



**Sweden's seventeenth and eighteenth periodic report to the UN Committee on the Elimination of Racial Discrimination**

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**GENERAL INFORMATION**

1. The Government of Sweden hereby submits its seventeenth and eighteenth periodic report, combined in a single document, on measures taken in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination. As recommended by the Committee on the Elimination of Racial Discrimination, the present report is an update of Sweden's earlier reports. The issues raised in the Committee's concluding observations<sup>1</sup> to Sweden's fifteenth and sixteenth report are discussed in particular detail.<sup>2</sup>

**POPULATION STATISTICS**

2. Swedish population statistics are reported by bodies including Statistics Sweden (SCB). Population statistics are reported by variables including sex, citizenship and country of birth. The statistics show that more than 1.1 million people or slightly more than twelve per cent of the country's population of nine million were born in another country. In addition, about 340,000 people were born in Sweden with two foreign-born parents.<sup>3</sup>

3. The immigrant population may be divided into three groups, of which 24 per cent were born in other Nordic countries, 17 per cent were born in Europe outside the Nordic countries and 59 per cent were born outside of Europe (including those whose country of birth is unknown).

4. The largest groups of foreign-born persons in 2005 were from the following countries<sup>4</sup> (approximate numbers):

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<sup>1</sup> CERD/C/64/CO/8.

<sup>2</sup> CERD/C/452/Add.4.

<sup>3</sup> The term 'foreign background' as currently defined refers to people born abroad and people who were born in Sweden with two foreign-born parents. The former definition was broader, as people born in Sweden with only one foreign-born parent were also considered as being of foreign background.

<sup>4</sup> Source: SCB.

Country of birth	Female	Male	Total
Finland	108 000	76 000	184 000
Former Yugoslavia <sup>5</sup>	36 000	38 000	74 000
Iraq	33 000	39 000	73 000
Bosnia and Herzegovina	28 000	27 000	55 000
Iran	25 000	29 000	54 000
Poland	29 000	17 000	46 000
Norway	26 000	19 000	45 000
Denmark	20 000	23 000	43 000
Germany	22 000	19 000	41 000
Turkey	17 000	19 000	36 000
Chile	14 000	14 000	28 000
Lebanon	9 000	12 000	21 000

5. The largest groups of foreign-born who immigrated in 2002-2005 were from the following countries<sup>6</sup>:

Country of birth	Female	Male	Total
Iraq	9 570	9 547	19 117
Denmark	4 936	7 956	12 892
Norway	5 379	6 230	11 609
Finland	6 172	5 750	11 922
Germany	3 758	4 257	8 015
Thailand	6 165	1 616	7 781
Poland	4 548	3 867	8 415
Iran	3 025	2 837	5 862

6. The largest groups of people with foreign citizenship are from the following countries (approximate numbers)<sup>7</sup>:

Citizenship	Female	Male	Total
Finland	50 000	37 000	87 000
Norway	18 000	17 000	35 000
Denmark	14 000	19 000	33 000
Iraq	15 000	17 000	32 000
Germany	10 000	11 000	21 000
Poland	10 000	7 000	17 000
Serbia and Montenegro	8 000	9 000	17 000

<sup>5</sup> The figures for Yugoslavia include people born in the former Yugoslavia and people born in the Federal Republic of Yugoslavia.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

United Kingdom	5 000	10 000	15 000
Bosnia and Herzegovina	7 000	7 000	14 000
Turkey	5 000	6 000	11 000

7. Sweden does not keep official statistics of people's ethnic origins other than citizenship and country of birth. As a main rule under the Swedish Personal Data Act (1998:204), processing personal data that identifies race, ethnic origin or religious belief is prohibited. Thus, it is presently not possible for Sweden to provide complete statistical information concerning e.g. the national minorities.

8. However, estimates of the populations of the national minorities were performed in connection with the 1997 Government inquiry on Swedish ratification of the European Council's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The estimates were based on information obtained from sources including the national minority organisations and state agencies. The Swedish Finns group was estimated at 450 000, the Tornedalers at 50 000 and Jews at 25 000. The number of Roma was estimated at 20 000 and the number of Travellers, many of whom consider themselves kin to the Roma, at 20 000. The Sami Parliament estimates the Sami population at 20 000.

9. Sweden also keeps statistics concerning students entitled to mother-tongue tuition. In the 2005/06 school year, nearly 13 000 students were entitled to mother-tongue tuition in one of the national minority languages.<sup>8</sup> The national minorities entitled to mother-tongue tuition according to this measurement constituted about one per cent of the total student population, distributed as follows<sup>9</sup>:

Mother-tongue	Number of students
Finnish	9 807
Romany (Kaale, Lovari)	1 281
Tornedal Finnish	1 089
Sami	595
Yiddish	29
<b>Total</b>	<b>12 801</b>

<sup>8</sup> Source: Swedish National Agency for Education (NAE). According to the NAE, the number of students entitled to mother-tongue tuition is probably underestimated, in part because schools have no records of students' ethnicity and the statistics are based on the students' own applications for mother-tongue tuition.

<sup>9</sup> Source: Swedish National Agency for Education.

10. The total number of students entitled to mother-tongue tuition in the 2005/06 school year was 147 500, or 14.8 per cent of all students. The ten most common mother tongues are Arabic, Bosnian, Croatian, Serbian, Finnish, Spanish, Albanian, English, Farsi and Turkish.

## INFORMATION RELATING TO ARTICLES 2 TO 7

### Article 2.1

#### *Constitutional laws*

11. The Swedish Constitution provides fundamental legal protection against ethnic discrimination. The Committee is referred to paragraphs 19-30 of the twelfth periodic report for further information.

12. A new policy provision took effect 1 January 2003. Under Chapter 1, Section 2, fourth paragraph of the Instrument of Government, public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

#### *Penal legislation*

13. The Penal Code contains two provisions directly concerned with contempt or discrimination on the ground of race, colour, national or ethnic origin or religious belief; namely those relating to agitation against a national or ethnic group and unlawful discrimination. An explanation of the provisions is presented in paragraph 32 of the twelfth periodic report and paragraph 66 of the fifteenth and sixteenth periodic report.

14. According to Chapter 29, Section 2, paragraph 7 of the Penal Code, it shall be considered an aggravating circumstance when assessing penal value if the motive of a crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. The provision is applicable to all categories of crimes.

15. The Act on Responsibility for Electronic Bulletin Boards (1998:112) also counteracts agitation against national or ethnic groups. The provision on leading youth astray in Chapter 16, Section 12 of the Penal Code counteracts the spread of racist propaganda. An explanation of these provisions is provided in paragraphs 62 and 65 of the fifteenth and sixteenth periodic report.

#### *Act on Special Control in Respect of Aliens*

16. Under amendments that took effect 31 March 2006, the Swedish Migration Board shall have original jurisdiction to rule on cases under the Act (1991:572) on Special Control in Respect of Aliens. Migration Board decisions in deportation cases may be appealed to the Government. Appeals must be submitted to the Migration Board, which is required to swiftly refer the matter to the Migration Court of Appeal. The court is required to hold oral proceedings at which the alien is questioned and gives testimony on the matter. The statements and documents must thereafter be referred to the Government for decision. If the court rules that there is an impediment to executing the deportation order, the Government is required to ban execution of the deportation order until further notice.

17. The stated requirements for effective legal remedies and trial in more than one court can thus be considered met through the new regulations. The new regulations strengthen rights of due process for the individual. Impediments to execution of a deportation order, such as risk that the person will be subjected to the death penalty, corporal punishment or torture or other inhumane and degrading treatment or punishment, are also more clearly considered in that the Government is bound by the opinion of the Migration Court of Appeal, as it must in such cases order that a deportation order cannot be executed until further notice.

#### *Application of penal legislation against hate crimes*

18. Swedish police and prosecutors have consistently prioritised hate crimes since 2003. The effort is on a broad front and covers everything from initiatives against unlawful discrimination in places of public entertainment to actions aimed at inducing estate agents and renters of commercial premises not to provide premises to e.g. Nazi organisations.

19. Reports from the police show that trends related to these crimes vary across the country. Resource allocation and methods are governed by local conditions. Half of all police authorities in Sweden have held training courses for various target groups, both internal and external. Intelligence-based operations by police authorities are being continually improved.

20. The police cooperate and exchange information with ethnic organisations, schools and local authorities towards increasing understanding of hate crimes and identifying effective measures against them. Internationally, the Security Service cooperates with corresponding police organisations in Europe concerning hate crimes linked to the white power movement.

21. The National Police Board has produced manuals aimed at encouraging police to take victim-support measures early in the

investigative process that improve opportunities for the police to clear the crime. The manuals are a key component in police efforts to fight hate crimes.

22. Local Prosecution Service offices and special prosecutors for coordinating actions against hate crimes have effective and ongoing cooperation with the police in relation to both crime trends and investigative methods. The National Police Board, the Security Service and the Swedish Prosecution Authority have held a joint conference for police liaisons and special prosecutors appointed to work with hate crimes.

23. The Prosecution Authority established in January 2005 a special prosecution development centre with agency responsibility for issues including legal development and legal inspection of cases involving hate crime and matters related to the European Convention on Human Rights.

24. This prosecution development centre carried out a comprehensive project in 2005 oriented towards identifying and rectifying problems related to police and prosecutorial initiatives against hate crimes. The project reviewed a large number of cases involving unlawful discrimination and agitation against a national or ethnic group. The project was concluded with a memorandum whose contents included guidelines for direct support to prosecutors. The memorandum has been made available to all prosecutors in the country. The development centre carried out a special supervisory programme by reviewing cases and visiting local prosecutors in spring 2006. The special initiatives taken have further reinforced efforts to combat hate crimes.

25. The National Council for Crime Prevention took over responsibility for hate crime statistics from the Security Service as of 2006. Hate crime statistics published for 2005 were compiled by the Security Service and refer to crimes for which police reports indicate there maybe racist, xenophobic or anti-Semitic motives. At present, it is not possible to track all reported hate crimes through the legal system chain. However, an extensive development project is currently in progress aimed at improving information provision in the legal system, including criminal statistics. One issue being studied is how reported crimes could be more effectively followed through the legal system chain.

26. The National Council for Crime Prevention's summary report for 2005 shows that the number of reported xenophobic hate crimes has remained relatively constant in the 2000s. There were 2 272 crimes reported in 2005, of which half involved assault, unlawful threat or persecution. About one fourth of these reports refer to the crime of agitation against a national or ethnic group or unlawful discrimination.

27. Number of reported and cleared crimes of agitation against a national or ethnic group and unlawful discrimination, 2003-2005:

<b>Agitation against a national or ethnic group</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Reported crimes	746	715	708
Cleared crimes <sup>10</sup>	347	368	345
Percentage of reported crimes resulting in legal action (person-based clearance)	11% (79 crimes)	10% (75 crimes)	7% (51 crimes)

  

<b>Unlawful discrimination</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Reported crimes	198	330	422
Cleared crimes <sup>11</sup>	187	219	335
Percentage of reported crimes resulting in legal action (person-based clearance)	1% (1 crime)	1% (4 crimes)	0% (1 crime)

28. Decisions regarding legal action by prosecutors in relation to agitation against a national or ethnic group and unlawful discrimination, 2003-2005:

<b>Agitation against national or ethnic group</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Indictment	69	64	47
Orders for summary penalty	9	8	2
Decisions to waive prosecution	1	3	2

<sup>10</sup> Source: National Council for Crime Prevention. 'Cleared crimes' refers to crimes that led to a decision on legal action (indictment, order for summary penalty or decision to waive prosecution), as well as crimes cleared because "the crime cannot be proved", the "act is not a crime", the "suspect is under the age of 15", etc.

<sup>11</sup> Ibid.

<b>Unlawful discrimination</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Indictment	1	4	1

29. Court-imposed sanctions for agitation against a national or ethnic group and unlawful discrimination 2003-2005:

<b>Agitation against a national or ethnic group</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Imprisonment	2	7	9
Remand to social services for care	2	2	4
Probation	3	6	2
Suspended sentence	5	4	5
Fine	25	15	11
Order that previously imposed sanction shall also apply to the new crime/crimes	0	0	4

<b>Unlawful discrimination</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Fine	1	0	2

30. The comprehensive case reviews revealed possible reasons that so few cases of unlawful discrimination lead to legal action. One is that the views of those reporting the crime on what may constitute unlawful discrimination are in many cases vague. This is partly why it has proven relatively common that such reports turn out to be unfounded from the strictly legal standpoint, thus precluding legal action. Another reason is that it can be difficult to prove that the motive of the act in question was to discriminate against someone. Finally, it can be noted that the parties in a discrimination case sometimes come to private agreement on financial compensation after the police report was lodged. In certain situations of this kind, the plaintiff is no longer interested in participating actively in the criminal investigation.

31. The number of cases that lead to legal action in relation to the number of reports is also minor for agitation against a national or ethnic



group. Many of these crimes refer to graffiti, messages and various types of offensive conduct that can never be connected to an individual or even a group of individuals, meaning there is usually no real possibility of investigating these crimes.

32. A working group at the Government Offices is currently following up a report on hate crime issues by the National Council for Crime Prevention from 2002 (Report 2002:9). The working group will submit recommendations for actions that may facilitate steering of government agencies in the legal chain towards achieving consensus on the issue of hate crimes. The outcome will be reported in a memorandum.

### *Civil law*

33. The Measures to Counteract Discrimination in Working Life Act (1999:130) in respect of discrimination on grounds of ethnic affiliation, religion or other belief took effect 1 May 1999. The Ombudsman against Ethnic Discrimination (DO) has supervisory authority under the law.

34. The Equal Treatment of Students in Higher Education Act (2001:1286) took effect 1 March 2002. The law addresses discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation or disability. DO, the Equal Opportunities Ombudsman (JämO), the Disability Ombudsman (HO) and the Ombudsman against Discrimination on Grounds of Sexual Orientation (HomO) have supervisory authority under the law.

35. The Prohibition of Discrimination Act (2003:307) took effect 1 July 2003. The law addresses discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation or disability. The four anti-discrimination ombudsmen have supervisory authority under the law. With respect to prohibition of discrimination on grounds of ethnic affiliation or religion or other belief, the law applies to labour market policy programmes, membership in trade unions and employers' organisations, access to goods, services, housing, social services, social insurance, unemployment insurance and health care and medical services.

36. The Committee is referred to paragraphs 22, 23, 24 and 27 of the fifteenth and sixteenth report for further information about the laws.

37. The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67) took effect 1 April 2006. The law prohibits discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation and disability. The law shall be applied to all activities regulated by the Education Act (1985:1100), that is, preschool programmes, school-age child care, compulsory and upper secondary school and municipal adult education.

38. The four anti-discrimination ombudsmen have supervisory authority under the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students. A Children and Students Ombudsman was appointed in March 2006 at the National Agency for Education. The Children and Students Ombudsman is tasked with ensuring compliance with the law within its area of responsibility.

39. The Parliamentary Committee on Discrimination submitted its report *Consolidated Discrimination Legislation (En sammanhållen diskrimineringslagstiftning* [SOU 2006:22]) in February 2006. The report contains the Committee's recommendations for consolidated legislation against discrimination and a new, merged ombudsman encompassing all grounds for discrimination. The report has been referred for consideration and the recommendations are being reviewed by the Government Offices. The aim of the work is for a new legislation to take effect during 2008.

#### *Application of civil rights legislation*<sup>12</sup>

40. Number of complaints lodged with DO, categorised by the various discrimination laws, 2003-2005<sup>13</sup>:

	2003	2004	2005
Measures to Counteract Discrimination in Working Life Act	349	311	334
Equal Treatment of Students in Higher Education Act	14	14	17
Prohibition of Discrimination Act	93	337	426

<sup>12</sup> Source: DO. A person who believes he or she has been discriminated against on grounds of ethnic affiliation, religion or other belief may choose to take independent legal action or lodge a complaint with DO. If the case involves discrimination in the workplace, the person may also lodge a complaint with his or her union. This report discusses only complaints lodged with DO. DO is charged with attempting primarily to reach voluntary agreements.

<sup>13</sup> As the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students did not take effect until 1 April 2006, no statistics regarding the law are provided in this report.

41. Of the complaints received by DO, the overwhelming majority were lodged by men. In 2005, 64 per cent of reports of violations of the Measures to Counteract Discrimination in Working Life Act were lodged by men. Of those who filed complaints of violations of the Equal Treatment of Students in Higher Education Act, 76 per cent were men and of those whose complaints referred to the Prohibition of Discrimination Act, 66 per cent were men.

42. Number of cases decided by DO regarding the Measures to Counteract Discrimination in Working Life Act, categorised by reason for closing the case, 2003-2005<sup>14</sup>:

Reason for closure	2003	2004	2005
Court ruling <sup>15</sup>	4	5	3
Settlement	29	34	15
Situation resolved	26	32	27
Complaint insufficient	23	30	25
Statute-barred	36	48	35
Withdrawn	22	56	55
Dismissed <sup>16</sup>	214	354	163

43. Number of cases decided by DO regarding the Equal Treatment of Students in Higher Education Act, categorised by reason for closure, 2003-2005<sup>17</sup>:

Reason for closure	2003	2004	2005
Complaint insufficient	1	3	
Statute-barred	4		3
Withdrawn	2		1
Dismissed <sup>18</sup>	8	12	15

44. The Equal Treatment of Students in Higher Education Act requires higher education institutions to take active measures to promote equal rights for students and to prepare and annually follow up an equal

<sup>14</sup> Source: DO.

<sup>15</sup> In all cases, the Labour Court has dismissed DO's lawsuits.

<sup>16</sup> 'Dismissed' means that the cases were closed because the investigation revealed no grounds to support the complainant's claim of discrimination as defined by law.

<sup>17</sup> Source: DO

<sup>18</sup> 'Dismissed' means that the cases were closed because the investigation revealed no grounds to support the complainant's claim of discrimination as defined by law.

treatment action plan. Universities and university colleges provided reports to the Government in 2004 of the actions taken by the institutions based on the plan. The discrimination ombudsmen have also monitored institutional efforts by means of complaints and self-initiated reviews. They have also carried out a comprehensive information initiative aimed at improving the legally required efforts of higher education institutions.

45. As a result of the initiatives mentioned, many universities and university colleges have action plans and working organisations for equal treatment programmes. The Government is carefully monitoring the higher education institutions' compliance with the law.

46. Complete statistics over how complaints based on the Prohibition of Discrimination Act have been resolved by DO are not yet available. Application of this law requires more thorough investigation and involves more complex issues and assessments than application of the other laws. As a result, investigations are protracted. Settlements were reached in 16 cases in 2005. An additional 16 cases were closed favourably for the complainant through resolution of the situation by other means. Most cases have been closed because the investigation revealed no grounds to support the complainant's claim of discrimination as defined by law.

### **Other general measures to combat ethnic discrimination and racism**

#### *A national action plan for human rights*

47. *A National Action Plan for Human Rights 2006-2009* (Government Communication 2005/06:95) was submitted to the Riksdag on 9 March 2006. The action plan contains a clear focus on measures against discrimination. Issues addressed in 2001 in *A National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination* (Government Communication 2000/01:59) were followed up and elaborated on in the new action plan. The Committee is referred to paragraphs 129–131 under Article 7 for further information about the action plan.

#### *Anti-discrimination strategies in state agencies*

48. A number of state agencies have been instructed to prepare anti-discrimination strategies. The purpose of the strategies is to establish long-term, continual and comprehensive anti-discrimination programmes. They should be based on discrimination that may occur in the agency's own activities and address issues including how people who come into contact with the agency are treated.

*Anti-discrimination programmes in state-owned companies*

49. The 'owner policy' for state-owned companies describes the need for diversity, the objective of diversity work and tools for accomplishing policy objectives. The owner policy was amended in 2006 to clarify the need for efforts against discrimination. The general objective of this effort is that discrimination connected to gender, ethnic affiliation, religion or other belief, sexual orientation or disability shall not occur in relation to employees, customers, suppliers or others with whom the company comes into contact. Initiatives towards that end include action plans prepared by state-owned companies.

*Anti-discrimination clauses in procurement contracts*

50. The Ordinance on Anti-Discrimination Clauses in Procurement Contracts (2006:260) took effect 1 July 2006. The purpose of the ordinance is to increase awareness of and compliance with Swedish non-discrimination laws.

51. The ordinance applies to 30 state agencies. The agencies are enjoined to apply anti-discrimination clauses in certain works of service contracts. The purpose is to counteract discrimination by a supplier in the performance of works or service contracts in Sweden. The ordinance imposes certain requirements for how an anti-discrimination clause should be worded. The agencies are also required to attach a sanction to the clause.

52. General advice on application of the ordinance and a sample anti-discrimination clause have been drafted by the National Board for Public Procurement in consultation with the anti-discrimination ombudsmen.

*Regional development programmes for diversity and anti-discrimination*

53. The Swedish Administrative Development Agency was instructed in December 2005 to lead and coordinate a development project for diversity and anti-discrimination. The project encompasses about fifty government agencies in five counties. The county administrative boards will be responsible for coordination and knowledge transfer among the participating agencies in their counties.

54. The objectives of the project are to facilitate and develop agency efforts for diversity and anti-discrimination and to develop government agencies into open, unprejudiced organisations. The Administrative Development Agency will submit a final report on the project to the Government in March 2008. The Agency for Public Management has been tasked with evaluating the project.

### *Financial support for anti-discrimination programmes*

55. The Swedish Integration Board allocates state funding to local ‘anti-discrimination agencies’ pursuant to the Ordinance on State Grants for Activities that Prevent and Combat Discrimination (2002:989). The initiatives also involve skills development and are carried out according to a plan drafted jointly by the Swedish Integration Board and the ombudsmen against discrimination. There are about twenty anti-discrimination agencies nationwide. The Integration Board evaluated the programmes in 2006. It concluded that efforts have focused primarily on ethnicity and that they should to a greater extent involve the other grounds for discrimination.

56. The Swedish Integration Board also allocates state grants according to special guidelines to the Centre Against Racism, a national umbrella organisation for about a hundred non-governmental organisations. This support will however cease after 2007. The Centre Against Racism was established in spring 2004 and is the responsible principal for the web-based knowledge bank *Sweden Against Racism*. The Integration Board evaluated the Centre Against Racism’s activities in 2006. One of the conclusions of the report was that the organisation reaches out to a relatively limited number of other actors.

### *Situation testing*

57. The Swedish Integration Board has had an assignment to test the possibilities of using situation testing in order to investigate the occurrence and extent of ethnic discrimination in the Swedish labour market. The International Labour Organisation (ILO) has, in accordance with an agreement with the Swedish Integration Board, carried out such a study in 2005 and 2006. ILO will present its conclusions and recommendations based on the study in 2007.

### *Committees on structural discrimination*

58. Two special committees were instructed to study structural discrimination on grounds of ethnicity or religion. The Committee on Structural Discrimination on Grounds of Ethnicity or Religion submitted its final report *The Blue and Yellow Glass House – Structural Discrimination in Sweden* (SOU 2005:56) in June 2005. The Committee on Power, Integration and Structural Discrimination submitted its final report *Integration’s Black Book. Agenda for Equality and Social Cohesion* (SOU 2006:79) in August 2006. The reports have been referred for consideration and the recommendations are being reviewed by the Government Offices.

### *Revocation of licences to serve alcoholic beverages*

59. One of the tasks of the Committee on Supervision in the Social Services was to submit recommendations for how discrimination in restaurants and public houses should be prevented or impeded through changes in the Alcohol Act (1994:1738) and to draw attention to opportunities to combat discrimination through education. The interim report *Responsible serving – without discrimination* (SOU 2006:56) has been referred for consideration and the recommendations are being reviewed by the Government Offices.

### *Discrimination and intolerance on grounds of religion or other belief*

60. Much of the general efforts against ethnic discrimination and racism discussed in this report are also aimed at preventing and combating discrimination and intolerance on grounds of religion or other belief, such as anti-Semitism and Islamophobia.

61. As discussed in paragraphs 122 and 123 of the fifteenth and sixteenth periodic report, the Living History Forum was established as a public agency on 1 June 2003. The agency provides continuing education on intolerance expressed e.g. as Islamophobia and anti-Semitism for teachers and other professionals who work with children and youth. The Living History Forum has also carried out in-depth studies of Islamophobia and anti-Semitism in order to gain clearer understanding of the causes of such intolerance. The Committee is referred to paragraph 134 under Article 7 for further information about the agency.

62. The Government Council for Contacts with Religious Communities was established in 2000 and is chaired by the Government minister responsible for issues related to religious communities. The Council is made up of representatives of Christian, Jewish, Muslim and Buddhist communities and representatives of the state. The Council is intended to be a forum for continuous contact and exchanges of knowledge and experience, including discussions of religion and values.

63. With financial support from the Swedish Integration Board, seven Muslim organisations have formed an umbrella organisation called The Forum for Equal Rights. Women's, youth and student organisations and a study organisation belong to the Forum, whose activities thus far include the establishment of an anti-discrimination agency in Stockholm.

## Article 2.2.

### *National minorities*

64. As mentioned in paragraphs 42–44 of the fifteenth and sixteenth periodic report, a policy on national minorities was established in 2000. Several state initiatives have been taken, including actions to combat discrimination, and towards protecting national minorities and minority languages.

65. The Government's consultation process with representatives of minority organisations has been reinforced by supplementing the annual joint deliberations with separate meetings with each minority group.

### *The Roma*

66. As discussed in paragraph 55 of the fifteenth and sixteenth periodic report, the Council for Roma Issues was established in 2002 as an advisory body to the Government. The work of the Council has furthered the implementation of several initiatives to improve the situation of the Roma in Swedish society, including instructing the National Agency for Education to perform an in-depth study of the situation of Roma students in Swedish schools.

67. The project implemented by DO to combat discrimination against the Roma was reported to the Government in 2004. The report recommended actions to continue the effort towards eliminating discrimination. The Agency thereafter was given a continued mandate and special funds to work with this issue.

68. The working group of Roma women set up in 2002 has held regional seminars to provide opportunities for networking and discussions of the situation of Roma women and girls in Sweden in relation to education and employment.

69. A delegation for Roma issues was established in September 2006. The delegation's mandate is to advance the effort to improve the Roma's situation in Sweden. It has been instructed to study the situation of the Roma and submit recommendations towards improving the living conditions of the Roma in society. The delegation will also promote and support local projects and programmes aimed at improving the situations of the Roma.

### *The Sami*



70. The Government submitted a bill on greater Sami influence in early 2006. Aimed at increasing Sami self-determination, the Government proposed designation of the Sami Parliament as the central administrative agency responsible for reindeer husbandry and transfer of a number of administrative tasks from county administrative boards and the Board of Agriculture to the Sami Parliament.

71. A Nordic expert committee appointed by ministers responsible for Sami issues submitted a draft for a Nordic Sami Convention in late 2005. The convention is the first attempt to create a regional indigenous people's convention. The draft has been referred for consideration and will be addressed by the responsible ministers at the next Nordic meeting between the ministers and presidents of the Sami Parliaments.

72. As discussed in paragraph 50 of the fifteenth and sixteenth periodic report, an information campaign about the Sami people was initiated in 2001. The campaign has been turned over to the Sami Parliament, which was allocated additional resources for the purpose. The Sami Parliament has established an information centre aimed at government agencies, non-governmental organisations, the media and the general public.

73. As discussed in paragraph 47 of the fifteenth and sixteenth periodic report, a Boundary Commission was appointed in 2002. The Commission submitted its report (SOU 2006:14) in early 2006. The report has been referred for consideration and the recommendations are being reviewed by the Government Offices.

74. The study of hunting and fishing rights in the reindeer breeding area discussed in paragraph 47 of the fifteenth and sixteenth periodic report was also concluded in early 2006. The report (SOU 2005:116) has been referred for consideration and the recommendations are being reviewed by the Government Offices.

75. In light of considerations including the aforementioned studies, the Government will be assessing conditions for ratification of ILO Convention 169.

76. With respect to legal disputes between landowners and Sami villages, no Sami villages have been sued since 1998 and there are no indications that further legal action will be taken. A major dispute concerning traditional rights to reindeer pasture near Umeå was recently decided. The property owners' suit was dismissed by the district court and the court thus found that the Sami villages had traditional rights to the land in question. The property owners' have been ordered to pay all trial costs.

### Article 3

77. Since 1999 local development agreements have been signed by the state and seven metropolitan municipalities until 2006 aimed to stop social, ethnic and discriminating segregation in the metropolitan regions. A report on developments in the relevant city districts was presented to the Parliament in 2003. In 2005, a special commission submitted its final report in the research overview *Cities on the Move* (SOU 2005:29). The Government established in the Budget Bill for 2007 (Prop. 2006/07:01) that measures are required to continue the combat against distressed urban areas in the country as a whole. In December 2006 the Government decided to offer a total of 25 municipalities negotiations on local development agreements for the year 2007 to stop the spreading of distressed urban areas in the country.

78. The Swedish Integration Board presented its annual statistical report on trends in the 24 city districts covered by local development agreements in June 2006. The changes were generally positive for the period of 1997-2004, but the trend in recent years was less significant. That was also the case elsewhere in the country, due to poorer economic trends. The employment rate declined during 2002-2004 for instance, but the trend is comparable to the country on average. The percentage of unemployed persons is largely unchanged, but the level of education is still rising in the city districts. The change expressed as a decline in long-term dependence on economic assistance was most significant during the period of 1997-2004 when it declined by 6.2 percentage points on average. But the report shows that most of the 24 housing areas are characterised by a negative segregation process in which residents of higher socioeconomic status are moving away. The difference compared to the 1980s, however, is that the economic circumstances of more individuals of foreign background have improved and they are choosing to move.

79. The National Board of Housing, Building and Planning has three reporting requirements for 2006 in respect of housing segregation and integration. One is to track and elucidate trends and to promote knowledge transfer regarding integration in housing and housing segregation in various parts of the country and actions taken in segregated housing areas. The second reporting requirement is to develop physical planning instruments aimed at promoting increased integration and counteracting segregation in society. The National Board of Housing, Building and Planning will also be analysing the causes of disparities in housing conditions between people of foreign background versus Swedish background, analysing relevant initiatives and submitting recommendations for new or modified initiatives. Reports on the three requirements will be submitted in February 2007.

#### Article 4

Article 4 (a)

80. As discussed in paragraph 13 under Article 2.1, agitation against a national or ethnic group is prohibited under Chapter 16, Section 8 of the Penal Code. Freedom of expression in the media has particularly strong protection in Sweden through the constitutional provisions in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression (see paragraphs 25–30 of the twelfth periodic report). The crime of agitation against a national or ethnic group is included in the list of offences that may be punishable in constitutionally protected media. Penal provisions protecting ethnic minorities thus apply even if the offence is committed in a medium protected by the constitution, such as a newspaper or television.

#### Article 4 (b)

81. As discussed in paragraph 73 of the fifteenth and sixteenth periodic report, a parliamentary committee determined in 2000 that there was predominant reason not to expand criminalisation of participation in or support of organisations in which criminal activity takes place. The majority of referred bodies concurred with the committee's opinion.

82. The laws discussed below, however, mean that organisations engaged in racist activities cannot pursue such activities without breaking the law. In other words, the activities of such organisations are countered through this legislation.

83. The dissemination of racist statements etc., through an organisation or similar group is punishable under the provision on agitation against a national or ethnic group, as is dissemination within the organisation or group. The penal provision is described in greater detail in paragraph 66 of the fifteenth and sixteenth periodic report.

84. As discussed in paragraph 67 of the fifteenth and sixteenth periodic report, a precedent ruling by the Supreme Court in 1996 has been followed by convictions for agitation against a national or ethnic group, for use of Nazi symbols and other expressions of racist opinions.

85. Aimed at preventing the formation of organisations beyond the reach of democratic control, unlawful military activity is prohibited under Chapter 18, Section 4 of the Penal Code. The provision is described in greater detail in paragraph 69 of the fifteenth and sixteenth periodic report.

86. Conspiracy, preparation, attempt, or complicity in crimes including those committed in organised forms is punishable by law according to Chapter 23 of the Penal Code. The Government of Sweden refers the

Committee to paragraphs 70 and 71 of the fifteenth and sixteenth periodic report for further information.

87. As mentioned in paragraph 14, it is also regarded as an aggravating circumstance if a crime is committed for which the motive was to aggrieve a person, an ethnic group or a similar group of people on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance.

88. Crimes committed in organised forms shall carry higher penal value according to the Penal Code. When assessing penal value, it shall be considered an aggravating circumstance according to Chapter 29, Section 2, paragraph 5 of the Penal Code if a crime was part of a criminal activity which was especially carefully planned or carried out on a large scale and in which the accused had a significant role.

89. A framework decision on combating organised crime was negotiated within the European Union in 2005 and 2006. The instrument contains commitments on criminalisation and provisions on sanctions for crimes committed within criminal organisations. The Government Offices is currently preparing an approval bill for presentation to the Riksdag.

#### Article 4 (c)

90. According to Chapter 1, Article 9 of the Instrument of Government, courts of law, administrative authorities and others performing tasks within the public administration shall have regard in their work to the equality of all before the law and shall observe objectivity and impartiality. Support or promotion of ethnic discrimination is also punishable by law under the penal provisions and civil rights laws mentioned under Article 2.1. The prohibition also applies to individual public officials.

### Article 5

#### Article 5 (a)

91. The Committee is referred to paragraphs 86-87 of the twelfth periodic report concerning relevant legislation.

92. An active project is ongoing aimed at preventing discrimination in the legal system. The National Police Board, the Office of the Prosecutor-General (now the Prosecution Authority), the National Courts Administration and the Prison and Probation Service have drafted special skills strategies in respect of discrimination. The strategies are aimed at long-term, comprehensive and continual efforts surrounding issues of discrimination.

93. Several initiatives have been taken based on the strategies. One of the objectives was to raise awareness among staff of the causes of discriminatory behaviours and that such behaviours can exist within their own organisations.

94. The National Council for Crime Prevention has been instructed to study discrimination in legal proceedings involving defendants and plaintiffs of foreign background. The Council has been instructed to submit its report by 31 October 2007.

95. The objective is to base an assessment of additional measures that may be necessary to ensure that discrimination does not occur within the legal system on the study by the National Council for Crime Prevention.

#### Article 5 (b)

96. The Committee is referred to paragraphs 88-89 of the twelfth periodic report concerning relevant legislation.

#### Article 5 (c)

97. The Committee is referred to paragraph 78 of the twelfth periodic report concerning relevant legislation.

98. Prior to the 2006 general election, twelve municipalities were allocated funds for initiatives aimed at increasing understanding of the Swedish democratic system in general and election issues in particular. The goal was to reach groups for which voter turnout is low, including people of foreign background.

99. A 2006/2007 network project among three municipalities and one county council is aimed at creating better conditions for elected representatives of foreign background. The network is made up of established politicians and neophyte elected representatives of foreign background. Based on their discrete experience, the participants will be discussing what kind of initiatives might eliminate barriers and improve opportunities for politicians of foreign background.

100. One consequence of the new Elections Act that took effect in January 2006 is that the Election Authority is required to inform the public by appropriate means when, where and how to vote. Prior to the 2006 election, the Authority used several media channels to reach out to various groups with information about the election and the information was translated into several languages.

#### Article 5 (d)

101. According to Chapter 2, Article 15 of the Instrument of Government, no act of law or other provision may imply the unfavourable treatment of a citizen because he belongs to a minority group by reason of race, colour or ethnic origin. With respect to Article 5 (d) (iii) the Committee is referred to paragraph 86 of the fifteenth and sixteenth periodic report for information about the Act on Citizenship which took effect 1 July 2001.

#### Article 5 (e)

##### *Labour market policy programmes*

102. *Trial Opportunity* is a scheme for individuals who have little or no experience in the Swedish labour market. Unlike other programmes, it is meant to be offered to job-seekers soon after they register with the Employment Service; 1,700 foreign-born individuals participated in the scheme in 2005 and nearly half of them were in work six months after completing the programme. The *Occupational Assessment* scheme is usually carried out in a workplace and is aimed at assessing occupational skills.

103. The *Workplace Introduction* scheme, which has been in effect since 2003, involves frequent contacts with employers and more in-depth support to job-seekers and, if required, to employers. The purpose of the scheme is to compensate for immigrants' lack of contacts and networks in the community and the job market. Some 4,800 people participated in 2005. Of those who had a job 90 days after completing the programme – 61 per cent – unsubsidised jobs were twice as common as jobs dependent on a subsidy to the employer. An evaluation showed that the scheme had a highly positive impact on opportunities to gain a job via work experience positions. The impact was greater for women than for men.

104. Another tool is to offer subsidies to employers upon employment. In 2005, 10 200 foreign-born individuals gained subsidised employment, including 7 000 jobs with a general recruitment incentive and 3 200 with a wage subsidy. This implies that individuals born abroad are somewhat overrepresented in jobs with a general recruitment incentive while the situation is the reverse with regard to wage subsidies.

105. A pilot project for newly arrived immigrants started 1 July 2006, for which the National Labour Market Board (AMS) is the responsible agency. The three pillars of the pilot project are early contact with the

labour market, swift assessment of education and experience and Swedish language instruction combined with job-oriented initiatives.

106. AMS has also been instructed to develop and streamline cooperation with other relevant actors in 2006, pursuant to a central agreement on developing introduction programmes for refugees and other immigrants entered into among various government agencies and organisations. The Swedish Integration Board has evaluated the impacts of the agreement and concludes that it has given legitimacy and structure to the work. The central agreement has been an important base to develop regional and local co-operation. The number of local agreements needs to be increased according to the Swedish Integration Board.

107. The new Government intends to replace many of the selective labour market schemes with a general subsidy of payroll costs for people excluded from the labour market. The long-term unemployed and newly arrived immigrants are among the groups that will be eligible for 'Re-entry Jobs', which will be exempt from payroll taxes and social security contributions for at least one year. The Re-entry Jobs scheme will be implemented in 2007. The initiatives will apply to certain groups including asylum-seekers who have been granted residence permits and quota refugees and their families for the first three years after a residence permit has been granted.

108. Employment rate among individuals aged 20-64 born in Sweden and individuals born abroad, 2000-2005<sup>19</sup>:

Year	Men born in Sweden %	Men born abroad %	Women born in Sweden %	Women born abroad %
2000	82.5	69.0	78.2	58.7
2001	82.4	68.9	78.9	59.7
2002	81.9	67.7	78.8	60.1
2003	81.7	66.1	78.1	59.0
2004	81.3	65.5	77.7	57.8
2005	83.3	67.5	78.1	61.0

109. Percentage of unemployed people among individuals aged 20-64 born in Sweden and individuals born abroad, 2000-2005<sup>20</sup>:

<sup>19</sup> Source: SCB Labour Market Statistics. New EU-harmonised Labour Market statistics were implemented in April 2005 and the results are thus not fully comparable with statistics for previous years.

<sup>20</sup> Ibid.

Year	Men born in Sweden	Men born abroad	Women born in Sweden	Women born abroad
2000	3.0	6.8	2.3	4.8
2001	2.9	6.1	2.2	5.2
2002	3.1	6.4	2.2	5.2
2003	4.1	8.6	3.0	6.0
2004	3.6	8.4	3.2	6.2
2005	4.5	10.4	4.2	10.3

110. In its *Integration 2005* report, the Swedish Integration Board reviewed and analysed factors including disparities in employment rate. The board believes that the key explanation and cause of the disparities is on the demand side and focuses on discrimination as an important cause. Those who generally have the lowest employment rate are people born in Africa, Asia or Europe outside the EU 15 countries. The disparities cannot be attributed to differences in age, education or marital status. The duration of the person's stay in Sweden does however have a positive impact also for people born in Africa or Asia.

111. The Swedish Integration Board also notes that most jobs are filled through informal recruitment channels and people born abroad often lack the necessary networks. The Board also emphasises the importance of the structural transformation of the labour market, including in the industrial sector, which has more severely affected people born abroad than people born in Sweden.

#### *Anonymous job application process*

112. A pilot project involving anonymous job applications at seven government agencies began in autumn 2006. The aim is to test whether and if so how a method involving anonymous applications will facilitate non-discriminatory recruitment that focuses on skills and qualifications and promotes diversity. The pilot project will continue throughout 2007.

113. In parallel with the pilot project, nine other government agencies have been instructed to participate in a study on recruitment from the diversity perspective. The objective is to gain understanding of recruitment approaches at these agencies and discover the results with respect to greater diversity. The intention is to compare the study results with the results of the pilot project with depersonalised applications.



114. The Government plans to perform a combined evaluation of the pilot programme and the study by reviewing and analysing the lessons learnt and results and comparing the pilot project and the study.

#### *Clarification of municipal responsibility for housing provision*

115. A working committee was appointed in May 2005 and tasked with reviewing legislation related to municipal housing provision and prerequisites for fair and equal conditions in the housing market. The committee's proposals were presented in a ministry memorandum *Fair and Equal Conditions in the Housing Market* (Ministry Publications Series 2006:9). Some of the proposals outlined in the memorandum were aimed at making housing allocation processes transparent and revealing whether discrimination exists. The memorandum has been referred for consideration.

#### *The Health and Discrimination Project*

116. The National Institute of Public Health, DO, HO and HomO carried out a three-year joint health and discrimination project. The results of the project were published in the report *Discrimination – A Threat to Public Health* in October 2006. Another report was published simultaneously, *What does discrimination mean – comparisons between the opinions of various groups and associated concepts*. The latter report was based on a study performed by Statistics Sweden at the request of the project.

#### *Measures in the educational sphere*

117. At the Government's request, the National Agency for Education held a number of national conferences in March 2006 to inform authorities responsible for providing public education and school managers about the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students, and about the requirements the law imposes on responsible individuals at the municipal and institutional levels. The Committee is referred to paragraphs 36 and 37 for further information about the law.

118. A fact sheet about the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students, in Swedish and English, and a brochure have been produced. All schools at the local level and the authorities responsible for providing education received the brochure in spring 2006. The intent is for the brochure to be translated to the national minority languages and some of the more common immigrant languages. The bill is available in easy-to-read Swedish.

119. The National Agency for Education was instructed in August 2006 to survey the incidence of discrimination in the form of harassment on

grounds of gender, ethnicity, religion or other belief, sexual orientation and disability in the preschools, compulsory and upper secondary schools and municipal adult education. The mandate includes follow-up by the National Agency for Education of application of the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students. The Agency has been instructed to submit an interim report to the Government by 1 March 2009.

120. In light of the introduction of a new education and degree structure in higher education, amendments were incorporated into the degree ordinance in the Higher Education Ordinance (1993:100, appendix 2), which include regulation of requirements and objectives for professional degrees. The degree descriptions for a number of degrees state that in order to earn a degree, the student must demonstrate a certain capacity for valuation and approach with particular observance of human rights. The new provisions will be applied to degree programmes as of 1 July 2007.

121. The description for a degree in education was changed in 2005 to reflect the requirement that students must be able to become familiar with, impart, establish and apply existing regulations aimed at preventing and counteracting discrimination and other degrading treatment of children and pupils.

122. In autumn 2004, 82 per cent of all students went on to upper secondary school immediately after leaving compulsory school. In the 2003/04 school year, 0.9 per cent of students of Swedish background and 2.6 per cent of students of foreign background left compulsory school without earning a leaver's certificate. The National Agency for Education submitted a report called *Students of Foreign Background* in October 2004, which showed that the length of time in Sweden was significant for students who immigrated after the customary age at which children start school in Sweden. Of the students who arrived later, 42.5 per cent had achieved eligibility for upper secondary school in spring 2003.

123. In 2004, 24.1 per cent of all students did not earn a passing grade in one or more subjects on their leaver's certificate. Boys of foreign background were the least likely to have reached educational targets. Girls of foreign background were more successful than boys of either foreign or Swedish background. On average, academic performance is poorer among students of foreign background than students of Swedish background. If the results are adjusted for differences in social background, the disparities between the groups are virtually eliminated.

124. In the 2004/05 school year, 16 per cent of first-year students in higher education were of foreign background, an increase of 5 percentage points since 1996/97. With respect to the distribution between women

and men, there was no appreciable difference between first-year students of Swedish and foreign background.

#### Article 5 (f)

125. The Committee is referred to paragraph 32 of the twelfth periodic report for information about the penal provision on unlawful discrimination and to paragraph 34 under Article 2.1 for information about the Prohibition of Discrimination Act.

#### Article 6

126. The Committee is referred to paragraphs 133 and 134 of Sweden's twelfth periodic report. As discussed in paragraphs 91–94 under Article 5, a comprehensive project is ongoing within the legal system to ensure realisation of the principle of equality before the law in day-to-day operations.

#### Article 7

##### *Consultation with non-governmental organisations*

127. Non-governmental organisations active in the areas covered by the Convention were invited to a meeting in November 2006. The organisations were informed at the meeting about the reporting process and the planned contents of this report. The non-governmental organisations were also given the opportunity to question the responsible officials and express their opinions.

##### *The Swedish Government's human rights website*

128. Exhaustive information about human rights is available on the Swedish Government's human rights website ([www.manskligarattigheter.se](http://www.manskligarattigheter.se) or [www.humanrights.gov.se](http://www.humanrights.gov.se)). Key human rights conventions and information about individual complaint procedures are posted on the website, as are other important documents such as Sweden's reports to UN treaty-monitoring bodies and the committees' concluding observations and recommendations. The documents are available in Swedish and English.

##### *The National Action Plan for Human Rights*

129. The National Action Plan for Human Rights 2006–2009 (Government Communication 2005/06:95) establishes the long-term objective of securing full respect for human rights in Sweden. The National Action Plan takes an overall approach to human rights issues in Sweden with regard to specific rights issues as well as matters of understanding, information and organisation.

130. As discussed in paragraph 47 under Article 2.1., the focus of the action plan is protection against discrimination. The action plan also announces several initiatives aimed at increasing knowledge and information about human rights within the education system and the public sector and among the general public.

131. In conjunction with the presentation of the action plan, the Government established a Delegation for Human Rights in Sweden. The Delegation's mandate is to support the long-term task of securing full respect for human rights in Sweden based on the action plan. This will be accomplished by various means including support to government agencies, local authorities and county councils in their human rights efforts.

#### *The Ombudsman Against Ethnic Discrimination (DO)*

132. Information and training initiatives pertaining to ethnic and religious discrimination are an important component of DO's activities. In recent years, DO has concentrated its efforts on encouraging government agencies, companies and organisations to carry out their own information and training initiatives. The Ombudsman also carried out special information initiatives in 2006 directed at groups particularly at risk of discrimination.

#### *The Swedish Integration Board*

133. As discussed in paragraph 57 under Article 2.1, the Swedish Integration Board has studied the incidence of ethnic discrimination in the labour market. The Board also published two reports in 2006: *Racism and Xenophobia in Sweden* and *Experiences of Ethnic Discrimination Among Foreign-born Individuals in Sweden 2005*. The Board has also followed up attitudes, experiences and knowledge about subjects including ethnic discrimination and racism through the *Integration Barometer* survey. The Swedish integration Board will be closed down as from 1 July 2007.

#### *The Living History Forum*

134. As discussed in paragraph 61 under Article 2.1, the Living History Forum is a government agency that concentrates on outreach, knowledge and culture. Particular focus is on children, youth and the adults in their lives aimed at generating dialogue and debate on the subjects on which the organisation is based. For instance, the agency has compiled a web-based catalogue of educational materials and methods for teaching about human rights and is currently working with an interactive exhibition for youth about prejudices, called the Prejudice Tour.