not being effectively implemented. One reason for this is that the level of proof required in criminal law makes convictions hard to obtain, moreover, the courts have set a high standard as to the specific intent to discriminate which must be proved. As a consequence of the lack of effective implementation, many persons who are victims of unlawful discrimination do not even report the discrimination to the police since they do not expect to receive redress.
19. ECRI stresses that an in-depth examination and analysis of the reasons behind the lack of implementation of the law against unlawful discrimination, with the aim of determining measures to improve its effectiveness, is necessary, and notes with interest that a special commissioner appointed by the government to review this provision concluded that a civil law prohibition of discrimination would be more effective. A Parliamentary Committee is now looking into this area. ECRI stresses in particular the need to ensure that police officers working in the field are made fully aware of the prohibition of discrimination and trained to take immediate and appropriate action when complaints of such discrimination are brought to them. ECRI also considers that, given the difficulty in obtaining convictions of discrimination under criminal law, the

introduction of civil and administrative law provisions covering discrimination in all fields of life would be opportune (see below, civil and administrative law). ECRI also urges the Swedish authorities to make use of other legal provisions, such as the regulations regarding the issuing and withdrawal of licences to sell alcohol, to combat acts of discrimination in access to public places such as bars and restaurants, and notes the instruction issued by the Government to the National Institute of Public Health to inform restaurateurs and licensing authorities of the possibility of incurring such a sanction in cases of unlawful discrimination.

- ***Common offences with a racist motive***

20. Chapter 29 Section 2 (7) of the Penal Code provides for the racist motives of offenders to be taken into account as an aggravating circumstance when sentencing in cases of criminal acts such as assault, unlawful threat, molestation and inflicting damage. However, concern has been expressed that this provision is not applied to a sufficient extent. Furthermore, it has been noted that its application is hard to monitor since police statistics do not currently record the possible racist motive of such crimes and courts are not under an obligation to notify in their decisions that the racist motive of an offender has been taken into account as an aggravating circumstance: in this respect, there has recently been a proposal that courts should be obliged to forward their decisions to the National Council for Crime Prevention in cases where racism has been taken into account as an aggravating circumstance. ECRI stresses that further efforts should be made to ensure that the courts are using to the fullest extent the possibility of taking the racist motive of offenders into account as an aggravating circumstance when sentencing.

- ***Racist organisations***

21. Racist organisations, which do exist in the country, are not currently prohibited in Sweden. The authorities state that the activities of such organisations are effectively countered through other legislation, such as the law against racist agitation. ECRI stresses that in the absence of a prohibition of racist organisations, and given that a number of such organisations and networks are active in Sweden, it is particularly important to ensure that the legislation in force to curb the illegal activities of such organisations and their members is fully and consistently implemented.

D. Civil and administrative law provisions

- ***Prohibition of discrimination in employment relationships***

22. On 1 May 1999 a new Act Concerning Measures to Counteract Ethnic Discrimination in Working Life came into force, replacing the 1994 Act against Ethnic Discrimination. The Act fills many of the shortfalls noted in the previous legislation: it applies to all sectors of the labour market, concerns all categories of employees and job applicants and contains prohibitions against direct and indirect discrimination. Moreover, an employee or job applicant does not need to demonstrate that the employer intended discrimination in connection with a particular action: if he or she can show that the employer treated him or her less favourably than he or she would have treated other people with another ethnic affiliation, the burden of proof then rests with the employer, who must explain

the motives for the treatment. The law also provides that it is the employer's duty to carry out targeted measures to actively support ethnic diversity in working life. It is the responsibility of the Ombudsman against Ethnic Discrimination to monitor compliance with this legislation.

23. Since the new law has come into effect, the number of complaints brought to the Ombudsman has risen. Many cases result in out-of-court settlements although some have been successfully brought to the Labour Court. It is however estimated that the number of complaints remains very small compared to the actual levels of discrimination reportedly occurring in the field of working life.
24. At present, discrimination in sectors other than the labour market is not covered by civil and administrative law provisions, although a new law on the equal treatment of students at the university level has recently come into force. As outlined above (see paragraph 18), the sanctions against discrimination outside working life contained in the penal provisions on unlawful discrimination have been under-used. ECRI stresses the need to provide effective remedy against discrimination in all fields of life, not just in the employment field, and recommends that Sweden adopt civil and administrative legislation protecting against discrimination in fields of life such as access to public places, services and goods intended for the public, housing, health, and education. ECRI notes that a proposal for civil law provisions in this field, put forward by a special commissioner appointed by the government to study this issue (see paragraph 19 above), is now being examined by State agencies and NGOs with a view to the presentation of a Bill to Parliament during the Spring of 2003. Moreover, the Parliamentary Committee set up to examine the possibility of establishing a broad anti-discrimination legislation encompassing the different grounds of discrimination and different fields of life is to present its proposals by 1 December 2004 at the latest.

E. Administration of justice

25. As mentioned above, the legislation in force to combat racism and discrimination seems to be underused, and it is suggested that one of the reasons for this is a lack of awareness and implementation on the part of the criminal justice system: the police, public prosecutors, and the courts. Discrimination and racism within the prison system is also a problem. ECRI notes with interest that a number of initiatives have recently been taken in order to improve the administration of justice as regards racist and discriminatory offences, including a survey and analysis of measures taken within the judicial system to improve the response to racist crimes, carried out by the National Council for Crime Prevention. ECRI urges the Swedish authorities to closely monitor the situation.
26. Although ECRI welcomes various strategies adopted, it nonetheless stresses the need to ensure that such action plans adopted at the central level actually filter down to the local level and to the individuals working in the field in the various areas of the country. In this respect, it is important to set up from the outset monitoring systems to evaluate the effect which broad policy guidelines are having on the situation on the ground.

F. Specialised bodies and other institutions

- *The Ombudsman against Ethnic Discrimination (DO)*

27. Since 1986 Sweden has had an organ specifically responsible for questions of racial discrimination: the Ombudsman against Ethnic Discrimination (DO). Under the Acts against discrimination in working life, the Act concerning the Ombudsman against Ethnic Discrimination of 1999, and the law on the equal treatment of students at university level, it is the task of the DO to work to prevent discrimination from occurring in working life, as regards students at the university level, or in other sectors of society. The duties of the DO are to: investigate reports of discrimination on the basis of ethnic affiliation and take them to the Labour Court, or, as regards students at the university level, to the District Court; through advice and other means help a person who has been subjected to discrimination to ascertain their rights; through discussions with the authorities, businesses and organisations, as well as through opinion-building, information and in other ways, initiate measures to counteract discrimination; make recommendations to the Government concerning legislative amendments and other measures to combat discrimination.
28. Reports to the Ombudsman concerning discrimination in working life have trebled since 1997. ECRI notes with satisfaction that funding to the DO has been substantially increased from 2001, and hopes that the resources allocated to this body will continue to rise in order to improve the capacity of the DO to investigate individual reports and to disseminate information to employers and trade unions concerning the requirements imposed under the new Act.
29. Since the Act concerning the Ombudsman against Ethnic Discrimination does not concern discrimination outside working life or as regards students at the university level, the authority of the DO in other sectors is restricted in individual cases to advising the person in question on available alternatives, investigating the circumstances and holding discussions with the parties involved. The committee appointed to consider extending anti-discrimination legislation (see paragraphs 19 and 24 above) has also been given the task of reviewing the functions and spheres of responsibility of the different anti-discrimination ombudsmen and of considering the extension of tasks of the DO to other fields. ECRI considers that it would be most desirable that the Ombudsman be given more powers to act in cases of discrimination in other fields.

- *The Swedish Integration Board*

30. In December 1997 Parliament approved the government's integration policy bill. This bill emphasised that Sweden's ethnic and cultural diversity should be taken as the starting point for drafting and implementing domestic policy in all sectors and at all levels of society. One of the consequences of the adoption of the bill was the establishment of the Swedish Integration Board in June 1998.
31. The Swedish Integration Board is the central administrative authority for integration issues and has overall responsibility for ensuring that integration policy goals and policy penetrate different sectors of society. One of the chief responsibilities of the Board is to study social developments and gather information about the situation and developments in different sectors of society. The Swedish Integration Board is also responsible for promoting equal rights and opportunities for all, irrespective of ethnic and cultural background, and for

preventing and combating racism, xenophobia and ethnic discrimination. The Board, which has extensive contacts with other national authorities, municipalities, organisations and other parties, also allocates funding to local development projects and monitors and reports on successful strategies for this work.

- ***Council for Ethnic Equality and Integration***

32. The Council for Ethnic Equality and Integration was set up in 1997 and comprises representatives of the government and of organisations that have been formed for immigrants, other non-governmental organisations, religious communities and the labour market partners. The Council was assembled by the Minister responsible for integration issues and comprises a forum for dialogue and exchange of experience; it meets three to four times a year.
33. ECRI stresses the need to monitor and evaluate on an on-going basis the performance and effectiveness of the various specialised institutions working in the field of combating racism and intolerance.

G. Education and training/awareness-raising

- ***Law enforcement system***

34. The National Police Board is taking steps, such as targeted recruitment campaigns, to increase the number of students from immigrant backgrounds at the Police College. Basic training at the Police College has been reformed, and greater provision has been made for ethical, international and ethnically-related issues. ECRI stresses the need to continue and expand awareness-raising measures for police officers, both at the initial training stage and during on-job training, concerning the importance of giving a high priority to dealing with complaints of racism and discrimination and to ensuring that the relevant criminal provisions in this field are fully applied.

- ***Schools***

35. Although municipalities have considerable freedom in organising their school systems, the curricula sets out certain values, such as equality, which must be reflected in the teaching programmes. The Education Act, which was strengthened in 1998, now states that everyone in the school system must work actively to combat all forms of offensive treatment such as bullying and racist behaviour.
36. Although the school curricula has been amended to include instruction on national minorities and minority languages, there is also a shortage of teaching material about Sweden's national minorities and the different minority groups living in Sweden today.
37. ECRI notes that the problem of de facto segregation in education, as a result of de facto housing segregation, and the problem of ethnic harassment in schools, mean that children of immigrant origin are at risk of being marginalised in the school setting. Furthermore, ECRI notes that it is among young people that racist groups, ideologies and productions are finding an audience. Stressing the fundamental importance of schools in promoting integration and in shaping

attitudes among young people, ECRI encourages the authorities to ensure that teaching materials concerning issues of racism and discrimination and providing information about the history and cultures of the various groups living in Sweden are produced and widely-disseminated in schools at both primary and secondary level: in this respect, ECRI welcomes activities such as the “Living History” project on the Holocaust, and the forthcoming establishment of a permanent Living History Forum which will focus in particular on young people.

H. Reception and status of non-citizens

- *Refugees and Asylum seekers*

38. Swedish asylum policy is governed by the Aliens Act and the Aliens Ordinance, and the Reception of Asylum Seekers and Others Act and Ordinance. Sweden grants protection to refugees and to those otherwise in need of international protection. The Swedish Migration Board has administrative responsibility for dealing with the asylum process. The Aliens Appeals Board deals with appeals: however, following a Parliamentary Committee recommendation in 1999 that this Board be replaced with a regular court of law to improve the judicial position of asylum seekers, the administrative courts will shortly take over responsibility for dealing with appeals.
39. Sweden has tightened up its asylum regulations and procedures in recent years, and different aspects of its recent policy and practice concerning asylum seekers have been criticised. As regards the removal of persons whose asylum application has been turned down, there have been cases of persons who have against their will been deported to countries completely unknown to them because of difficulties in establishing their nationality: a committee has been established to look into these issues and, if necessary, to present legislative proposals as regards the current regulations on enforcement of expulsion orders contained in the Swedish Aliens Act. In some cases, it has also been questioned whether the forced return of an asylum seeker to his or her country of origin or to a specific safe third country constitutes a violation of Sweden's obligation under Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Some cases of the excessive use of force and/or unusual means of restraint used by officers during the expulsion of foreign nationals from Sweden have also been the subject of criticism in recent years.
40. ECRI urges the authorities to give careful consideration to the concerns raised above and to ensure that the apparent trend in Sweden towards a tightening-up of asylum policies does not lead to a weakening of the rights of asylum seekers to obtain a full and fair consideration of their application and to be treated appropriately even when their application has been rejected. ECRI encourages the authorities to ensure that full and easily accessible information in a range of languages and free legal assistance is provided for persons arriving in Sweden in order to assist them in making a proper asylum application. Noting that a tightening-up of asylum regulations may also lead to a certain level of prejudice and stereotypes concerning asylum seekers, ECRI also stresses the need to ensure that persons working on border control points and in first contacts with asylum seekers are provided with initial and on-going training in issues of non-discrimination and in their own role in ensuring that the rights of asylum seekers are fully respected.

41. Asylum seekers are offered accommodation in a reception centre; if the asylum seeker wishes to arrange his or her own accommodation, an allowance contributing to the rent is granted. Asylum seekers who have no income or assets are granted a daily allowance. Urgent and emergency health and dental care which cannot be postponed is provided for asylum seekers, while children are granted access to health and dental care on the same conditions as persons residing in Sweden. Children have access to primary and secondary education throughout the process, although in practice they are often educated in separate classes due to practical and language difficulties. ECRI is pleased to learn that teaching of the mother tongue of children seeking asylum is in principle provided although there is a lack of suitable teachers in some languages.
42. While their case is being considered all asylum seekers are required to participate in some form of organised activity and instruction in the Swedish language. If they do not participate without a valid reason their allowance may be reduced. In principle, asylum seekers are not allowed to seek and take paid work during the asylum procedure. However, if it is considered that the first instance decision will take more than four months to be delivered, the asylum seeker may work without a work permit. ECRI welcomes this facility, highlighting the important role that paid employment may play in assisting asylum seekers in participating in society and in maintaining their mental health. Noting that in any case, many asylum seekers in practice await a first instance decision for long periods, and that many then continue their applications in the appeals procedure, ECRI recommends that the Swedish authorities consider further extending the right to work for asylum seekers.
43. In recent years, a particular problem has been posed by the arrival of unaccompanied minors seeking protection or asylum. Municipalities are responsible for the care of such children; however, it has proved hard to deal with this situation. Reception centres have had to accommodate many more children than they were designed for. There have even been reports of children disappearing from centres and being used in prostitution. ECRI urges the authorities to address as a matter of urgency the particular situation of unaccompanied minors, ensuring that the rights of the child to protection and to a stable situation are given absolute priority. ECRI welcomes in this respect the incorporation of the Convention on the Rights of the Child within the amended Aliens Act of 1997, and the examination currently underway by the authorities of possible improvements to the current legal framework concerning the reception of unaccompanied minors.

- ***The Special Control of Aliens Act 1991***

44. According to the regulations in the Special Control of Aliens Act, the Swedish Police can, in certain circumstances, use secret wiretapping and secret wire-surveillance to monitor foreign citizens. The purpose of the law is to prevent politically-motivated acts of violence, threats and compulsion. It is for the Stockholm City Court to decide if the law is applicable to the foreigner in question: the law has been applied 16 times (according to 1999 figures) since it came into force. There have been some reports of the misuse of secret wiretapping. Noting that any legislation or measures applying exclusively to non-citizens should be justifiable and based on reasonable and objective

grounds, ECRI considers that the necessity for and practical application of this law should be kept carefully under review by the authorities.

I. Access to public services

- Access to social services such as health care, welfare and housing

Housing

45. The problem of de facto residential segregation in the community is of increasing concern in Sweden: the population of some suburbs around Stockholm for example is almost exclusively of immigrant origin. People born abroad also live more frequently in rented accommodation than Swedes, have difficulty in accessing housing in both the public and private sector, and are more likely to live in overcrowded conditions. ECRI notes the importance of respecting the free choice of members of minority groups to settle in communities with other members of their group, but considers that other factors, such as social disadvantage and discrimination, may be decisive in accounting for the high levels of residential segregation, which may prove a real barrier to the possibilities for persons of immigrant origin to feel included in Swedish society (see below, "Issues of Particular Concern").

Education

46. The situation of de facto residential segregation described above has led to situations where virtually all pupils in schools in some areas are of immigrant origin and speaking Swedish as their second language. Such children may have very little contact with children from the majority group or with the majority culture. Reports have been published indicating that the drop-out rates for children of immigrant origin are higher than for other children and that children of immigrant origin are over-represented in special schools. The problem of bullying and harassment on ethnic or racial grounds is also rather widespread.
47. Noting the importance of focusing on the duty of society to integrate children and young people as a means to ensure that Sweden becomes a truly multicultural society, ECRI urges the authorities to take steps to address the problems faced by children of immigrant origin in accessing education on a basis of equality with majority children and to address problems of discrimination and disadvantage within the education system. In this respect, ECRI stresses the importance of ensuring that teachers are trained in issues of human rights in relation to racism and discrimination, in multiculturalism and in avoiding stereotypes and prejudices which may lead to discrimination of children of different backgrounds. Programmes and strategies to address the problem of bullying and harassment in schools should also be developed and disseminated throughout the country. In this respect, ECRI notes that two centres have been established with the aim of raising awareness concerning basic values among school personnel and of facilitating access to research on these issues.

J. Employment

48. The immigrants who came to Sweden in the 1950s and 1960s in the form of immigration from other Nordic countries and from southern Europe found few problems in an expanding labour market, especially within manufacturing industry. Since the beginning of the 1990s the situation has been very different, with high unemployment and low workforce rates among people with foreign and especially non-Nordic backgrounds. Thus, in 2001, employment rates for persons of non-European origin were 54% compared to 77% among persons of majority Swedish origin. Persons of immigrant origin who do find employment frequently remain confined to low-pay and low status jobs, regardless of their level of qualifications or professional competences. There are however signs that the economic upswing experienced over the last four years coupled with certain governmental initiatives have had some positive impact on the labour market participation of immigrants.
49. Explanations for the weak labour market position of immigrants include the dramatic deterioration of the labour market, the impact of structural changes within sectors of Swedish industry that have traditionally offered employment to immigrants, new requirements in working life such as communication skills, and individual factors among immigrants such as language difficulties and a lack of suitable qualifications. In this respect, the validation of qualifications obtained abroad still remains problematic in some areas: for example, some non-citizens are obliged, without sufficient obvious justification, to pass additional tests to validate their vocational qualifications. Although language training possibilities exist for persons coming to Sweden, such courses are rather general, so that persons of a high educational level may be in classes alongside illiterate persons, and may not provide newcomers with the language skills they need to enter the labour market rapidly. It has also been commented that persons of immigrant origin lack the access to informal networks and structures which often lead to employment possibilities. Several state commissions of inquiry have recently pointed out that there is a clear risk of the emergence of an ethnically and socially segregated labour market and a new form of class society divided along ethnic lines.
50. The part played by ethnic discrimination has been debated for decades in commissions of inquiry and other bodies, although it has been commented that the role played by discrimination is still underestimated in accounting for employment differences between majority and minority communities. It is noteworthy that the number of reports of discrimination in working life made to the DO has increased greatly in recent years –272 cases were reported in 2001 which is almost five times the figure for 1997– although the Office of the DO estimates that the complaints recorded represent only a small percentage of the actual cases of discrimination which occur.
51. Measures taken to improve the situation of immigrants on the labour market have included labour market training courses, work experience placements and an encouragement on the part of the State for immigrants to set up small businesses. The public sector has been instructed to develop action plans to increase diversity among its staff. No positive action programmes currently exist: however, the Parliamentary Commission which is to examine legislation on discrimination (see paragraph 19 above) will also consider the possibility of introducing positive action as a means to redress the effects of discrimination. ECRI stresses the importance which inclusion in the labour market has for a

fully integrated society, and urges the Swedish authorities to continue to focus attention on the problem of labour market discrimination and its effects. ECRI also encourages the authorities to ensure that additional barriers to employment of persons of immigrant origin, such as complications or delays in validating qualifications obtained abroad, are removed. Given the importance placed on fluency in the Swedish language for employment, ECRI recommends that steps be taken to develop language training for adults which is more targeted to specific groups, easily available to more isolated groups such as women at home, and specifically designed to assist persons of immigrant origin in entering the labour market. ECRI also suggests that more weight could be given to the value of fluency in other languages in the employment field.

K. Vulnerable groups

This section covers certain minority groups which may be particularly vulnerable to problems of racism, discrimination and intolerance in the country in question. It is not intended to provide an exhaustive overview of the situation of all minority groups in the country, nor to imply that groups not mentioned face no problems of racism and discrimination.

- ***Persons of immigrant origin***

52. Approximately 11% of Sweden's population is foreign-born. The problems of racial violence and harassment, and the racist propaganda spread by Nazi and other extremist groups, impact in particular on this segment of the Swedish population. Persons of immigrant origin are particularly vulnerable to all the manifestations of racism and discrimination outlined in other parts of this report, on the labour market, in housing, in education and in society in general. In general, it appears that the more different a person looks from the majority population, the more racism and discrimination they face. Thus, black Africans are reported to be particularly vulnerable.
53. The problem of the lack of an integrated Swedish society with regard to persons of immigrant origin is dealt with in more depth below (see "Issues of Particular Concern").

- ***Immigrant women***

54. Women – coming particularly from South-East Asia - who come to Sweden to marry Swedish citizens and who are later subjected to violence and abuse by their partners are particularly vulnerable due to the regulations on residence permits, which stipulate that a limited permit is issued for two years before the person in question is able to apply for a permanent residence permit once they have lived as an established couple for the two-year period. Such women often feel unable to leave an abusive relationship as they would then risk losing their permission to reside in Sweden. ECRI feels that steps should be taken to ensure that non-citizen women wishing to leave abusive relationships are not left in a vulnerable situation as regards their residency in Sweden as outlined above.
55. There is also a continuing problem of trafficking in women from certain Eastern European countries for prostitution.

- ***Muslim community***

56. Since the events of 11 September 2001, while some extremist parties have tried to fuel anti-Muslim sentiments, and while there has been an increase in the number of islamophobic incidents, the authorities suggest that the situation is not the worst-case scenario expected immediately after the attacks. At the same time representatives of Muslim communities are reporting increased fear and insecurity among their members. Manifestations of Islamophobia include difficulties faced by women wearing the hijab in finding employment, harassment in public places, and some telephone threats to mosques and public figures. ECRI notes that leading politicians have spoken out against Islamophobia and encourages the authorities to keep the situation under close review, drawing attention to its general policy recommendation no 5 in which it sets out practical guidelines for measures to be taken to combat intolerance and discrimination against Muslims.

- ***Sami community***

57. The Sami population in Sweden amounts to approximately 15 000 – 20 000 persons, of whom around 9 000 are Sami speakers. In 1993 Sweden established a Sami Parliament, which is a public authority and also a representative body for the Sami. The Delegation for Indigenous People consists of individual Sami and experts from cultural life, the research world and the Government Offices: its objectives include contributing to increased Sami self-determination and the participation of Sami in political life, promoting the Sami culture and raising awareness.
58. Issues connected with land rights and with hunting and fishing rights for the Sami are still unresolved, and a number of law suits are underway, notably brought by landowners claiming compensation for reindeer grazing. The issue of the ratification of ILO Convention 169 on Indigenous Peoples remains outstanding. ECRI urges the Swedish authorities to continue their efforts to resolve the outstanding issues and to ensure that these issues are not further complicated by discriminatory attitudes on the part of the non-Sami population living in the areas concerned.
59. Although the Sami now have the right to education in their mother tongue, it appears that outside the four most Northern municipalities provision of teaching in the Sami languages is not always available. ECRI encourages the authorities to monitor and review the provision of teaching in the Sami languages. ECRI also considers that knowledge about the Sami community among the majority population should be increased, noting that members of the Sami community still face a general lack of awareness concerning their culture and lifestyle and some hostility in those areas of the country in which most Sami are living. In this respect, ECRI notes with interest that the government initiated in December 2000 a five-year national information drive concerning the Sami as the autochthonous population of Sweden and about the Sami culture.

- ***Roma community***

60. The number of Roma living in Sweden is approximately 35 000 – 40 000 people, consisting of several groups – 2 500 Swedish Roma, 3 200 Finnish Roma and 10 000 coming from countries outside Scandinavia. There are also around 20 000 travellers in Sweden who speak a variety of Romani Chib.

61. The Roma, as in most countries, suffer the effects of widespread prejudice and discrimination. They face disadvantage in many fields of life, including education, housing and employment. For example, it is commented that in the field of education, although there have been improvements over the last ten years, Roma children are still marginalised, tend to be channelled towards special “observation” classes at the primary level and have high absenteeism. Only a small percentage of Roma children complete secondary education and go on to tertiary education. Less than half the Roma children entitled to bilingual Romany/Swedish education actually benefit from this entitlement, reportedly because many schools do not inform them of their rights. There is also a lack of Romani teachers. Provision of educational material for the Roma in their own language and also material for the whole population on the Roma culture and language, is insufficient.
62. In the field of employment, members of the Roma community often face difficulties in finding work, particularly Roma women wearing traditional dress. Such women have moreover faced discrimination in access to shops and other public places: cases of such discrimination have been successfully brought to court. Members of the Roma community also face problems in finding accommodation, and along with persons of immigrant origin live in areas where very few Swedes of the majority population live.
63. ECRI notes that a Roma Working Group was set up in 1996 by the government to improve the situation of the Roma. It comprises representatives of various ministries, Roma representatives, representatives of the National Integration Office and of the local government sector. Furthermore, the Ombudsman against ethnic discrimination has been given the task of initiating a two-year project to combat and prevent discrimination against Roma. ECRI encourages the further development of strategies to improve the situation of the Roma community in Sweden, and points to its general policy recommendation no 3 which sets out a series of guidelines in combating racism and discrimination against Roma/Gypsies. ECRI stresses in particular the importance of ensuring that the community itself is empowered and enabled to participate in policy development and decisions which concern it. ECRI recommends that the authorities take steps to improve knowledge among the majority population and particularly among key groups such as teachers and civil servants coming into contact with members of the Roma community, concerning the culture and traditions of the Roma population in Sweden.

- ***Jewish community***

64. The Jewish community in Sweden amounts to 20 000 – 25 000 persons, of which it is estimated that 3 000 have a command of Yiddish. No detailed studies of the levels of antisemitism within the population have been conducted, however, there are suggestions that forms of latent or abstract antisemitism exist as an undercurrent within the general public consciousness and that new forms of antisemitism are emerging. Overt forms of antisemitic propaganda are disseminated by Nazi and similar groups. Manifestations of antisemitism in Sweden include the crimes of racial agitation, graffiti, molestation and assault. The government has taken proactive steps to combat antisemitism by increasing awareness of Nazi crimes and the Holocaust, notably through its Living History project. ECRI encourages the continuation and further development of such initiatives.

L. Monitoring the situation in the country

- Data and statistics

65. Gaps exist in the information available concerning the situation of the various minority groups in areas such as education, employment, health and housing. Lacunae also exist in the system of data recording concerning racist crimes: for example, it is not currently possible to establish from the data available which groups, if any, are particularly vulnerable to such crimes, and the racist motive of ordinary crimes is often not recorded (see paragraph 20 above). Stressing the importance of reliable data in evaluating the situation of minority groups and the relative success of policies and measures designed to improve their situation in different areas, ECRI encourages the Swedish authorities to consider how data might be collected in a more complete fashion, in accordance with the principles of the protection of personal data and the voluntary self-identification of the persons involved.

M. Conduct of certain institutions (at central and local level)

- Police

66. No official data exist on the incidence of police mistreatment of persons belonging to minority groups, although it has been indicated that problems have occurred. Racial profiling on the part of the police is also reported to occur. At present, complaints against the police should be reported by the police to the public prosecutor, who then decides if an investigation should take place: such investigation is then carried out by a special unit of the police. In this context, ECRI draws attention to its general policy recommendation no 1, in which it recommends that allegations of police misbehaviour be investigated by a body which is entirely independent and separate from the police, and notes that a Parliamentary Committee is currently considering this issue in Sweden. ECRI also considers that the data concerning the incidence of police mistreatment of persons from minority groups should be collected.
67. It is reported that the police response to reports of crimes of racism and racial discrimination is still unsatisfactory, with the result that many victims do not have confidence in the police system and do not even bother to report crimes committed against them. The police authorities are placing emphasis on the importance of paying more attention to the racist motivation of crimes and to developing a victim's perspective on race crime, and a national unit to deal with race crimes has been set up. However, it appears that at the local level, there is still a lack of awareness of such issues. ECRI encourages the authorities to continue to take steps to improve the police response to racist crimes and in particular to ensure that strategies adopted at the national level are filtering down to have an effect on police behaviour at the local level. ECRI also stresses that the training of police officers should include the teaching of human rights as related to issues of racism and discrimination and notes in this respect that for the year 2002, instructions have been issued to the National Police Board and the Office of the Prosecutor General to strengthen human rights education for their employees.

- **Private security companies**

68. It has been reported that the number of cases involving violent force against members of minority groups exercised by security guards employed by various private security companies in Stockholm is increasing and that the security guards involved are seldom convicted of a crime but that rather the victim is likely to be countercharged of violence against an official. ECRI considers that attention should be given to this problem to ensure that the employees of private security companies are not abusing their powers.

N. Media

69. Although there is more discussion in the media today of issues relating to minority groups, racism and discrimination, and a number of good practices initiated by the media professions to modulate the debate on such issues and to increase diversity within the media professions, there is still a tendency to report on issues relating to persons of immigrant origin in contexts in which such persons are seen as presenting a problem or as having problems rather than as equal members of society. ECRI encourages the media professions to implement relevant ethical codes in respect of reporting on issues involving persons from minority groups, such as the ethical criteria developed by the Press Council to protect individuals from ill-treatment through publicity, and to take further steps to “mainstream” persons of minority origin in media reporting and in the media professions.

SECTION II: ISSUES OF PARTICULAR CONCERN

In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Sweden, ECRI would like to draw attention to the problem of racial violence and harassment, discrimination in daily life and to the lack of an integrated society with regard to persons of immigrant origin.

O. Racial violence and harassment

70. The incidence of racial violence and harassment has increased and the authorities acknowledge that more explicit and aggressive forms of racism and xenophobia have emerged. These have manifested themselves in acts of violence and harassment of a racist or antisemitic nature and have targeted immigrants (eg attacks on refugee centres, shops, cafés and homes owned by persons of immigrant origin), Jewish people and Roma, active anti-racists, and journalists, polemicists, police officers and politicians. Statistics show that the crime of ethnic agitation has increased from 573 reports in 1999 to 744 in 2001, although it has not been established to what extent this indicates an increase in the crimes committed as opposed to an increased awareness and willingness to report crimes among victims. In any event, research has indicated that significant numbers of racist crimes still go unreported, perhaps due to a lack of confidence in the police response to such crimes. It is noteworthy that although the “white power” movement is responsible for some of the racist crimes committed, the majority of such crimes are committed at the individual level.

71. The extreme right has consisted for the past decade or so of a racist element and an ultra-nationalist element. Extreme right-wing groups have been responsible for numerous acts of violence, often directed against public figures having spoken out against racism. White power music is also a significant phenomenon in Sweden, which is one of the countries in the world in which the most white power music is produced and distributed. The white power culture has been described as a number of concentric circles, with a hardcore of a hundred or so individuals in leading positions in organised groups, a second circle of a thousand or so more or less active individuals, another circle of a thousand or so less active individuals, surrounding by a larger circle of consumers of racist materials, mostly young people. Such individuals have found access to racist ideologies through music and other media such as the Internet. Regional differences exist in the support given to extreme right-wing groups and productions, with higher levels of activity being noted in the southern part of Sweden.
72. On the political level, far right-wing parties have won local government seats in recent years, campaigning on a xenophobic platform with racist undertones. A number of smaller, local or regional, strongly anti-immigrant protest parties have emerged, some of which have obtained some success at local government level, particularly in the southern part of Sweden.
73. ECRI welcomes the fact that the issue of racial harassment and violence has received considerable attention in Sweden and that the authorities have taken a number of measures to combat racist crimes and to improve the response of the criminal justice system to such crimes. However, the issue remains unresolved. ECRI stresses the need to monitor the situation as regards racial violence and harassment and the activities of extreme right-wing and racist movements closely and the need to take firm measures to combat the sub-culture of racist groups and the phenomenon of white power music, particularly as regards the effective prosecution of the production and dissemination of the latter.

P. Discrimination in daily life

74. Although levels of awareness about extreme forms of racism, such as the activities of far right-wing and Nazi movements, are relatively high in Sweden, the problem of discrimination in daily life is far less widely-recognised. Although it is hard to quantify levels, the incidence of discrimination in fields such as employment, housing, education and access to public places is generally held to represent a significant and under-reported phenomenon. Structural and indirect forms discrimination also exist in many areas. Such widespread “everyday discrimination” in Swedish society affects both persons of immigrant origin and also members of national minorities such as the Roma. However, there is apparently uncertainty among the general public and even among officials working in the public sector about what discrimination actually means – there is for example often a misunderstanding that discrimination has to be motivated by a racist belief - the expressions it takes and the mechanisms behind it. Thus, discrimination is often regarded as a marginal phenomenon.

75. ECRI welcomes the adoption of a National Action Plan against Racism, Xenophobia, Homophobia and Discrimination in 2001, which aims to mobilise the whole of society. In this context, ECRI feels that priority should be given to raising awareness among society of what constitutes direct and indirect discrimination, the fact that such discrimination is prohibited by law, and the fact that discrimination is widespread even in the absence of a clear racist motive. Such awareness raising should include intensified efforts to combat prejudices and negative attitudes among civil servants, police and other officials whose behaviour is likely to impact on the daily experiences of vulnerable groups in Sweden. In particular, it should be ensured that such awareness-raising measures filter down to the local level throughout the country. ECRI notes the role played by the Swedish Integration Board and the Ombudsman against ethnic discrimination in raising awareness among persons in key functions concerning the mechanisms behind discrimination.
76. As regards legislative provisions to combat discrimination, the criminal law provision currently in force has been scarcely used (see paragraph 18 above). ECRI is of the opinion that a lack of implementation of legislation prohibiting discrimination may in fact send a message to the public that such discrimination is not very serious, and urges the need for the authorities to take firmer and swifter action to respond to reports of illegal discrimination in order to send a message to discriminators and victims that such forms of discrimination are not acceptable and will be punished. ECRI hopes moreover that a more effective means to combat discrimination by legislative means will soon be established, backed up by an effective enforcement and monitoring system such as the Ombudsman against Ethnic Discrimination.
77. Since the extent and nature of manifestations of discrimination in the fields mentioned above is hard to assess, ECRI also recommends that methods of quantifying and evaluating the incidence and forms of discrimination be developed and put in place. The important role which situation testing has played in many countries in uncovering hidden forms of discrimination could also be considered further: at present situation testing is not used in Sweden. In particular, the extent and forms of structural and indirect discrimination should be examined in more depth.

Q. Lack of an integrated society with regard to persons of immigrant origin

78. Sweden, despite long-standing integration policies and its historical emphasis on social equality, appears to risk developing into a society which is de facto segregated along ethnic lines. Many reports point to the fact that persons of immigrant origin and minority groups face difficulties in feeling themselves to be part of Swedish society. In areas such as housing, education and employment, there are indications that increasing de facto segregation between majority and minority communities may be occurring and persons of immigrant origin are also largely excluded from the formal and informal structures and networks via which the society functions. It has been commented that Swedish society is very "closed", and that there exists a certain mental resistance to mixing with persons from other backgrounds and cultures: forms of latent xenophobia are rather widespread. It has also been commented that visible minorities face particular prejudice, both from the part of the general public and in their contacts with key institutions, notably the police. Thus, persons who are different or who look different from the majority find it very hard to gain access to the networks

which underpin the Swedish system. Persons of immigrant origin lack information about Swedish society, its culture and lifestyles. It is noteworthy that political participation – voting and standing for election – is very low among persons of immigrant origin and that such persons are also under-represented in civil society organisations such as the trade unions.

79. Women of immigrant origin may find themselves particularly excluded from the structures of Swedish society since they may lack the confidence and opportunities to make contact with the culture and networks of the majority population. It is particularly worrying that even children born and raised in Sweden but of immigrant origin may feel excluded from mainstream Swedish society: in fact, the problem of de facto housing and school segregation and ethnic harassment within some schools means that such children often have very little contact with the majority population, while the information they receive from their surroundings may convey to them the impression that being of immigrant origin implies that one is a problem for society rather than an asset. The fact that the parents of such children are often in a very difficult situation and without employment compounds the problem: it has been commented that children of immigrant origin often lack a positive “role model” since they cannot identify with either their parents or with mainstream society. Thus, second-generation Swedes of immigrant origin may find themselves particularly marginalised within society.
80. Sweden’s integration policy has undergone a major re-examination and shift in approach due to the realisation that previous policies aimed at integration had not succeeded. Until the 1970s the main approach to persons of immigrant origin was underpinned by the aim of assimilation into Swedish society. In 1976, the first policies specifically aimed at persons of immigrant origin were developed: the main thrust of such policies was to address the supposed “shortfalls” or disadvantages of such persons for an integrated society, such as their imperfect knowledge of the Swedish language. As from 1997, the stated aim underpinning present policy measures has been integration without assimilation. The most recent policy direction focuses on mainstreaming of diversity within all policy areas, with the underlying philosophy of equal rights, opportunities and obligations for everybody within Sweden. The target group of policy is therefore intended to be society as a whole, in which mainstream culture should include everybody’s culture.
81. The government has recently stressed in a written communication the importance it places on the issue of integration. ECRI welcomes this prioritisation of integration issues and the development of new policy directions in this area. ECRI stresses the need in particular to provide a clear definition of the goals of integration policy by developing a concrete vision of what successful integration actually means. It is also important to ensure that an effective methodology is developed in order to ensure that broad policy decisions and goals set at the national level are translated into practical actions and implemented in concrete terms at the local level. Initiatives taken in this respect include the work of the Swedish Integration Board and of regional municipalities with special responsibility for focusing on integration, and various letters of instruction issued to local authorities defining their duties in respect of integration. The development of an on-going system of policy evaluation is crucial to ensure that new policies are actually having the intended effect and that they can be fine-tuned as necessary at all stages of implementation; in this context, the social analysis unit of the Swedish Integration Board has special

responsibility for following, analysing and evaluating developments. It is also most important to ensure that minority groups are involved at all stages of the decision-making process in matters concerning them.

82. ECRI also considers that the importance of integration as a process involving both majority and minority communities should be further highlighted. Previous policies have tended to focus on the “shortfalls” of persons of immigrant origin as an explanatory factor in their lack of integration: their lack of knowledge of the Swedish language or their lack of suitable qualifications for example. The benefits brought by persons of immigrant origin to society have been less emphasised, as has the duty and need for mainstream society to adapt to and accept persons of new and different cultures and backgrounds. ECRI stresses the need to disseminate among Swedish society as a whole information about the reasons behind integration policies, and to define what is meant by “successful integration” as a goal of these policies. It is important to raise awareness among the majority community of the part it too must play in learning to accept persons of immigrant origin as an equal part of society, representing a benefit to society as a whole, rather than as a problem group.

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APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Sweden, is dated 28 June 2002, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Sweden to engage in a process of confidential dialogue with ECRI on its draft text on Sweden and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Swedish governmental authorities expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF SWEDEN CONCERNING ECRI'S REPORT ON SWEDEN

"Paragraph 38

The Government is presently looking into the possibility of having administrative courts taking over the responsibility for dealing with appeals. Hence a final decision has not yet been taken in this respect.

Paragraphs 39 and 40

ECRI claims that Sweden has tightened up its asylum regulations and procedures in recent years but does not explain in what way the asylum policy has been made stricter. Quite on the contrary, it is the opinion of the Swedish Government that Swedish asylum policy and the granting of international protection is generous and based on humanitarian traditions and values. The recent trends of an increased number of asylum seekers underlines this fact. In 2001, 23 515 persons applied for asylum and almost 9000 were granted residence permit on refugee, subsidiary or humanitarian grounds. In the year 2002, up till the end of October, 27 118 persons applied for asylum in Sweden.

In its report, ECRI also states "...there have been cases of persons who have against their will been deported to countries completely unknown to them because of difficulties in establishing their nationality...". The Swedish Government finds that this paragraph pictures the situation in Sweden incorrectly, although there have been forced removals to countries that are not the country of origin - especially in the case of Ghana. Without going into the details of the specific cases, there have been - which ECRI also points out - difficulties in verifying the nationality of asylum seekers. Of course the aim is always to remove persons to the country of origin or a country where the person has a right to legally stay.

As part of the general picture of the Swedish asylum policy, the government would also like to point out the following. The Aliens Act was amended in 1997. The possibility to grant international protection was broadened by the inclusion of non-state actors of persecution on one of the five grounds enumerated in the 1951 Geneva Convention as a ground for refugee status and by the explicit inclusion of the fear of being sentenced to death or corporal punishment or of being subjected to torture or other inhuman or degrading treatment or punishment as a ground for international protection. Furthermore, the Convention on the Rights of the Child was incorporated in the Aliens Act, stressing that the best interest of the child should be taken into account in all asylum matters regarding children.

The Government has also appointed a committee that will look into how best to include gender-based persecution and persecution based on sexual orientation as a ground for refugee status in the Swedish Aliens Act. Furthermore, all asylum officers dealing with asylum application are duly trained. There are specific persons dealing with asylum applications filed by unaccompanied minors. Furthermore, asylum officers have also received training in dealing with victims of torture and with victims of sexual violence. Persons working on border control points are also trained in recognising asylum claims in order to forward these cases without delay to the competent authorities.

Paragraph 41

The Government would like to point out that not only urgent and emergency health and dental care, but also other health and dental care which cannot be postponed, is provided for asylum seekers.

Paragraph 48

It should be added that during the last three years the employment rate has increased and the unemployment rate has decreased more rapidly for persons who are born in a foreign country compared to persons who are born in Sweden.

Paragraph 75

ECRI stresses that it should be ensured that awareness-raising measures filter down to the local level throughout the country. As Sweden has previously pointed out this is already taking place. The Government is, for example, promoting the establishment of civil society controlled anti-discrimination efforts, particularly in the form of local anti-discrimination bureaus.”

