



27 June 2008

To the Committee on the Elimination of  
Racial Discrimination

**The Swedish Government's reply to the list of issues to  
be considered during the examination of the combined  
seventeenth and eighteenth periodic report to the Com-  
mittee on the Elimination of Racial Discrimination**

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**Population**

**Question 1**

1. As previously reported, Sweden does not keep official statistics on the ethnic origin of the population, apart from citizenship and country of birth. Thus, it is not possible for Sweden to provide complete statistical information concerning the national minorities for example. However, the estimates made in the combined seventeenth and eighteenth report are still valid.
2. As stated in that report, the Sami Parliament assesses the number of Samis to be between 20 000 and 25 000, of whom 2 500 are involved in traditional livelihoods like reindeer herding. A minority of reindeer herders can support themselves from their occupation; others have to rely on other income sources. There are no grounds to believe that the socio-economic status of the Sami in general differs from Swedes in general. They have the same level of education and training as non-Sami, and according to the Ombudsman against Ethnic Discrimination (DO) there are no statistics to indicate discrimination in working life. A more comprehensive study on how the Sami experience discrimination is to be completed by the DO in the coming weeks. A national study is also to be conducted on the health situation among the Sami in general. The electoral register for the Sami Parliament consisted of 7 180 persons in 2005, when the latest election were held.
3. Between 2005 and 2006 immigration to Sweden increased by 47 percent. In 2006 and 2007 almost 100 000 persons immigrated annually. The high immigration numbers in 2006 can be explained by a temporary Asylum Act effective that year. The high immigration

numbers in 2007 have several explanations, such as immigration by close relatives to persons granted residence permits under the temporary Act, an increased number of asylum seekers from certain countries, particularly from Iraq, and increased immigration from countries in the European Union.

4. The largest groups of foreign born persons in 2007 were from the following countries.<sup>1</sup>

<b>Country of birth</b>	<b>Man</b>	<b>Women</b>	<b>Total</b>
Finland	72 846	105 333	178 179
Iraq	54 842	42 671	97 513
Former Yugoslavia	37 103	35 836	72 939
Poland	23 472	34 708	58 180
Iran	29 961	26 555	56 516
Bosnia and Herzegovina	27 505	28 208	55 713
Denmark	24 558	21 383	45 941
Germany	20 904	24 130	45 034
Norway	19 390	25 200	44 590
Turkey	20 422	17 736	38 158
Chile	14 044	13 975	28 019
Lebanon	12 634	10 333	22 967
Thailand	5 176	17 750	22 926
Somalia	11 036	10 561	21 597

### **Legal framework**

#### **Question 2**

5. The Convention has, as far it is known to the Government, not been explicitly used by domestic courts for interpretative measures. As the rules of the Convention have been transformed into national legislation, domestic courts base their decisions on national law rather than the Convention. They can also use the legislative history that refers to the Convention. Hence, the need to refer to the Convention explicitly for interpretative purposes is very limited.

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<sup>1</sup> Source: Statistics Sweden

## Article 2

### Question 3

6. The closure of the Swedish Integration Board is part of the Government's efforts to make the state administration more effective. A key objective of Swedish integration policy is for most measures to be carried out within the framework of general policies and by the government agencies that are natural parts of this policy, such as the Swedish Public Employment Service, the Swedish Social Insurance and the Swedish National Agency for Education.
7. The responsibilities that the Swedish Integration Board had concerning the reception, individual development and follow-up of newly arrived immigrants have been transferred to the Swedish Migration Board.

### Question 4

8. The recommendations of the Parliamentary Committee on Discrimination have resulted in a new Discrimination Act, which was submitted by the Government to the Riksdag (Swedish Parliament) in March 2008 and adopted by the Riksdag in June 2008. The Act will enter into force on 1 January 2009.
9. The new Act will merge the current seven acts against discrimination regarding different areas of society and different grounds of discrimination in a single piece of legislation. The Act includes protection on the five previous grounds of discrimination – sex, sexual orientation, ethnic affiliation (which includes racial discrimination), religion or religious belief and disability – but also two new grounds – age and gender identity. In line with these changes, the current four Ombudsmen will be merged into a single national authority, called the Ombudsman against Discrimination. The new authority will exercise supervision of all anti-discrimination legislation, which will ensure more effective and powerful monitoring of compliance with the Act.
10. The Act offers protection in areas of society not previously covered by the legislation. The most important example is the general prohibition against discrimination for employees in the public sector, including, for example, police officers.
11. The Act also underlines the importance of deterrent damages in cases of discrimination and introduces changes in this respect that are intended to substantially raise the level of damages awarded.

**Question 5**

12. The Act on Equal Treatment of Students in Higher Education is applicable to those who are applying for, have been admitted to or are pursuing a course in the first, second or third level of higher education under the Higher Education Act, or in a course leading to a degree awarded by a private education provider under the Award of Certain Degrees Licensing Act. Thus all students in ordinary higher education are protected by the Act.
13. The Act will be replaced by the new Discrimination Act mentioned in the reply to question 4. In the Discrimination Act, racial or ethnic discrimination in the education system will be prohibited regardless of the provider or level of education.
14. The number of cases decided each year by the DO has remained the same (15) in recent years. In most cases the complaints are related to failure in tests, written papers or work placements. A study made by the Swedish National Union of Students in 2007 shows that about half of students were aware of the Act on Equal Treatment of Students in Higher Education. According to the DO, lack of awareness may be a reason for the relatively low number of complaints. The DO has not found sufficient evidence for discrimination in any of the complaints received.
15. In order to support the higher education institutions in their preventive work, the ombudsmen against discrimination have established a strategic plan for information for the coming year. In addition, supervision within the sector will be intensified in 2008.

**Question 6***Measures to accelerate investigations*

16. Accelerated investigations might not necessarily be the best way to combat discrimination, although it is of course important for all the parties involved that the investigations are completed within a reasonable time. The average time during which a case is investigated by the DO has been more or less constant in recent years, under four months, which must be considered as acceptable. For 2007–2009 the DO is receiving SEK 10 million Swedish crowns in extra funding annually, primarily used to employ additional staff. However, the average investigation time increased to about six months in 2007. According to the DO this is primarily related to new, more thorough, investigation routines in order to find evidence of discrimination in more cases. It is too early to tell whether the new routines have had an impact.
17. Another measure to increase the efficiency as well as the funds available for the investigative work is the forthcoming merger of the four ombudsmen in January 2009.

The Prohibition of Discrimination Act and education

18. The education area is primarily protected under the Act on Equal Treatment of Students in Higher Education as well as the Act Prohibiting Discriminatory and Other Degrading Treatment of Children and Pupils. However, the Prohibition of Discrimination Act has a prohibition against discrimination in the service sector which could in some cases include education.

Statistics of cases resolved

19. The total number of complaints to the DO under the Prohibition of Discrimination Act was 426 in 2005, 332 in 2006 and 414 in 2007.
20. In 2005, 16 cases were resolved through settlements and another 16 were resolved in some other way than through a pecuniary settlement. In 2006 there were eleven settlements and seven cases were resolved in other ways. In 2006 five cases were ruled on by the courts, all in favour of the DO. In 2007 six cases were resolved through settlements and in three cases the situation was resolved in other ways. Seven cases were ruled on by courts, of which five in favour of the DO.
21. At present the DO has 26 court cases pending under the Prohibition of Discrimination Act. Ten of these are cases related to discrimination in restaurants or nightclubs, five are related to housing, four are related to other goods and services and the remaining cases are related to health care, social services and employment services.
22. According to the DO, there are several reasons why most of the complaints are dismissed, but the primary reason is lack of evidence. In some of the dismissed cases the DO might suspect that the complainant may have been discriminated against, but cannot establish enough facts or evidence to support a discrimination case, even when the shifting burden of proof in favour of the claimant is applied. In many cases though, the lack of evidence can be explained by the fact that the complaint actually is unfounded. Unfounded complaints include cases where there has not been a less favourable treatment at all or where the less favourable treatment, even if established, apparently has no connection with the complainants' ethnicity, race or religion.
23. Finding evidence in the complaints is a great challenge for the DO, but an equally important challenge is to reduce the number of unreported cases of discrimination in society. Situation testing is one way of proving discrimination in individual cases as well as a way of making people aware of discrimination and encouraging them to report it. The Government has announced that a committee will be appointed to investigate whether and how the Ombudsman against Discrimination should be allowed to use this method.

**Question 7**

24. The recommendations from the study *The Blue And Yellow Glass House* (SOU 2005:56) have been reviewed and partly integrated into the new Discrimination Act.
25. 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). The report have been circulated for comments to a large number of consultation bodies. A clear majority of those bodies - not least universities - were markedly critical of the report and of the proposals. The Government has decided not to consider these proposals further.
26. The study *Responsible serving of alcohol – without discrimination* is still under consideration. This process will be completed in January 2010, when the Government is planning to put forward a new Alcohol Act to the Riksdag.

**Question 8**

27. The purpose of the 2006 Ordinance on Anti-Discrimination Clauses in Procurement Contracts is to increase awareness and compliance with anti-discrimination legislation. The Ordinance provides that the 30 largest central contracting authorities shall have contract clauses concerning discrimination in their service or works contracts in Sweden with the purpose of countering discrimination at the economic operator, if the contract has an estimated value of at least 750 000 SEK and a contract period of eight months or more. The clauses must be formulated in a way that makes it possible for the authorities to check that the conditions in the clauses are met. If it is suitable, the clauses should include subcontractors. The authorities have to combine their clauses with some form of remedies and checks on annual basis that the economic operators fulfil the conditions in the clauses.
28. By accepting the clause the economic operator agrees to follow all applicable Swedish anti-discrimination laws in the contractual undertakings. The clause regulates that the economic operator is obliged to give the authority the information that it needs to supervise that the conditions in the clause have been met. The authority shall, however, already stipulate in the clause what information the economic operator must normally present and also specify when this information shall be presented to the authority. This condition can be a means of making the economic operator aware of the obligations and it can also be an incentive to fulfil the obligations concerning active measures, for example preparing an annual equal opportunities plan.
29. The information normally consists of obligatory documentation concerning active measures and an affirmation that the economic operator has not been found guilty of discrimination under the anti-

discrimination laws or the Penal Code. According to the guidelines, the authority shall control that the affirmation is correct, at least by carrying out random tests.

30. In the event of a breach of the condition to follow all applicable anti-discrimination laws, the economic operator must pay a contractual penalty to the authority. The clause stipulates two different kinds of penalties.
31. If the economic operator has neglected to fulfil active measures, by for example failing to prepare an annual equal opportunities plan, a reasonable contractual penalty must be paid every week for long as the breach remains. In these cases a weekly penalty could be a means of ensuring that the economic operator fulfils the obligations concerning active measures.
32. The economic operator must pay a more severe contractual penalty if he has been found guilty of discrimination under the anti-discrimination laws or the Penal Code. One condition is, however, that the illegal act was committed within the contact period and that the judgement also gained legal force within the contract period. The purpose of a contractual penalty in these cases is to deter the economic operator from breaking the laws.
33. The Swedish Government has given instructions to the Swedish Competition Authority to evaluate the Ordinance on Anti-Discrimination Clauses in Procurement Contracts. The Competition Authority is to investigate whether the purposes of these regulations are being achieved, whether the regulations have an effect on the possibilities of small and medium size companies to tender and whether the regulations match up to the Swedish Governments' policy to simplify public rules. The conclusions are to be presented before the end of 2008.

#### **Question 9**

34. The state funding for the "Centre against Racism" has not necessarily been discontinued. The Government firmly believes in the importance of committed organisations working against racism and xenophobia. This is why a new comprehensive approach has been taken regarding the state funding for these organisations.  
On July 1, 2008 a new ordinance will come into effect. According to this ordinance, any organisation working against racism and xenophobia is welcome to apply for funding. The distribution of the funding will be based on the estimated quality of the work done by the organisations, especially the expected long-term effects of the actions planned. The applications will be dealt with by the Swedish National Board for Youth Affairs, which has experience of distributing similar funding. The Centre against Racism will of course be eligible to apply for funding.

**Question 10**

35. The Swedish Government has currently no intention of introducing special measures for national minorities to increase their employment opportunities. However, the national minorities, including the Roma community, will benefit from the Government's general policies, which are intended to increase supply and demand in the labour-market

**Article 3****Question 11**

36. The report by the National Board of Housing, Building and Planning, called "Ethnical Hierarchies In Housing" concludes that the Swedish housing market is segregated. It is particularly clear that people with foreign background mainly live in areas dominated by rental apartments while those with Swedish background to a high degree live in self owned houses. To a large extent, children with foreign background are gathered in a few residential areas. The report has been communicated to the Riksdag.
37. Partly because of the problems with a segregated housing market, the Swedish Government proposed a home purchase guarantee in autumn 2007 (which was passed by the Riksdag the same autumn). A home purchase guarantee is a Government guarantee that covers interest payments for first-time home-buyers. The purpose is to give support to households who want to buy a home but have difficulty obtaining a mortgage even though they have a long-term ability to pay. This may be due to individual risk factors such as not being previously known to the bank or individual payment defaults. This is a way of helping people who want to move to another residential area but have difficulties, due to factors like those stated above. The problem of not being previously known to the bank can be a particular obstacle for immigrants. The home purchase guarantee came into effect on 1 March 2008, so it is too early to analyse the results.
38. In 2007 the National Board of Housing, Building and Planning initiated a pilot study about the possibility of using geographic information systems (GIS) to analyse and visualise residential segregation. The study will lay the foundation for a development project during 2008, aiming to make it possible both to describe the development of segregation up to now, and to make it possible to follow its development in the future. Furthermore, a pilot study on the housing status for refugees living around Sweden has been initiated.
39. In February 2008 the National Board of Housing, Building and Planning was commissioned to investigate how landlords convey their apartments. Before the end of 2008 the agency shall present a report on the level of knowledge regarding discrimination of apart-



ment seekers, as well as a study on how intermediation of renting apartments is done in three different cities.

40. In 2006 the DO initiated a housing project targeting discrimination. The overall aim of the project is to decrease discrimination in the housing market and to highlight how individual cases of discrimination in the housing market are part of a larger societal structure. Another aim of the project is to make relevant actors such as landlords, tenants, tenants' associations and relevant authorities aware of discriminatory practices and to make vulnerable groups aware of their rights and how these rights can be enforced.

#### **Article 4**

##### **Question 12**

41. In 2006, more than 3 200 hate-motivated crimes were identified in the criminal record system; 67 percent were motivated by xenophobia, 4 percent were classified as anti-Semitic, 21 percent as homophobic and 8 percent as islamophobic. Nine percent of hate-motivated crime were identified as being ideologically motivated.

##### New marking of suspected hate crimes in 2008

42. In Sweden the collection of hate crime data is quite different from the collection of data for the official criminal statistics. Hate crime data are collected from local police districts, from a computerised reporting system (RAR). A list containing about 265 specific search-terms is used to search for and identify police reports that might contain a hate crime motive. An automated search of the offence description contained in police offence reports is conducted and the search terms that occur in the text are highlighted. Approximately 27 000 police offence reports were selected by means of this process for the year 2006. These were reviewed and assessed manually by two research analysts at the National Council for Crime Prevention.
43. The use of this double-encoding method produces a more reliable and valid outcome, with aim of reducing the risk of systematic encoding errors due to subjective assessments. Until recently, the police data system lacked the technical means to register offences as hate crimes by using a specific a specific marking. In 2007 the National Police Board and the Swedish Prosecution Authority have commissioned every police authority in Sweden to introduce hate crime marking of police reports. The marking shows whether or not a crime is suspected of having a hate crime motive, and was implemented in January 2008. The quality of this marking process will be evaluated before it can be decided whether it constitutes a useful complement.

Development work at the National Council for Crime Prevention

44. Further development is important in order to gain more information about hate crime and how to combat this type of crime. This is an important future task for the National Council for Crime Prevention and has also been specially emphasised by the Swedish Government.
45. Extensive development work was done in 2006 when a new category of hate crimes (islamophobic) was identified and reported for the first time. Police reports were also encoded with reference to new information, for example how the crime was committed (e.g. physical contact or by the telephone), the scene of the crime (e.g. workplace or school) and the relationship between the offender and victim (e.g. family member, work colleague or stranger).
46. In the upcoming report "Hate crimes 2007" some new pieces of information are presented for the first time.. Tracking reported hate crimes all the way to the courts is currently not possible without an extreme amount of time consuming manual work. However, in the upcoming report, police reports from 2006 have been followed partly through the judicial process from police report to prosecution. The result shows that 73 per cent of the hate crimes reported in 2006 were "cleared" by the police and the Swedish Prosecution Authority by the end of March 2008. The term "cleared" offences 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. Furthermore, for the first time information is presented about victims of hate crimes (e.g. their age and sex), and prior convictions of those suspected of hate crimes.
47. Information about exposure to xenophobic or homophobic hate crimes (victimisation) in the population for the year 2006 has also been analyzed through data from the Swedish Crime Survey (SCS) in 2007. The SCS is based on telephone interviews conducted with a large random sample of the population (aged 16–79). The result from the survey show that xenophobic hate crimes appear to be more common than homophobic ones, which is in line with the fact that xenophobia is the predominant category in the statistics on reported hate crimes. About one quarter of the hate crimes reported in the Swedish Crime Survey were also reported to the police.

Development projects in the justice system

48. In the longer-term perspective there are several development projects in the justice system that affect the hate crime area, for example the police service is developing a new system for encoding crimes (STUK). STUK is an ongoing project which aims to create a uniform model used by all agencies in Sweden's judicial system. The model contains structured information about crime from the legal

point of view (information about breach of law, chapter, section, etc) as well as structured information from the criminological point of view (information about crime scene, offender, victim, means by which the offence was committed, etc). In case of special areas of interest, for example hate related crimes, organized crimes, money laundering crimes; the model is open to enable registration of such information as 'focus areas' in a structured way. Another purpose of the model is to make it possible to follow all reported offences from the police through all judicial agencies. In other words the purpose of the model is to show all the steps in the legal process while containing registered structured information. The model is intended to be in use at all judicial agencies by 2012.

Preventive work against hate crimes in schools - instruction manuals

49. Other urgent issues relate to the practical response to hate crimes and the challenges involved in the work of preventing such crimes, including by changing attitudes and by disseminating knowledge about hate crime motives. Educational strategies are necessary not only throughout the justice system, but in society as a whole. In 2007 the National Council for Crime Prevention has published two instruction manuals for teachers that provide advice on how to work towards changing and rebutting, xenophobic and homophobic attitudes in schools. The instruction manuals aims to involve pupils and to create an understanding of what the consequences of actions motivated by xenophobic and homophobic ideas and opinions might be.

Legislation explicitly prohibiting racist organizations

50. The committee has asked whether Sweden intends to review its position with regard to legislation explicitly prohibiting racist organisations, with reference to article 4(b) of the Convention. Sweden has commented on this issue in paragraph 81-89 of the seventeenth and eighteenth periodic report and has provided extensive information on relevant Swedish rules and regulations in earlier reports and would at this point like to refer to those comments. Sweden considers that organisations engaged in racist activities cannot pursue such activities without breaking the law. The aim of such a prohibition is thus met and in the Governments view the Swedish legislation is in compliance with article 4(b) of the Convention.

## **Article 5**

### **Question 13**

51. According to the Swedish Act on Special Control in Respect of Aliens (1991:572) an alien may be expelled if it is necessary for reasons of national security or if it may be feared, in view of what is known about the alien's previous activities and other circumstances,

that he or she will commit or aid and abet a terrorist offence under Section 2 of the Act on Criminal Responsibility for Terrorist Offences (2003:148) or attempt, prepare or conspire to commit such an offence.

52. In connection with the introduction of a new Aliens Act in March 2006 changes were introduced in the procedure for cases under the Act. An expulsion order is now issued by the Swedish Migration Board, whose decision may be appealed to the Government. The application for appeal shall be sent to the Swedish Migration Board which turns the case over to the Migration Court of Appeal. The court shall hold a hearing in the case and give an opinion on the case before turning the file and the opinion over to the Government which will make the decision. The court has investigative duties and the alien is assured the right to present evidence. If the court finds impediments to the enforcement of the expulsion order the opinion is binding on the Government. Thus the Government is prevented from issuing an expulsion order under the Act if the court has found that there are impediments against enforcing such an order.
53. According to the Act a party is guaranteed the right to be assisted by an assigned counsel. An assigned counsel will be appointed if it is not obviously unnecessary.
54. The risk of torture if returned is thoroughly examined by all authorities involved. The Swedish Security Service is responsible for the execution of expulsion orders concerning security cases and has the same obligation as other authorities to secure the aliens' safety.
55. The Secrecy Act stipulates strong protection for circumstances concerning an alien when there is a risk of somebody being assaulted or seriously harmed if the information is made public. If there is such a risk, the information is protected and cannot be made public. This is also applicable in negotiations with a receiving country. Under the Secrecy Act there are restrictions on how to share intelligence containing information about individuals.
56. As mentioned above, if the Migration Court of Appeal so decides, the Government must order that an expulsion is not to be enforced for the time being if there are impediments to the enforcement. Possible impediments include the risk of capital punishment, corporal punishment or torture. A decision on expulsion may be reconsidered until the enforcement of the decision has been completed. If the alien presents new circumstances the enforcing authority is obliged to assess their value. The new circumstances may result in a reconsideration of decision. New circumstances might, for example, relate to the personal situation or changed conditions in the receiving country.

**Question 14**

57. The Boundary Inquiry, the Inquiry of Sami Hunting and Fishing Rights as well as the Reindeer Breeding Inquiry were appointed by the Government with the aim of clarifying and addressing the uncertainty regarding Sami land and reindeer breeding rights. The reports of these three investigations will be addressed in a coming bill to the Parliament on the Swedish Sami Policy. Negotiations, supported by the Government, between land-owners and reindeer owners on the extent of the winter pasture in the county of Härjedalen have come closer to an agreement. The National Board of Forestry, the Sami Parliament and an inquiry have recently been commissioned to investigate how competing interests in the reindeer breeding area could coexist in a better manner, how consultation between the two parties could be improved and what measures are to be implemented in order to reach such coexistence. Furthermore, an inquiry on the establishment of an investigation and mediation institute for disputes and land claims in the reindeer breeding area will most likely be appointed next year.
58. One case against Sweden concerning Sami rights is currently pending before the European Court of Human Rights (*Handölsdalen Sami village and Others v. Sweden*, appl no: 39013/04) as a consequence of the findings of the Swedish courts that five Sami villages in Härjedalen in northern Sweden have no existing right to reindeer grazing on properties belonging to 571 private landowners. The applicants claim that their right to winter grazing – constituting a possession within the meaning of Article 1 of Protocol 1 of the Convention – has been violated. The reason for this is that the limitations resulting from the judgments were not prescribed by sufficiently clear and precise domestic law and did not strike a fair balance between the demands of the general interest and the rights of the Sami villages. The applicants also claim that they were faced with an insurmountable burden of proof regarding the evidence on frequency and location of reindeer grazing on the areas concerned and, accordingly, that they did not have a fair hearing within the meaning of Article 6 of the Convention. With reference to the legal costs incurred and the length of the domestic proceedings the applicants furthermore claim that their right to effective access to court and to a trial within a reasonable time within the meaning of Article 6 were violated. The Government contests the applicants' claims and a decision on whether and to what extent the application should be declared admissible is awaited in the near future.

**Question 15**

59. The reports of the Boundary Inquiry and the Inquiry on Sami Hunting and Fishing Rights are still being reviewed. The Government will address these investigations in a proposed bill to the Riksdag which will be presented in March 2010.

60. The Swedish Government considers that ratification of ILO Convention No 169 is not possible at the present time. The reason is that Swedish law, when it comes to land rights, does not concur with the provisions relating to land rights in the Convention. Ratification of the Convention would affect land rights in relation to an area constituting one third of Swedish territory. A decision to ratify the Convention must therefore be considered carefully and in great detail. Ratification of international conventions requires prior approval by the Riksdag. Before the Riksdag considers ratification of ILO Convention No 169, all issues relating to the legal consequences of ratification must have been clarified. This is not the case at the present time.

#### Question 16

61. Asylum seekers have the right to arrange their own accommodation and there are no general restrictions where they can settle. It is common for individual asylum seekers to live with close family, relatives or friends. If the individual cannot arrange his own accommodation, the Swedish Migration Board will offer and supply a place in an accommodation centre. The person is then referred to a location where the Swedish Migration Board has rented apartments.
62. There are neither any restrictions where a new immigrant who has been granted residence permit can settle in Sweden. However, the level of service and support that the State can offer to new immigrants depends on where they settle. A person who cannot arrange own accommodation can get support to find housing in a municipality. Approximately one third of all new immigrants are allocated housing in a municipality by the Swedish Migration Board.
63. Most municipalities in Sweden have signed an agreement on reception and introduction of new arrivals. However, in some municipalities the actual number of settled new arrivals can be significantly larger than covered in the agreement as, for example, in Södertälje, whereas others receive fewer than the agreement stipulates. An individual's rights are not dependent on whether or not the municipality has signed an agreement. However, the municipality might have difficulty in offering services of the same high quality to a person who moves independently to a municipality which has already received more immigrants than was planned for.
64. The agreements also take account of the situation on the local labour market. Therefore, the Government informs newly arrived migrants of the advantage of settling in a municipality that has signed an agreement, and where they are guaranteed appropriate housing and an individualised introduction programme in an area where there are opportunities to find work.
65. The organising of refugee reception has changed since the Swedish Integration Board was closed down. Now the county administrative

boards negotiate with the municipalities on the agreements and the Swedish Migration Board enters into the agreements on behalf of the state. This has introduced a clearer regional perspective to the refugee reception system, and the dialogue between the municipalities has developed in a positive way.

66. As mentioned above there are no restrictions for individuals when it comes to settling in a municipality of their own choice. Many individuals chose to settle in municipalities where they have relatives, friends or fellow countrymen, such as Södertälje and some other bigger cities/municipalities in Sweden.
67. The Government is aware of the need to do as much as possible to resolve the sometimes strained situation of these municipalities. Measures are planned to offer refugees from Södertälje and other municipalities in the same situation the opportunity to resettle in other municipalities with capacity for refugee reception and introduction.

#### **Question 17**

Special assignment for the DO

68. The Roma as a group are particularly adversely affected by prejudice and discrimination. In November 2001, the Government therefore gave the DO the task of conducting a two-year project aimed at preventing and countering discrimination of Roma. As from 2005, the DO has also received additional funding for Roma related issues. One important line in the work of the DO, following recommendations from the project, is continued information and education efforts aimed at the Roma community, focusing on human rights and individual rights protection, including how and where to submit complaints concerning ethnic discrimination. This approach has significantly increased the possibilities for the DO to reach Roma in Sweden with its work.
69. Between 1986, when the DO was founded, and 2002, when the Roma project started, some 50 complaints of discrimination by Roma had been filed, in total. During the two-year project in 2002 and 2003, there were some 60 complaints, of which 40 were registered in 2003. The increase can be explained by heightened awareness of discrimination against the Roma, the information activities and confidence raising dialogues. Since 2003 the annual numbers of complaints by Roma have been between 30 and 40.
70. The combination of the active work of the DO and the new legislation, which came into force in 2003, has made it possible to bring more cases to court. Between five and ten Roma cases are brought to court annually by the Ombudsman or resolved through a settlement. Most of these cases concern denied access to goods, services and housing. In most cases, the lawsuits have also attracted a lot of me-

dia attention which has in turn attracted new complaints from other victims of discrimination.

#### Living History Forum

71. The Living History Forum has launched a special Roma initiative, aimed at disseminating knowledge about the Roma and their history and situation in Sweden. Part of this work has been to compile the anthology *A banished people - oppression and discrimination of Roma/gypsies/travellers*.

#### The Council for Roma Issues

72. The Council for Roma Issues, which was replaced at the end of 2006 by the Delegation for Roma Issues, was formed in 2002 and was an advisory body for the Government. The chairman of the Council was the Minister responsible to the Government policy on national minorities. The Council included representatives of Roma organisations and also representatives of the Ombudsman against Ethnic Discrimination (DO), the Swedish Integration Board, the Living History Forum and the Swedish Association of Local Authorities and Regions. A number of sectors were highlighted in the Council's plan of work as being particularly important. These sectors were: drawing attention to the Roma group; discrimination and human rights; education questions; culture and mass media; social questions; and international cooperation. During the period when the Council for Roma Issues was in operation, the Roma representatives repeatedly argued that there was a need to combine all existing information about Roma in Sweden and, with that as a basis, to work in a more outward-looking and operational fashion. A new arrangement was therefore needed since the Council's remit was to be advisory, not executive. In the light of this, the Government appointed a Delegation for Roma Issues and the mandate of the Council, which expired at the end of 2006, was not extended. It should, however, be mentioned that today the organisations represented in the Council are represented in a reference group for the Delegation. It should also be mentioned that the Roma Group's dialogue direct with the Minister responsible for the Government policy on national minorities has continued, but now within the ordinary conduct of consultations.

#### The Delegation for Roma Issues

73. In the autumn of 2006, the Government appointed a Delegation for Roma Issues with the task of improving the situation of the Roma in Sweden. The delegation consists of ten members, half of whom are of Roma origin. A number of experts and a broad reference group consisting of representatives of the Roma organisations have also been appointed for permanent consultations.
74. One of the Delegation's first tasks is to gather experience and knowledge in the area and submit proposals for how the living conditions of Roma in Swedish society can be improved. The Delegation



tion is also to promote and support municipal projects and activities aimed at improving the situation of Roma. Finally, the Delegation is to inform and disseminate knowledge about Roma and their situation in Sweden and encourage the exchange of knowledge and experience among central government agencies and municipalities. Examples of such activities are regional seminars for municipalities and seminars for heads of government agencies.

75. In its activities, the Delegation will draw particular attention to the conditions of Roma children and young people, the need for support and the situation of women and girls. A gender equality and child perspective is to be fully integrated into the Delegation's analyses and proposals. The work also presupposes close dialogue and cooperation with Roma women and men, girls and boys. The Delegation is to present its final report in December 2009 and will then put forward proposals for how the work on improving the situation of Roma in Sweden is to continue.

#### Consultation meetings

76. Since 2000 in Government has convened an annual consultation meeting with representatives of organisations that represent the national minorities. The purpose is to increase the influence of the minorities in the Government's work on national minorities. This dialogue has been assessed. The assessment showed that the annual consultation meeting with representatives of all national minorities should be complemented by a series of meetings between representatives of the Government and the respective national minority groups, including Roma. That gives a greater opportunity for dialogue both about questions which affect only an individual group and about questions affecting all of them. A new arrangement for dialogue that takes into account what has emerged through this assessment is being applied as from 2006.

#### Conference on Roma women's rights

77. In December 2007 Sweden arranged a working conference on Roma women's rights, in cooperation with the Council of Europe and the European Union Agency for Fundamental Rights. The objective of the conference was to provide a forum for discussion and sharing of information and good practices between policy-makers and Roma networks across Europe on the challenges facing Roma women today. The core element of the conference was the opportunity for Roma women to express their concerns especially on the themes of trafficking in human beings, reproductive rights and access of Roma communities to public health care. It also examined how Roma women can positively influence Roma policies implemented in Europe today. An important part of the conference was the active participation of Roma women, who were present both as panellists and as participants. The official languages of the conference were English and Romanes. Around 90 people attended the conference, of whom around half were Roma women.

#### International Cooperation

78. Cooperation at government level to improve the situation of Roma takes place within the framework of the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the European Union.

#### The European Roma and Travellers Forum

79. The Council of Europe has initiated a European NGO for Roma issues, the European Roma and Travellers Forum (ERTF). The ERTF is an autonomous organisation, but with close ties with the Council of Europe, that aims to give Roma in Europe the opportunity to influence decision-making in issues that concern them. The Roma minority in Sweden is represented in the ERTF through one permanent member and three alternates.

#### Question 18

##### Foreign born persons' access to the employment market

80. The Swedish Government's approach to promoting integration focuses on combating exclusion by creating favourable conditions for employment and self-employment and promoting the work first principle. The Government believes the best path towards integration is through employment and knowledge of the Swedish language.
81. The Government's employment policy focuses on measures that stimulate both the supply of and the demand for the individuals most detached from the labour market. This labour market policy reorientation also entails directing most of the available resources for labour market policy programmes to the people most detached from the labour market.
82. The labour market situation is particularly difficult for many people among the foreign born population. Consequently the Government's broad employment policy favours these groups generally, but more specific measures are also taken to get more people with foreign backgrounds into employment.
83. As a result of the Government's work-first policy there has been a remarkable improvement with regard to the labour market performance among the foreign-born population, as well as other marginalised groups. Today many immigrants are gainfully employed in the private and public sectors through the general subsidy of payroll costs that has made it easier to employ and also reduced the risk of recruitment errors. The Government intends to continue to follow this line.
84. During the fourth quarter of 2007 the number of employed people in the 15–74 age group increased by 97 000 persons, or 2.1 percent, compared to the same period in 2006. The increase was particularly

significant among the foreign born population, 35 000 persons, or 6.1 percent.

85. Despite a substantial increase in the number of employed among the foreign born population, there was no increase with regard to their employment rate (the number of employed as a percentage of the population in the 15–74 age group). This is explained by a considerable increase of the foreign born population during the same period. Hence, the differences in employment rate between the foreign born and Swedish born remain. During the fourth quarter 2007 the employment rate among the foreign born in the 15–74 age group was 57.8 percent compared to 68.2 percent among the Swedish born population. The employment rate is particularly low among the foreign born women, only 54.2 percent of the foreign born women were employed, compared to 61.8 percent among the foreign born men.

#### Anonymous job applications

86. The Swedish Agency for Public Management is evaluating the pilot project on anonymous job applications and the study on recruitment. The results will be presented this autumn.

#### The situation for elected representatives

87. The Government continues to monitor the situation for elected representatives and has recently received a report on the social representativeness of elected politicians. This report concludes that the share of representatives with a foreign background in Swedish municipalities has increased by one percentage point to 8 percent of all elected representatives since 2003. The project regarding the establishing of a network for elected representatives with foreign background had to be cancelled in early 2007 due to a lack of interest among the municipalities.

### **Question 19**

#### The Health and Discrimination project

88. The Swedish National Institute of Public Health (SNIPH) initiated the joint project “Health and Discrimination”, in cooperation with the four ombudsmen against discrimination. The aim of the project was to compile knowledge and foster a common approach to the concept of discrimination in order to develop one or more appropriate methods of measuring discrimination, clarifying the relationship between discrimination and health, developing indicators, and then disseminating the results of the project to actors at international, national, regional and local level. The project began in 2004 and ended in 2006.
89. The relationship between discrimination and health was studied by incorporating questions about discrimination in three national public health surveys 2004–2006. The survey included the question of whether the individual had been subject to offensive treatment, in what area of society the treatment took place, and if the treatment

was related to discrimination on one of five grounds (sex, age, ethnic origin, religion, disability and sexual orientation). According to the survey in 2006, approximately 7 percent of the total population stated that they had experienced discrimination on one or more grounds. According to the study there is a relationship between discrimination and unhealthy lifestyle habits and mental and physical health.

90. In 2006 people more often related the offensive treatment to discrimination than in the first survey in 2004. The report primarily explained this by a raised level of awareness following the Prohibition of Discrimination Act and the subsequent increased media coverage of discrimination issues.

Regarding access to care for the Sami

91. The Sami population is guaranteed access to health care on the same grounds as other Swedish citizens. The Health and Medical Services Act forms the basis for health care and the principles of the legislation are non-discriminatory: health care shall be given with respect for the individual and according to need.
92. The legislation does not point out certain groups, but covers all the residents in county council areas, even though it is clearly stated that the county council shall adapt to the needs of residents, such as local variation in needs, when planning for health care services. The Act also states that as far as possible care and treatment shall be designed and conducted in consultation with the patient and that the patients shall be given individualised information concerning their state of health and the treatment methods available.
93. Sweden has a decentralised system where county councils are responsible for the provision of health care that also permits them to adjust to the different needs of the population. The Swedish model with decentralised regional responsibility has resulted in regional variations in some areas, but at the same time it has engendered creativity and flexibility where different providers can learn from each other and adjust to local variations.
94. Furthermore Section 13 of the Prohibition of Discrimination Act states that discrimination due to ethnicity, religion or other beliefs is forbidden in health and medical care."

### **Question 20**

95. In 2003 the National Agency for School Improvement has introduced a website about mother tongue tuition for Sami children. The website has information about Sami language in general as well as information about Sami children's right to receive education in Sami. There are also teaching materials and links to other Sami websites.

96. In 2006 the National Agency for School Improvement held a special drive to promote South Sami. The project included producing internet-based texts, pictures and sounds that can be used for teaching in South Sami. There is also material that parents can use to stimulate the linguistic development of their children in their mother tongue. In 2008 there is new funding to support the development of Sami teaching materials.
97. There have been and still are difficulties in recruiting teachers in Sami. The Government has therefore given the Swedish National Agency for Education an assignment to suggest how distance tuition in languages for children resident in Sweden could be organised in compulsory school and upper secondary school when the pupil population is not big enough or when there is a lack of teachers. If a decision is made to provide distance tuition, it will start on 1 July 2008 for a trial period of two years.
98. During 2008 and 2009 the National Agency for School Improvement has an assignment to investigate the need for and support production of books and other teaching material for the national minorities. The results will be presented no later than 1 November 2009.

#### **Question 21**

99. The draft Nordic Sami Convention is constituted by a text drafted by an expert group for consideration and eventual ratification by all three Governments of Finland, Sweden and Norway. The Expert group consisted of both government representatives and Sami representatives who participated on equal terms and in equal numbers. Work is in progress on the draft. At a meeting in Stockholm last autumn, the Presidents of the three Sami Parliaments as well as the responsible ministers of the three countries agreed that once all parties had completed their analysis of the legal implications of the proposed text, a road map would be prepared for further negotiations in preparation for ratification.