



european network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Sweden

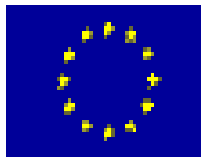
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In cooperation with the
Swedish Centre against Racism

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

The main developments during 2007 in Sweden in the area of racism and ethnic discrimination were the closing down of the government authorities, namely the Swedish Integration Board and the National Institute for Working Life, as well as the new political integration policy and the ongoing legislative process of creating a new and comprehensive anti-discrimination law.

The closing down of the Swedish Integration Board and the National Institute for Working Life has complicated data collection in the field of racism and ethnic discrimination considerably and has contributed to a lack of statistics, data and research.

The government's new integration policy states that special measures that focus on immigrants are only to take place for new immigrants who are in need of such measures and that no other specific integration measures are necessary.

The government has been in the process of drafting a government bill resulting in a new law that will replace all the current civil laws against discrimination. The new law is expected to enter into force on 1st January 2009.

Some of the national recommendations suggested in this report are:

- The Swedish government should give the new combined Ombudsman authority responsibility for research and data collection in the field of discrimination and racism;
- The Swedish government should consider merging the Delegation for Human Rights in Sweden and the new Ombudsman into one single human rights institute in order to strengthen the connection between discrimination and human rights;
- The Swedish government should ensure that counteracting discrimination is made a priority in the work of both national and local government authorities. The authorities should be using their full powers as employers, rule-makers, service providers and providers of public contracts to counteract discrimination and proactively promote equal rights and opportunities;
- The Swedish government, during the legislative process, should move jurisdiction over cases concerning ethnic and religious discrimination in employment from the Swedish Labour Court to the general courts;
- The Swedish government, in the same process, should specify that the new law also prohibits discrimination within the judicial system.

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3. Introduction

The development in the area of racism and ethnic discrimination in Sweden during 2007 was characterised by the closing down of two government authorities: *Integrationsverket* [the Swedish Integration Board] and *Arbetslivsinstitutet* [the National Institute for Working Life], as well as by the ongoing legislative process of creating a new and comprehensive anti-discrimination law.

Another important development throughout the year was the new government policy regarding integration, which stated that integration policy will primarily be implemented through general measures, and that special measures focusing on immigrants are only to take place for new immigrants who are in need of such measures. While to some extent this was merely a rephrasing of existing policy, the practical shift is far from anti-racism and anti-discrimination measures.

This report provides an overview of recent developments in the area of racism and discrimination in Sweden during 2007 from a Swedish civil society perspective.

The first part describes the communities particularly vulnerable to racism and ethnic discrimination in Sweden, and discusses several reports published in this area during 2007.

The report then provides an overview of the situation in the fields of employment, housing, education, health, policing and racial profiling, racist violence and crime, access to goods and services and media including the internet. This section especially focuses on the NGO perspective.

The third section of this report describes the legal and political developments during 2007, and also focuses on the NGO perspective and NGO concerns.

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

4. Communities vulnerable to racism

During 2007 the situations of several communities vulnerable to racism were discussed in various reports.

In the report *Att färgas av Sverige: Upplevelser av diskriminering och rasism bland ungdomar med afrikansk bakgrund i Sverige* [To be coloured by Sweden: Experiences regarding discrimination and racism among young people with African background in Sweden] 33 young people with African backgrounds in Sweden were interviewed regarding their experiences of racism and ethnic discrimination. The report, published by *Ombudsmannen mot etnisk diskriminering* [the Ombudsman against Ethnic Discrimination], showed that all of the interviewed persons had experienced racism or ethnic discrimination at some point in their lives. The report also showed that racism and ethnic discrimination against young people with African origin can be divided into three forms of violations – racist language, violations of personal or physical integrity and special treatment¹.

In another report published in 2007, discrimination against the Sami minority² was discussed. The report was called *Den osynliga urbefolkningen* [the Invisible Indigenous People] and was published by *Samiska rättsförbundet* [the Sami Rights Association]. With this report the Sami Rights Association aimed to describe the structural ethnic discrimination against the Sami people and suggested changes³ to the Swedish Constitution to strengthen minority rights in Sweden⁴.

Moreover, in 2007 the Swedish Integration Board published a report called *Rasism och främlingsfientlighet i Sverige - Antisemitism, antiziganism och islamofobi 2006* [Racism and xenophobia in Sweden – anti-Semitism, anti-Romanism and Islamophobia 2006]. The report was an anthology that included sections on, for example, attitudes towards Muslims and Islam in Sweden and the oppression of the Roma⁵.

In a report published by *Ungdomsstyrelsen* [the Swedish National Board for Youth Affairs] called *Ung idag 2007* [Young Today 2007] the situation of young people in Sweden was discussed. Concerning young people with a foreign background, the report concluded that there are considerable disparities in school performance between young persons from a foreign background and

¹ Kalonaityté, Viktorija, Kawesa, Victoria, and Tedros, Adiam, *Att färgas av Sverige: Upplevelser av diskriminering och rasism bland ungdomar med afrikansk bakgrund i Sverige* (Ombudsmannen mot etnisk diskriminering, 2007).

² The Sami is an indigenous people living in Sweden, Norway, Finland and Russia (the Sami land area is called Sápmi). There are approximately 70 000 Sami in the four countries. Reindeer herding is one of the Sami's traditional trades.

³ The Sami Rights Association suggests, for example, that the right of possession in the Swedish Constitution should be strengthened.

⁴ Samiska rättsförbundet, *Den osynliga urbefolkningen - Ett underlag till förståelse för samer i utanförskap, och en vägledning till Sveriges framtida urfolkspolitik* (Samiska rättsförbundet, 2007).

⁵ Integrationsverket, *Rasism och främlingsfientlighet i Sverige - Antisemitism, antiziganism och islamofobi 2006* (Norrköping: Integrationsverket, 2007).

young persons from Swedish origin. Another conclusion was that young people with a foreign background do not feel more violated in school than young people with Swedish origin and that young women with foreign origin have a higher representation in political parties than young women with Swedish background⁶.

In regard to vulnerable communities it is also important to mention *Delegationen för romska frågor* [the Delegation for Roma Issues] that was appointed by the Swedish government in 2006 and began its work in March 2007. The Delegation's aim is to improve the situation of the Roma community in Sweden, to disseminate information regarding the situation of Roma people in Sweden and to facilitate municipal projects regarding the Roma community⁷.

Finally, another group that are especially vulnerable in Sweden are children without documentation and refugee children in hiding. *Rädda Barnen* [Save the Children Sweden] has therefore focused on helping these children through a project called *Utanpapper.nu* [Withoutpapers.nu]. This project started in 2005 and will end during 2008, and it aims to give information to children without documentation about their rights⁸.

⁶ Ungdomsstyrelsen, *Ung idag 2007* (Ungdomsstyrelsen, 2007).

⁷ Delegationen för romska frågor, www.romadelegationen.se, accessed 3 June 2008.

⁸ Utanpapper.nu, www.utanpapper.nu, accessed 3 June 2008.

5. Manifestations of racism and religious discrimination

5.1 Employment

Throughout 2007 the Ombudsman against Ethnic Discrimination, received 346 complaints concerning ethnic discrimination in employment. This increased compared to the previous year. The Ombudsman brought two cases of discrimination in recruitment processes to *Arbetsdomstolen* [the Swedish Labour Court] and in both cases the Court ruled in favour of the respondent⁹.

In the first of these two cases the Ombudsman claimed that an applicant for a job at a municipality was discriminated against when he was asked offensive questions by trade union representatives in an interview. The trade union representatives asked the applicant if he, coming from a Muslim country, would have a problem working with women. The Labour Court ruled that the municipality could not be held responsible for the questions asked by trade union representatives and dismissed the case¹⁰.

In the second case a man applied for a job at a film company, but was told in an email that he could not be hired due to spelling errors in the application. In this case the Labour Court dismissed the case based on the idea that the employee at the film company rejecting the applicant did not have the authority to do so¹¹.

Moreover, during 2007 several reports were published by *Institutet för arbetsmarknadspolitisk utvärdering* [the Institute for Labour Market Policy Evaluation] in the field of employment and ethnic discrimination. One report was called *Etnicitet och övervikt: implicita arbetsrelaterade fördomar i Sverige* [Ethnicity and Obesity: Evidence of Implicit Work Performance Stereotypes in Sweden], and a result of this report was that the tested employers and students associated Arab Muslim men with lower working capacity than men with Swedish origin¹². In another report, called *Diskriminering i anställningsprocessen: resultat från en Internetbaserad sökkanal* [Detecting Discrimination in the Hiring Process: Evidence from an Internet-based Search Channel]¹³ researchers used data from an Internet CV database to determine if factors such as ethnicity, age, gender and employment status had any affect on the number of contacts received from employers. The results showed that persons that were old that had non-Nordic names or that were unemployed were contacted significantly fewer times than other persons¹⁴.

⁹ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

¹⁰ Ibid.

¹¹ Ibid.

¹² Agerström, Jens, Carlsson, Rickard and Rooth, Dan-Olof, *Etnicitet och övervikt: implicita arbetsrelaterade fördomar i Sverige* (Uppsala: Institutet för arbetsmarknadspolitisk utvärdering, 2007).

¹³ Eriksson, Stefan, and Lagerström, Jonas, *Diskriminering i anställningsprocessen: resultat från en Internetbaserad sökkanal* (Uppsala: Institutet för arbetsmarknadspolitisk utvärdering, 2007).

¹⁴ Ibid.

In another report published in 2007 called *The Income Gap Between Natives and Second Generation Immigrants in Sweden: Is Skill the Explanation*¹⁵ researchers analysed the reasons for differences in income between second generation Swedes (children of immigrants) and native Swedes. The conclusion was that the difference in salary was due to the individuals' skills and not to ethnic discrimination¹⁶.

In the field of employment the developments during 2007 were also characterised by the closing down of the two government authorities known as the Swedish Integration Board and the National Institute for Working Life. These two authorities were responsible for research in the areas such as integration and employment.

One area of concern during 2007 was the development of case law in recruitment processes developed through the two cases in the Labour Court. According to the new case law employers do not have responsibility for discriminatory actions by trade union representatives or unauthorised employees in recruitment processes. Another area of concern was the closing down of the National Institute for Working Life and the Swedish Integration Board, when this led to a serious lack of research and data in the field of employment, ethnic discrimination and integration.

EXAMPLE OF NGO GOOD PRACTICES

The NGO *Röda Korsets byrå mot diskriminering Sundsvall* [Red Cross Bureau against Discrimination Sundsvall] conducted the project *Att vara aktiv mot diskriminering* [To be Active against Discrimination] during 2007. The aim of the project was to educate executives in the Sundsvall municipality regarding discrimination legislation and diversity.

In 2007 the NGO *Antidiskrimineringsbyrån i Värmland* [the Anti-discrimination Bureau in Värmland] continued a project that began in 2006, called *Ett steg framåt* [One Step Forward], with the aim to educate employers and other officials in issues related to discrimination, diversity and xenophobia. The project ended in September 2007.

¹⁵ Nordin, Martin, and Rooth, Dan-Olof, 'Income Gap between Natives and Second Generation Immigrants in Sweden: Is Skill the Explanation?', *IZA Discussion Paper*, No. 2759 (2007).

¹⁶ Ibid

5.2 Housing

The Ombudsman against Ethnic Discrimination received 92 complaints of housing discrimination during 2007. This was an increase compared to the number of housing complaints received in 2006¹⁷.

During 2007 the Ombudsman won its first court case regarding housing discrimination. In this case the District Court of Gothenburg ruled that a landlord discriminated a man with foreign origin, when the landlord denied the man a chance to see an apartment at the same time as the man's Swedish colleagues were invited to look at the apartment. In this case the Court awarded the man 40 000 Swedish crowns in damages (approximately 4 300 euro)¹⁸.

The Ombudsman against Ethnic Discrimination also filed a number of lawsuits during 2007 on cases concerning ethnic discrimination against Roma persons in the housing market. In one of these cases a Roma man had been discriminated against when he was promised an apartment by a landlord over the telephone, but was denied the apartment after a meeting in person¹⁹. In another case a Roma woman was discriminated against by a landlord when her landlord banned her from having visitors and evicted her after one month²⁰.

Moreover, the Ombudsman's housing project, which began in 2006, continued during 2007. The housing project's aim is to prevent ethnic discrimination in housing and to raise awareness regarding housing discrimination. The project continued in 2008²¹.

During 2007 some books and reports were published in the area of housing discrimination. *De allmännyttiga bostadsföretagens organisation* [the Swedish Association of Municipal Housing Companies] published a handbook aiming to help landlords to work pre-emptively against discrimination in the housing market²² and Uppsala University published a research overview of Swedish research regarding ethnic discrimination in the housing market²³. Moreover, according to a Växjö University study using situation testing, housing discrimination was found to be a serious problem in Sweden²⁴.

¹⁷ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² SABO - De allmännyttiga bostadsföretagens organisation, *Lika inför värden? En bok om diskrimineringsfrågor i bostadsföretag* (SABO, 2007).

²³ Bråmås, Åsa, *Etnisk diskriminering på bostadsmarknaden - en forskningsöversikt* (Gävle: Uppsala University, 2007).

²⁴ Ali Ahmed & Mats Hammarstedt, *Discrimination in the housing market—a field experiment on the internet* (Växjö University, 2007), http://www.vxu.se/ehv/filer/forskning/cafo/wps/wps_nek_1_07.pdf (abstract).

EXAMPLE OF GOOD PRACTICE

In January 2007 *Hyresgästföreningen* [the Swedish Union of Tenants] in association with Uppsala University published a report called *Diskrimineringsbarometern* [the Discrimination Barometer]. This report described how the Swedish Union of Tenants and Uppsala University used a method known as situation testing to test if housing companies discriminate potential tenants due to ethnic origin. In 37% of the tested cases the test showed some aspects of ethnic discrimination and in 14% of these cases the discrimination was obvious. The test included over one hundred housing companies²⁵.

5.3 Education

During 2007 the Ombudsman against Ethnic Discrimination received 61 cases of ethnic discrimination in education, of which 46 complaints concerned discrimination in schools and 15 complaints concerned discrimination in universities and higher education. The Ombudsman did not file a lawsuit in any of these 61 cases²⁶.

Moreover, the Swedish Institute for Labour Market Policy Evaluation published a report in 2007 called *Spelar lika kön och etnisk bakgrund på lärare och elever roll för provresultat och slutbetyg?* [Gender and ethnic interactions among teachers and students – evidence from Sweden]. One conclusion in this report was that when the share of ethnic minority teachers increased, the ethnic minority students obtained better results in mathematics²⁷.

A new magazine for pupils called *Respekt* [Respect]²⁸ was published in 2007. The target group of this publication was students and teachers and it contained information and cartoons on discrimination, bullying and human rights. This magazine was developed by the Ombudsman against Ethnic Discrimination, *Jämställdhetsombudsmannen* [the Gender Equality Ombudsman], *Handikappombudsmannen* [the Disability Ombudsman], *Ombudsmannen mot diskriminering på grund av sexuell läggning* [the Ombudsman against Discrimination due to Sexual Orientation], *Barn och elevombudsmannen* [the Ombudsman at the National Agency for Education], *Barnombudsmannen* [the

²⁵ Hyresgästföreningen, *Diskrimineringsbarometern* (Hyresgästföreningen, 2007).

²⁶ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

²⁷ Lindahl, Erica, *Spelar lika kön och etnisk bakgrund på lärare och elever roll för provresultat och slutbetyg?* (Institutet för arbetsmarknadspolitisk utvärdering, 2007).

²⁸ Delegationen för mänskliga rättigheter i Sverige, *Respekt* (Katrineholm: Delegationen för mänskliga rättigheter, 2007)

Children's Ombudsman) and *Delegationen för mänskliga rättigheter* [the Delegation for Human Rights in Sweden]²⁹.

Civil society expressed concern in 2007 regarding a proposition from the political party *Folkpartiet* [the Liberal Party] in the city of Malmö concerning a prohibition to speak languages other than Swedish in schools. According to civil society this proposition violated international conventions³⁰. The proposition was eventually dismissed and it never went into effect.

EXAMPLE OF NGO GOOD PRACTICE

Antidiskrimineringsbyrån i Kalmar [the Anti-discrimination Bureau in Kalmar] conducted a campaign during 2007 called *Det är en mänsklig rättighet att inte utsättas för diskriminering i skolan* [It is a human right not to be subject to discrimination in school]. The aim of the campaign was to inform pupils, parents and school personnel about the new law *Lag om förbud mot diskriminering och annan kränkande behandling av barn och elever* [Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students] that went into force in 2006³¹.

5.4 Health

The Ombudsman against Ethnic Discrimination received 30 complaints regarding ethnic discrimination in health care during 2007³².

The Ombudsman also filed a lawsuit in a case related to health care. In this case the Ombudsman sued Uppsala municipality for ethnic discrimination against an 11-year old Swedish girl with Somali origin. The girl was forced to undergo a gynaecological examination when she and her family returned from a summer visit to Kenya. The reason for the examination was that the Social Service office suspected that she had been circumcised, which was not the case³³.

Furthermore, a doctoral thesis published in 2007 called *Swedish maternal health care in a multiethnic society – including the fathers*³⁴ addressed the situation for

²⁹ Ibid..

³⁰ Junkka, Marcus, *Regeringen ställer sig positiv till brott mot de mänskliga rättigheterna* (Nilivaara: Thema Tidskrift nr 2, 2007).

³¹ Antidiskrimineringsbyrån i Kalmar, *Verksamhetsberättelse 2007* (Kalmar: Antidiskrimineringsbyrån i Kalmar, 2007).

³² Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

³³ Ibid.

³⁴ Ny, Pernilla, 'Swedish maternal health care in a multiethnic society – including the fathers', PhD dissertation (Malmö University, 2007).

mothers with foreign origin in maternal health care in Sweden. According to this doctoral thesis the information and support to women from a foreign background in maternal health care needs to be improved³⁵.

Finally, in February 2007 the UN Special Rapporteur on the right to health, Paul Hunt, submitted his report on Sweden. This report contained sharp criticism of Sweden regarding the limited health care offered to adult asylum-seekers and undocumented persons. The UN Special Rapporteur urged Sweden to offer these persons the same level of health care as is supplied to Swedish residents. Moreover, the Special Rapporteur was surprised that Sweden lacked a national health policy for the indigenous group the Sami and that there was no Sami health research centre³⁶.

EXAMPLES OF NGO GOOD PRACTICE

Rosengrenska is an independent network of health professionals that helps immigrants without documentation and refugees in hiding to receive free health care. The network was founded in 1998 and consists of health professionals that work without compensation. The refugees and immigrants get in contact with the health professionals through an emergency telephone number³⁷.

During 2007 Save the Children Sweden continued the project *Utanpapper.nu* [Without papers.nu], which has the aim to help children without documentation and refugee children in hiding with information about their rights, including the right to health care³⁸.

5.5 Policing and racial profiling

In a report from 2006, researcher Sophie Hydén stated that despite the fact that racial profiling is one of the main problems between the police and immigrants in multicultural societies; the concept has only recently been subject to discussion in Sweden. Sophie Hydén argued that whilst racial profiling is used in general police work in Sweden, it is partly used unconsciously. However, in the police work related to alien control, the police officers themselves described in the report that they use racial profiling as a conscious tool³⁹.

³⁵ Ibid.

³⁶ Hunt, Paul, *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, Paul Hunt – Addendum Mission to Sweden (United Nations General Assembly, 2007).

³⁷ Rosengrenska, www.rosengrenska.org, accessed 2 June 2008.

³⁸ Utanpapper.nu, www.utanpapper.nu, accessed 3 June 2008.

³⁹ Ibid., p.147.

Many persons with a foreign background have filed complaints to the Ombudsman against Ethnic Discrimination regarding ethnic discrimination connected to racial profiling. Many of these individuals have felt discriminated against when stopped and controlled by the police⁴⁰. The Ombudsman has therefore during 2007 initiated a dialogue with *Rikspolisstyrelsen* [the Swedish National Police Board] to develop new guidelines for alien controls⁴¹.

During 2007 the Ombudsman has also conducted training for executives and union representatives in the police in the region *Västra Götaland* regarding discrimination legislation⁴².

There is no law that covers discrimination by the police in Sweden, but nevertheless the Ombudsman against Ethnic Discrimination received 17 complaints concerning ethnic discrimination by the police during 2007⁴³.

5.6 Racist violence and crime

In June 2007 *Brottsförebyggande rådet* [the Swedish National Council for Crime Prevention] published a report⁴⁴ containing the official statistics on hate crimes in 2006. The Swedish National Council for Crime Prevention has since been the government authority responsible for hate crimes statistics in Sweden⁴⁵.

According to the Council's report a total of 2 575 hate crimes with xenophobic, anti-Semitic or Islamophobic motives were reported during 2006. Of these 2 189 crimes had xenophobic motives, 252 crimes Islamophobic motives and 134 crimes anti-Semitic motives⁴⁶.

Moreover, during 2007 the Swedish police in the city of Stockholm created a special force to combat hate crimes. The aim of this rapid response force is to investigate hate crimes committed in Stockholm, and to develop investigation mechanisms for hate crimes in order to solve more of these crimes⁴⁷.

5.7 Access to goods and services in the public and private sector

⁴⁰ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008), p. 52.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ombudsmannen mot etnisk diskriminering statistik, http://www.do.se/t/Platina_886.aspx, accessed 2 June 2007.

⁴⁴ Brottsförebyggande rådet, *Hatbrott 2006 - En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv* (Västerås: Brottsförebyggande rådet, 2007).

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Polisen, <http://www.polisen.se/inter/utill/nodeid=21434&pageversion=1.jsp?articleid=9231458>, accessed 2 June 2008.

During 2007 the Ombudsman against Ethnic Discrimination received 414 complaints about ethnic discrimination regarding access to goods and services, which was higher than in 2006⁴⁸.

Throughout the year the Ombudsman also won four cases in court in this field and the damages awarded ranged between 15 000 SEK and 40 000 SEK (approximately 1 600 euro and 4 300 euro). The Ombudsman also reached six out-of-court settlements and filed lawsuits in five cases during 2007⁴⁹.

Moreover, on 13 March 2007 the Swedish Minister of Integration and Gender Equality, Nyamko Sabuni, declared that she planned to appoint an inquiry to determine if the method known as situation testing can be used by the Ombudsman against Ethnic Discrimination to prove discrimination⁵⁰. The situation testing method is a method using test persons in real situations to prove discrimination. This method has previously been used in Sweden by a group of law students to prove ethnic discrimination in night clubs.

During 2007 civil society in Sweden expressed concern that the rule of law in the area of discrimination in Sweden can not be guaranteed unless new and innovative methods to prove discrimination are used to a greater extent. An example of such a method is situation testing⁵¹.

5.8 Media, including the internet

During 2007 *Sametinget* [the Sami Council] was given the responsibility by the government to conduct a pilot study regarding a new joint web site for the national minorities in Sweden. At the end of the pilot study the Sami Council, in cooperation with representatives of the other national minorities (Roma, Jews, Tornedalers and Swedish Finns) will suggest how such a web site can be designed⁵².

Moreover, the independent part of the Swedish Red Cross called Quick Response continued its work to report on how the media in Sweden reports on immigration, xenophobia and integration during 2007. Quick Response is run by journalists and the aim is to review and react to media reports in this field⁵³.

In September 2007 media researcher Ylva Brune turned over a report to the Delegation for human rights in which she concluded, based on her overview of

⁴⁸ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008), p. 21.

⁴⁹ Ibid.

⁵⁰ Riksdagen, [http://www.riksdagen.se/webbnav/index.aspx?nid=101&bet=2006/07:73#\(EB9CE256-03FE-4D1B-93DA-6B72F655F609\)](http://www.riksdagen.se/webbnav/index.aspx?nid=101&bet=2006/07:73#(EB9CE256-03FE-4D1B-93DA-6B72F655F609)), accessed 2 June 2007.

⁵¹ Bideke, Maria, *Praktikprövning – ett verktyg för ökad rättssäkerhet* (Nilivaara: Thema Tidskrift nr 2, 2007).

⁵² Integrations- och jämställdhetsdepartementet, *Uppdrag till Sametinget att genomföra en förstudie om hemsida rörande de nationella minoriteterna IJ2007/3138/D* (Integrations- och jämställdhetsdepartementet, 2007).

⁵³ Quick response, www.quickresponse.nu, accessed 2 June 2008.

several of Sweden's most important newspapers that the concept of human rights is used by the media to cover a little bit of everything and quite often has little to do with the idea of rights. She also concluded that groups that are likely to be subjected to discrimination are almost invisible in the media⁵⁴.

One area of concern during 2007 was that Sweden had not yet ratified the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The Additional Protocol outlaws racist and xenophobic acts committed through computer networks.

EXAMPLE OF NGO GOOD PRACTICE

In 2007 the national NGO Thema launched an internet data base on situation testing. Thema is a non-governmental organisation which aims to increase the rule of law in the areas of discrimination and human rights. The situation testing data base includes information on the situation testing method, Swedish case law and articles and is available in both Swedish and English⁵⁵.

⁵⁴ Brune, Ylva, *Svenska nyhetsmedier och mänskliga rättigheter i Sverige. En översikt*, http://www.mrdelegationen.se/dynamaster/file_archive/070918/7a348ef920a475069475195acbb9b38c/Medier%20och%20MR2.doc, accessed 26 June 2008.

⁵⁵ Thema, www.thema.se/praktikprovning.htm and <http://www.thema.se/englishsituationtesting.htm>, accessed 2 June 2008.

6. Political and legal context

During 2007 no new laws entered into force in the field of anti-discrimination in Sweden, while awaiting the new comprehensive discrimination law that is expected to enter into force in January 2009. This new law will replace all the existing civil laws in the area of discrimination. Moreover, in January 2009 the four existing Ombudsmen against discrimination will be merged into a single Ombudsman authority⁵⁶.

The development in the political area of racism and ethnic discrimination in 2007 was characterised by the closing down of the two government authorities the Swedish Integration Board and the National Institute for Working Life, as well as by the government's new integration policy. Furthermore, the government cut off funding to the Swedish Centre Against Racism, an anti-racist umbrella organisation for a number of Swedish NGOs.

During 2007 the Swedish cities Botkyrka and Malmö became members of the steering committee of UNESCO's European Coalition of Cities against Racism. Together with the city of Stockholm, which joined the Coalition in 2005, the cities have committed themselves to improving their policies to fight racism, discrimination and xenophobia⁵⁷.

6.1 Anti-discrimination

There were no new legal developments in the area of anti-discrimination in Sweden during 2007, as no new laws entered into force. However, as a result of the recommendations in the Parliamentary Committee report to the Government *En sammanhållen diskrimineringslagstiftning* [Comprehensive Discrimination Legislation] from 2006, the government was in the process of drafting a government bill proposing a new comprehensive law against discrimination and a new law for a combined Ombudsman authority. The new comprehensive law will replace all the existing civil laws against discrimination and cover working life as well as other fields of society. The new Ombudsman will replace the four existing Ombudsmen against discrimination (the Ombudsman against Ethnic Discrimination, the Gender Equality Ombudsman, the Disability Ombudsman and the Ombudsman against Discrimination due to Sexual Orientation) and this new Ombudsman authority is scheduled to be created in 2009⁵⁸.

⁵⁶ Integrations- och jämställdhetsdepartementet, *Regeringens proposition 2007/08:95 Ett starkare skydd mot diskriminering* (Stockholm: Integrations- och jämställdhetsdepartementet, 2008).

⁵⁷ UNESCO's European Coalition of Cities against Racism, http://portal.unesco.org/shs/en/ev.php-URL_ID=3061&URL_DO=DO_TOPIC&URL_SECTION=201.html, accessed 2 June 2008.

⁵⁸ Integrations- och jämställdhetsdepartementet, *Regeringens proposition 2007/08:95 Ett starkare skydd mot diskriminering* (Stockholm: Integrations- och jämställdhetsdepartementet, 2008).

In June 2007 the Swedish government received a 'reasoned opinion' from the European Commission criticising the Swedish implementation of the Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. In this 'reasoned opinion' the Commission argued that the definitions in the Swedish national laws were incorrect, that the exceptions to the prohibition of direct discrimination were broader than allowed by the Directive, that there were limitations on the right of associations to engage in legal proceedings to help victims of discrimination and that the prohibition of discrimination in access to goods and services was only applicable to commercial activities and not to individuals⁵⁹.

Sweden responded to this 'reasoned opinion' in August 2007, stating among other things that changes would be made when the new comprehensive discrimination law entered into force. With regard to limitations on the right of associations to engage in legal proceedings to help victims of discrimination, the Swedish government argued that these limitations were not contrary to EC law, and that Sweden therefore was not required to change the existing legislation in this field. However, Sweden also mentioned that this issue was not yet determined as final and that a discussion would continue during the legislative process⁶⁰.

The Ombudsman against Ethnic Discrimination, the government authority responsible for combating ethnic and religious discrimination in Sweden, received more complaints in 2007 than during the previous year. During 2007 the Ombudsman received 905 complaints of ethnic and religious discrimination and won a total of four court cases. The damages awarded in these four cases ranged from 15 000 Swedish crowns to 40 000 Swedish crowns (approximately 1 600 euro and 4 300 euro)⁶¹.

Prior to the dismantling of the Swedish Integration Board, a critical report was produced that analysed the reasons for the failure of many of the Swedish initiatives in the anti-discrimination field and thus the persistence of discrimination. In brief, Paul Lappalainen and Marcus Lundgren concluded that many of the measures, given the lack of a power perspective and particularly the lack of empowerment among the targets of discrimination, have generally been a disappointment. There has been a general tendency to shift policies away from a focus on the behaviour of e.g. employers and unions to improving, educating and controlling the ethnic minority or immigrants. This type of shift in emphasis has little to do with anti-discrimination. The report concludes with five challenges

⁵⁹ European Commission, *Commission acts to close gaps in race equality rules*, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/928&format=HTML&aged=1&language=EN&guiLanguage=en>, accessed 2 June 2008.

⁶⁰ Utrikesdepartementet, *Svar på motiverat yttrande angående genomförandet i nationell rätt av direktiv 2000/43/EG om genomförandet av principen om likabehandling av personer oavsett deras ras eller etniska ursprung* (Utrikesdepartementet, 2007).

⁶¹ Ombudsmannen mot etnisk diskriminering, *Årsredovisning 2007* (Stockholm: Ombudsmannen mot etnisk diskriminering, 2008).

concerning the future in regard to measures that are to lead to a decrease in discrimination:

- Offer those who risk being the targets of discrimination a position as real policy-makers and partners (increased empowerment).
- Focus on a change in behaviour in the choice of strategies and follow-up.
- Develop clear incentive structures at the management/ leadership level or risk being subjected to the principle of least resistance.
- The measures should put a focus on the idea that discrimination has to lead to costs.
- Develop an understanding of the interplay between the different types of measures in the implementation of anti-discrimination policy⁶².

In the field of civil society and anti-discrimination, the local anti-discrimination bureaux continued their work during 2007. The anti-discrimination bureaux are located throughout Sweden and are funded primarily through government funding. The organisations provide advice to discrimination victims free-of-charge and raise awareness about discrimination. During 2007 anti-discrimination bureaux founded a forum called *Samarbetsforum för antidiskrimineringsbyråer i Sverige (ADB-forum)* [Co-operation Forum for Anti-discrimination Bureaus in Sweden (ADB-Forum)], with the aim of sharing knowledge and conducting regional and national activities in co-operation⁶³.

The main political development in the field of anti-discrimination was the closing down of the two government authorities known as the Swedish Integration Board and the National Institute for Working Life. The Swedish Integration Board was responsible for analysing trends and developments in the integration area and the National Institute for Working Life conducted research in the working life area, including discrimination and diversity. The closing down of these authorities has complicated data collection regarding anti-discrimination considerably and has contributed to a lack of statistics, data and research in this field.

Another political development in this field during 2007 was the government's new policy regarding integration. The government, consisting of *Moderaterna* [the Moderate Party], *Centerpartiet* [the Centre Party], *Folkpartiet* [the Liberal Party] and *Kristdemokraterna* [the Christian Democrats], took office after the elections held in September 2006. In April 2007 the government announced its new integration policy, in which the government stated that the main focus would be on general employment instead of on specific integration measures⁶⁴. The result

⁶² Paul Lappalainen and Marcus Lundgren, Integrationsverket (2007), *Diskriminering dröjer kvar, Delrapport 2 – Insatser mot diskriminering på grund av etnisk eller religiös tillhörighet: överblick och effekter*, http://www.mkc.botkyrka.se/biblioteket/Publikationer/stencilserie/Diskr_Del1och2.pdf, accessed 20 June 2008 English summary on p 77.

⁶³ MRforum, *Antidiskrimineringsbyråerna bildar nationellt samarbetsforum*, <http://www.mrforum.se/default.aspx?documentid=3&q=31&c=31&articleid=351>, accessed 4 June 2008.

⁶⁴ Regeringen, *Integrationspaketet – regeringens satsningar för att påskynda etableringen på arbets- och bostadsmarknaden* (Regeringen, 2007).

of this new policy was that the integration issue more or less disappeared from the political agenda in Sweden during 2007.

Finally, the government also reduced its financial support to the national umbrella organisation the Centre against Racism (*Centrum mot rasism*) during 2007 and announced that the organisation would not be granted any financial support during 2008⁶⁵.

6.2 Migration and integration

Sweden is a country of immigration. During the past five years the population has increased by about 242 000 persons. Immigration accounts for 77% of the increase.

During 2007 a total of 99 485 persons immigrated to Sweden. That is the largest number since the measurements started in 1875. Even emigration has been substantial. During 2007 the immigrants came from – the Nordic countries, including returning Swedish citizens (26 413) – EU Member States outside of the Nordic countries (23 694) – Other countries (49 378). The 10 largest groups in 2007 were citizens of Sweden/returnees (15 949), Iraq (15 200), the Nordic countries (10 464), Poland (7 525), Somalia (3 781), Germany (3 614), Romania (2 587), Thailand (2 548), China (2 386) and Serbia (1 895)⁶⁶.

Concerning integration policy, the Swedish Integration Board had responsibility for certain introduction measures concerning the reception of new immigrants. These duties were transferred to the Swedish Migration Board and the County Administrative Boards. The task of providing subsidies to immigrant organisations and anti-discrimination bureaus was transferred to the Swedish National Board for Youth Affairs. Beyond this the tasks of the Swedish Integration Board concerning (1) Equal rights, obligations and opportunities for everyone, irrespective of ethnic or cultural background, (2) A community founded on social diversity and (3) Social development, characterised by mutual respect for differences, which takes place within the boundaries set by fundamental democratic values in society and where everyone, irrespective of background, is involved and is mutually responsible were not transferred to any other institution.

⁶⁵ Centrum mot rasism, <http://www.centrummotrasism.nu/default.aspx?id=5000>, accessed 2 June 2008.

⁶⁶ Migrationsverket, Kort om migration 2007, http://www.migrationsverket.se/infomaterial/om_verket/statistik/kort_om_migration.pdf, accessed 20 June 2008.

6.3 Criminal justice

6.3.1 Racism as a crime

Even though no new criminal legislation entered into force in 2007, there are several existing legal provisions that address racism as a crime. The crime agitation against a national or ethnic group⁶⁷ and the crime of unlawful discrimination⁶⁸ are two examples. Swedish penal law also includes a provision regarding sentencing and hate crimes. The law states that a court shall determine that an aggravating circumstance exists if it finds that a motive for the specific crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance⁶⁹.

Moreover, the Act on Responsibility for Electronic Bulletin Boards counteracts agitation against national or ethnic groups. In addition, the provision on leading youth astray in the Penal Code counteracts the spread of racist propaganda⁷⁰.

It is also important to point out that *Brottsförebyggande rådet (BRÅ)* [the Swedish National Council for Crime Prevention], which functions as the Swedish government's body of expertise within the judicial system, has been given the responsibility for maintaining statistics related to what is termed 'hate crimes' since 2006. The Council is to present a report yearly on the number of reported crimes where the motives are xenophobic, particularly Islamophobic, anti-Semitic or homophobic.

In June 2007 statistical data regarding hate crimes in 2006 was published by the Swedish National Council for Crime Prevention. According to the Council a total of 2 575 hate crimes with xenophobic, anti-Semitic or Islamophobic motives were reported during 2006. Of these crimes 2 189 crimes had xenophobic motives, 252 crimes Islamophobic motives and 134 crimes anti-Semitic motives. New for the 2006 statistical report on hate crimes was that crimes with Islamophobic motives were presented in a specific category. In addition there were 684 complaints classified as hate crimes that had a homophobic motive. Thus a total of 3 258 hate crime complaints were considered to have been submitted to the police⁷¹.

⁶⁷ Sweden/ SFS 1962:700 (21.12.1962), Chapter 16, Section 8.

⁶⁸ Sweden/ SFS 1962:700 (21.12.1962), Chapter 16, Section 9.

⁶⁹ Sweden/ SFS 1962:700 (21.12.1962), Chapter 29, Section 2.

⁷⁰ Sweden/ SFS 1998:112 (12.03.1998) and Sweden/ SFS 1962:700 (21.12.1962), Chapter 16, Section 12.

⁷¹ Sweden/Brottsförebyggande rådet (2007) *Hatbrott 2006 – En sammanställning av polisanmälningar med främlingsfientliga, islamofobiska, antisemitiska och homofobiska motiv.*

6.3.2 Counter terrorism

The important issue here is the extent to which the so-called anti-terrorist laws and policies are being implemented. This issue does not seem to have entered the news much during 2007.

The government continued preparation of a bill concerning allowing of electronic surveillance of all phone calls and email crossing the border without the need for any suspicion of criminal activity. The original bill *En anpassad försvarsunderrättelseverksamhet, 2006/07:63*⁷² was to be adopted in 2007. However, it was delayed through a parliamentary rule that allows a minority of parliamentarians to ask for a one year delay in cases involving fundamental civil rights. It was adopted later in 2008.

A government inquiry was also completed in 2007, *Genomförande av tredje penningtvättsdirektivet, SOU 2007:23*⁷³, concerning the proposal of more detailed rules in Swedish law and policies needed to counteract money laundering and the financing of terrorist activities. The inquiry was initiated as a result of the need to implement the EU so-called *Third money laundering directive 2005/60/EG*.

Concerning these types of regulations it is interesting to note that the Ombudsman against Ethnic Discrimination has received several complaints concerning discrimination in the international transfer of funds by certain financial institutions⁷⁴. Presumably the complaints to the Ombudsman represent only a small part of the problems that arise daily.

6.3.3 Racial profiling

Racial profiling is still not an issue that is widely recognised in Sweden. However, it might be interesting to note that Sweden will be one of the countries included in the Open Society Justice Initiative's project entitled *The Ethnic Profiling by Police in Europe* which is focused on police discrimination in the choice of who to stop and search⁷⁵.

⁷² Regeringen, *Regeringens proposition 2006/07:63 - En anpassad försvarsunderrättelseverksamhet* (Stockholm: Regeringen, 2007).

⁷³ Finansdepartementet, *Genomförande av tredje penningtvättsdirektivet, SOU 2007:23* (Stockholm: Finansdepartementet, 2007).

⁷⁴ Ombudsmannen mot etnisk diskriminering, Dnr 864-2007, 948-2007, www.do.se/t/Page_1936.aspx, accessed 26 June 2008.

⁷⁵ Open Society Justice Initiative, http://www.justiceinitiative.org/activities/ec/ethnic_profiling, accessed 20 June 2008.

6.4 Social inclusion

In *Sveriges strategirapport för social trygghet och social inkludering 2006-2008* [Sweden's strategy report for social protection and social inclusion 2006-2008], the shortcomings in the field of integration were a priority objective. According to the strategy report three areas are of special concern to the government - the high unemployment rate amongst those with foreign background, differences in educational achievement, as well as financial vulnerability and child poverty among children with parents born abroad⁷⁶.

The strategy report also included a section with social inclusion strategies in regard to integration. In this section the government declared, for example, that extra resources will be given to schools that have large numbers of pupils who fail to attain educational targets and more focus will lie on integration in the labour market. The government also stated that integration policy in Sweden is primarily to be implemented through general measures and that special measures that focus on immigrants are only to take place for new immigrants who are in need of them⁷⁷.

In regard to funding initiatives, the government provides certain funds in the area of social inclusion that NGOs, municipalities and regions can apply for. The Swedish National Board for Youth Affairs is responsible for these funds, which should finance seminars for youth to discuss issues related to social inclusion, cultural diversity, European citizenship and youth participation⁷⁸.

Finally, a report from Save the Children Sweden called *Barnfattigdomen i Sverige -Årsrapport 2007* [Child Poverty in Sweden – Annual Report 2007] describes the situation regarding child poverty during 2007 in Sweden. In this report it is stated that children of foreign origin are four times poorer financially than children of Swedish origin⁷⁹. It also concluded that half of the children living with a single parent of foreign origin are financially poor in Sweden⁸⁰.

⁷⁶ Socialdepartementet, *Sveriges strategirapport för social trygghet och social inkludering 2006-2008* (Socialdepartementet, 2007).

⁷⁷ Socialdepartementet, *Sveriges strategirapport för social trygghet och social inkludering 2006-2008* (Socialdepartementet, 2007), pp. 27-30.

⁷⁸ Ungdomsstyrelsen, <http://www.ungdomsstyrelsen.se/kat/0.2070.1365.00.html>, accessed 2 June 2008.

⁷⁹ Salonen, Tapio, *Barnfattigdomen i Sverige - Årsrapport 2007* (Rädda Barnen, 2008), p.15.

⁸⁰ Ibid., p.18.

7. National recommendations

7.1 General

- The Swedish government should ratify the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
- The Swedish government should amend the law so that equal voting rights apply to all immigrants regardless of their country of origin.

7.2 Anti-discrimination

- The Swedish government should give the new combined Ombudsman authority responsibility for research and data collection in the field of discrimination and racism;
- The Swedish government should consider merging the Delegation for Human Rights in Sweden and the new Ombudsman into one single human rights institute in order to strengthen the connection between discrimination and human rights;
- The Swedish government, during the legislative process involving merging the existing Ombudsmen into one Ombudsman authority, should take into account the UN Paris principles and the importance of ensuring an independent national human rights institution;
- The Swedish government, in the same process, should move jurisdiction over cases concerning ethnic and religious discrimination in employment from the Swedish Labour Court to the general courts;
- The Swedish government, in the same process, should specify that the new law also prohibits discrimination within the judicial system;
- The new law should specify that a job seeker who is discriminated even though he or she was the most qualified applicant has a right to economic damages;
- The Swedish government should co-operate with civil society in the development of situation testing as a research method, as a quality control method and in particular as a method of evidence that will increase the possibility for victims of discrimination to gain redress in court;
- The Swedish government should ensure that counteracting discrimination is made a priority in the work of both national and local government authorities. The authorities should be using their full powers as employers, rule-makers, service providers and providers of public contracts to counteract discrimination and proactively promote equal rights and opportunities;
- The Swedish government should ratify Additional Protocol 12 of the European Convention on Human rights and Fundamental Freedoms;

- The Swedish government should establish a special trust from which NGOs and private lawyers can seek financial support for bringing test cases on behalf of victims of discrimination;
- The Swedish government should ensure that anti-discrimination clauses that allow for cancellation in cases of discrimination in all public contracts.

7.3 Social inclusion

- The Swedish government should ensure that schools not only provide an education concerning the dramatic violations of human rights carried out in other countries, but also concerning the violations of human rights that are part of Swedish history; for example, in relation to the treatment of the Roma, the Jews, the Tornedalers, the Sami, immigrants and others.

8. Conclusion

The three most important developments in the realm of anti-racism and anti-discrimination during 2007 in Sweden are the closing down of government authorities, the new political integration policy and the ongoing legislative process of creating a new and comprehensive anti-discrimination law.

On 1 July 2007 the two government authorities known as the Swedish Integration Board and the National Institute for Working Life were closed. The closing down of these authorities has complicated data collection regarding anti-discrimination considerably and has contributed to a lack of statistics, data and research in this field.

The second significant development concerned the government's new political integration policy. This policy states that integration policy in Sweden is to be primarily implemented through general measures and that special measures that focus on immigrants are only to take place for new immigrants who are in need of such measures. While to some extent this was merely a rephrasing of existing policy, the practical shift is far from anti-racism and anti-discrimination measures.

Finally, the ongoing legislative process of creating a new and comprehensive anti-discrimination law continued during 2007. Throughout 2007 the government was in the process of drafting a government bill resulting in a new law that will replace all of the current civil laws against discrimination. The new law is expected to enter into force on 1st January 2009.

Civil society responded to the new trends by expressing its concern regarding several specific issues. For example, organisations raised their concerns regarding the proposal to ban all other languages than Swedish in schools and regarding the treatment of children without documentation and refugee children in hiding.

Moreover, during 2007 civil society continued to raise awareness in Sweden regarding anti-discrimination legislation and to help individuals subject to discrimination. Civil society also conducted several projects in this field, such as discrimination in employment, in housing and in education.

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10. Annex 1: List of abbreviations and terminology

BRA	- Brottsförebyggande rådet [the Swedish National Council for Crime Prevention]
DO	- Ombudsmannen mot etnisk diskriminering [the Ombudsman against Ethnic Discrimination]
NGO	- Non-governmental organisation
UN	- United Nations
UNESCO	- United Nations Educational, Scientific and Cultural Organization



european network against racism

ENAR Shadow Report 2007