



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Consideration of reports submitted by States parties under  
article 9 of the Convention**

**Nineteenth to twenty-first periodic reports of States parties due in 2013**

**Sweden\* \*\***

[6 July 2012]

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\* This document contains the nineteenth, twentieth and twenty-first periodic reports of Sweden, due on 5 January 2009, 2011 and 2013 respectively, submitted in one document. For the seventeenth and eighteenth periodic reports, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/SWE/18 and CERD/C/SR.1894, 1895, 1901 and 1902.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1	3
II. Population statistics and studies on discrimination and xenophobia, particularly in relation to paragraph 10 in the Committee's recommendations .....	2–14	3
A. Population statistics .....	2–8	3
B. Some studies on discrimination and xenophobia .....	9–14	6
III. Information relating to articles 2 to 7 .....	15–182	7
Article 2.1 .....	15–61	7
Article 2.2 .....	62–111	15
Article 3 .....	112–115	23
Article 4 .....	116–121	24
Article 5 .....	122–169	25
Article 6 .....	170–172	32
Article 7 .....	173–182	33
IV. Other recommendations from the Committee .....	183–184	34
A. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with special reference to paragraph 23 in the Committee's recommendations .....	183	34
B. The Durban Declaration, with special reference to paragraph 24 in the Committee's recommendations .....	184	35

### List of tables

1. Population by background, 2011-12-31 .....	3
2. Foreign-born population by region of birth, 2011-12-31 .....	3
3. Countries of origin of the largest groups of foreign-born persons, 2011-12-31 .....	4
4. Mother tongue tuition in compulsory school, 2011/12 .....	5
5. Agitation against a national or ethnic group .....	9
6. Unlawful discrimination .....	10
7. Complaints on the discrimination ground of ethnicity, by social sector .....	12
8. Closed cases, discrimination ground ethnicity .....	12
9. Employed aged 15–74 years, % .....	30
10. Unemployed aged 15–74 .....	30

## I. Introduction

1. Sweden hereby submits its nineteenth, twentieth and twenty-first reports, combined in a single document, on measures taken in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination. As recommended by the Committee on the Elimination of Racial Discrimination, the present report is an update of Sweden's earlier reports. The points raised in the Committee's concluding observations to Sweden's seventeenth and eighteenth report are discussed in particular detail.

## II. Population statistics and studies on discrimination and xenophobia, particularly in relation to paragraph 10 in the Committee's recommendations

### A. Population statistics

2. Swedish population statistics are reported by Statistics Sweden and other bodies. Population statistics are reported by variables including sex, citizenship and country of birth. See the tables of statistics below.

Table 1  
Population by background, 2011-12-31

	<i>Number</i>	<i>Percentage</i>
Total	9 482 855	100
Foreign-born	1 427 296	15.1
Native-born	8 055 559	84.9
of which native-born with two foreign-born parents	430 253	4.5
of which native-born with one native-born and one foreign-born parent	666 723	7.0
of which native-born with two native-born parents	6 958 583	73.4

Source: Statistics Sweden.

Table 2  
Foreign-born population by region of birth, 2011-12-31

	<i>Number</i>	<i>Percentage</i>
Africa	123 291	8.6
Asia	430 284	30.1
EU except the Nordic countries	277 806	19.5
Europe except the EU27 and the Nordic countries	227 145	15.9
North America	32 284	2.3
The Nordic countries except Sweden	259 743	18.2
The Pacific Region	4 716	0.3
Unknown	894	0.1

	<i>Number</i>	<i>Percentage</i>
The Soviet Union	6 119	0.4
South America	65 014	4.6
Total foreign-born population	1 427 296	100.0

*Source:* Statistics Sweden.

3. The largest groups of foreign-born persons on 2011-12-31 were from the following countries.

Table 3

**Countries of origin of the largest groups of foreign-born persons, 2011-12-31**

<i>Country of birth</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Finland	99 539	67 184	166 723
Iraq	57 648	67 851	125 499
Poland	41 416	31 449	72 865
Yugoslavia	34 616	35 434	70 050
Iran	30 264	33 564	63 828
Bosnia and Herzegovina	28 539	27 751	56 290
Germany	25 720	22 722	48 442
Denmark	20 944	24 007	44 951
Turkey	19 727	24 182	43 909
Norway	24 154	18 904	43 058
Somalia	19 900	20 265	40 165
Thailand	26 261	7 352	33 613
Chile	14 076	14 309	28 385
China	15 502	10 155	25 657
Lebanon	10 851	13 543	24 394
Syria	10 850	11 507	22 357
United Kingdom (UK)	7 391	14 492	21 883
Romania	10 912	10 104	21 016
India	9 146	9 476	18 622
US	8 415	9 340	17 755

*Source:* Statistics Sweden.

4. Sweden does not compile official statistics on people's ethnicity. Under the Personal Data Act (1998:204), the transfer of personal data that reveals race, ethnic origin or religious belief is prohibited as a general rule. Thus it is not possible at the present time

for Sweden to provide complete statistical information on the country's national minorities, for instance. The only available statistics are those concerning citizenship and country of birth.

5. The Government has instructed the Equality Ombudsman to undertake a preliminary study of methods for determining the population's composition and living conditions. In consultation with Statistics Sweden, the National Institute of Public Health and the Data Inspection Board, the Equality Ombudsman is to examine what methods could be used to collect data on living conditions among the population, partly with regard to the approximate number of people who identify themselves as members of Sweden's national minorities and partly to enable the provision of separate reports on the various discrimination grounds set out in the Discrimination Act (2008:567), which are not currently reported in the official statistics. Under the terms of the assignment, the Equality Ombudsman is to study what data concerning the population's composition and living conditions are currently available, to make an inventory of methods that could be used to collect such data without jeopardising the anonymity and privacy of the individuals concerned, to clarify the legal prerequisites that would enable such methods to be used, and, based on a comparison between the various methods, recommend the method or methods that are deemed the most suitable to use for a more comprehensive study on the population's composition and living conditions in the above connections, should such a study be decided upon.

6. Sweden keeps statistics on students entitled to mother-tongue tuition. In the 2011/12 academic year, a total of 183 676 compulsory school students (20.7 per cent of the total) were eligible. Of these, 100 410 students took part in mother-tongue tuition (54.7 per cent of all eligible students). The reason why eligible students do not take part is either that the municipality does not need to arrange for mother tongue tuition if less than five students wish for it (this does not apply to national minority languages), or that no suitable teacher is available, or that the students concerned do not wish to take part.

7. Statistics on mother tongue tuition in compulsory school during the 2011/12 academic year are shown in the table below.

Table 4

**Mother tongue tuition in compulsory school, 2011/12**

	<i>Number of students eligible for mother tongue tuition</i>	<i>Number of participating students</i>
Arabic	33 037	22 390
Somali	10 206	7 521
Bosnian/Croatian/Serbian	13 759	6 691
Spanish	10 911	5 753
English	11 276	5 453
Albanian	7 138	4 450
Persian	6 648	3 911
Finnish	8 372	3 838
Turkish	6 102	3 574
Polish	6 164	3 520
Other languages (135)	68 026	33 130

*Source:* National Agency for Education.

8. In Sweden's official crime statistics, there are no figures on the ethnic composition of the prison population. Nor are such data registered by the Prison and Probation Service. The crime statistics for the most recent five-year period show that between 26 and 29 per cent of persons imprisoned each year are foreign citizens.

## **B. Some studies on discrimination and xenophobia**

9. In 2010, the Equality Ombudsman delivered a report on a government assignment entitled *Experiences of Discrimination: A summary report and analysis based on a qualitative study of self-experienced discrimination*. The report described instances of discrimination in most areas of society, including areas and situations that are not currently covered by legislation. It also described a degree of uncertainty as to what the Discrimination Act involves, where people can turn if they feel they have been discriminated against, and what consequences to the individual may be expected if a complaint is lodged.

10. In 2010, the Equality Ombudsman also reported on a government assignment to determine the prevalence and extent of discrimination in the housing market. The method used involved practice testing, and both a rental accommodation study and a broker study were used. The results showed that discrimination is more prevalent in the rental market than in the tenant-owned market and that ethnicity is more common than other discrimination grounds. Discrimination was most in evidence in the case of people with foreign backgrounds in the rental study and in the case of Finnish Roma and Muslims in the broker study.

11. In its 2011 report, *Roma Rights: Discrimination, paths of redress and how the law can improve the situation of Roma in Swedish society*, the Equality Ombudsman described both its experiences in this connection and available knowledge about Roma access to rights on equal terms. The report shows that the majority of complaints are made by Roma women who complain of being discriminated against and harassed in shops and stores. Of the 230 or so complaints lodged either with the previous Ombudsman against Ethnic Discrimination or with the present Equality Ombudsman during the period 2004–2010, discrimination occurred in 30-odd cases, according to the report.

12. In its report *The Right to Healthcare on Equal Terms* from 2012, the Equality Ombudsman states that Swedish health care is of a generally high standard but that it is not provided equally and discrimination problems exist. There are groups of patients who feel they are being treated less favourably than other patients. These include people with a non-Swedish mother tongue. There are also groups that in practice have less opportunity than others to access adequate care, according to the report. The mortality rate from treatable illness is significantly higher among foreign-born and low-educated men than among Swedish-born and highly educated men.

13. The Living History Forum has surveyed attitudes among upper secondary youth towards groups such as Roma, Muslims, Jews, non-European refugees and homosexuals. It presented its findings in a 2010 report entitled *The Many Faces of Intolerance*. About 20 per cent of the students in the study expressed negative attitudes towards vulnerable groups, while about half of the students in the study expressed an ambivalent attitude. The Living History Forum emphasises that the students with an ambivalent attitude are of particular interest since they may be assumed to be more open to influence, knowledge and argument.

14. At the Government's request, the Living History Forum has also undertaken a survey of anti-Semitism and Islamophobia, and delivered its report in 2011. Among other things, the report shows that the Internet and social media are the sources principally

responsible for the spread of anti-Semitism and Islamophobia in Sweden. In addition, much hatred is spread via the comments sections in various media.

### **III. Information relating to articles 2 to 7**

#### **Article 2.1**

##### **1. Constitutional laws**

15. As noted in earlier Swedish reports to the Committee, the Swedish Constitution provides fundamental legal protection against ethnic discrimination. For information concerning relevant legislation, the Committee is referred to paragraphs 19-30 in the twelfth report.

16. As a result of amendments to the Instrument of Government that entered into force on 1 January 2011, it is now clearer that the basic principles regarding the constitutional protection of freedoms and rights apply to each and every individual, i.e. to both Swedish citizens and others present in the realm. Also amended was the Instrument of Government's purpose clause, i.e. the provision specifying the fundamental goals of public activity. One of the changes means that the promotion of ethnic, linguistic and religious minorities' right to retain and develop their own cultural and social life has become a mandatory objective. Previously, this provision was more vaguely worded, stating only that opportunities for minorities should be promoted. A further amendment to the purpose clause made clear that the right of the Sami people to retain and develop their own culture and social life is to be promoted. The Sami, being the only indigenous people, has thereby been given special mention in the Constitution.

17. On 1 January 2011, the term 'race' was deleted from the Instrument of Government. It has now been replaced by the expression "ethnic origin, colour or other similar circumstance". This refers for instance to perceptions of race that were previously deemed to be covered by the term itself. The term does however still exist to some extent in regular legislation. As regards the prohibition of discrimination laid down in the Instrument of Government, there has been no substantive change. Nor have any changes been introduced that affect the possibility of using the law to restrict the freedom of assembly of groups or organisations whose activities involve the persecution of other groups, e.g. due to perceptions of race.

##### **2. Penal law**

18. The Penal Code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation, namely those relating to agitation against a national or ethnic group (Chapter 16, Section 8) and to unlawful discrimination (Chapter 16, Section 9). The Act on Responsibility for Electronic Bulletin Boards (1998:112) also militates against agitation against national or ethnic groups. An account of these and other relevant penal provisions is to be found in paragraphs 31-34 in the twelfth periodic report and in paragraphs 61-67 in the fifteenth and sixteenth report.

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

**3. Application of penal law against hate crime, with special reference to paragraph 15 in the Committee's recommendations.**

**(a) The justice system's work against hate crime**

*(i) The police*

20. The police authorities are taking special steps to combat hate crime. It is important to identify a hate motive for a crime at an early stage, for instance so that crime victims may be treated in an adequate manner. Accordingly, the police routinely investigate reported crimes to determine whether a hate motive is present. Several local police authorities have special hate crime investigators, and regional authorities are continually training staff in respect of hate crime issues

21. At the Stockholm Police Authority, efforts to combat hate crime are coordinated by an on-call hate crime unit. This unit trains staff in the treatment of crime victims and also provides support in the investigation of hate crime complaints, the purpose being to increase the number of prosecutions for crimes with a hate motive. In addition, the on-call hate crime unit cooperates with a variety of organisations, stakeholder groups, researchers and government agencies.

22. The police authorities in the counties of Stockholm, Västra Götaland and Skåne have appointed special officers known as dialogue police as a link between senior police officials and the organisers of opinion-forming activities, primarily demonstrations. The purpose of introducing dialogue police is to avoid misunderstandings in connection with demonstrations and other expressions of public opinion.

*(ii) The Swedish Prosecution Authority and the Chancellor of Justice*

23. The Swedish Prosecution Authority has continued to combat hate crime on a priority basis. Basic training for prosecutors, which is mandatory for all newcomers, includes a segment of twelve lessons on human rights in which hate crime is discussed.

24. At the Swedish Prosecution Authority's special development centre, with responsibility for issues including hate crime and human rights in relation to penal law, a project is under way to develop tools that will enable the agency to better identify hate crime cases in its system. The aim is then to use such an instrument to scrutinise how cases are dealt with and to identify shortcomings and their place in the justice chain. The Swedish Prosecution Authority is seeking the answer to questions such as what happens to hate crime cases further down the chain and to what extent the ground for increased severity of punishment is actually applied. This would create both development opportunities and a basis for a more thorough follow-up and scrutiny of the way police and prosecutors deal with hate crime.

25. In 2011, the Swedish Prosecution Authority's development centre took part in a project under OSCE (ODIHR) auspices aimed at drawing up new guidelines for prosecutors dealing with hate crimes. The guidelines have yet to be published.

26. The Office of the Chancellor of Justice, which is the sole prosecutor for crimes against freedom of the press and freedom of expression, launched a preliminary investigation in 2011 into three cases in which agitation against a national or ethnic group was disputed. The preliminary investigation is under way and an action has been brought in one of the cases. The number of preliminary investigations relating to agitation against a national or ethnic group has declined in recent years.

**(b) Statistics on hate crime, etc.**

27. In 2006, the National Council for Crime Prevention took over responsibility for hate crime statistics from Statistics Sweden. The statistics largely concern reports to the police with identified hate crime motives, and are published annually. In 2008, the Council revised its definition of what constitutes a hate crime in the hate crime statistics. Besides xenophobic or racist hate crimes against minorities, Islamophobic hate crimes, anti-Semitic hate crimes and homophobic hate crimes, the definition was extended to embrace xenophobic hate crimes between minorities and against the majority, other anti-religious hate crimes, biphobic hate crimes, heterophobic hate crimes and transphobic hate crimes. Also, since 2008, Afrophobic and anti-Roma hate crimes are reported separately.

28. In addition to the selection and search principles previously used in the production of hate crime statistics, a hate crime marker that the Swedish police introduced into their computerised systems for dealing with such crimes has been in use since 2008. This has resulted in a marginal increase in the number of identified hate crimes reported in the statistics. As of 2007, the hate crime statistics also include self-reported exposure to xenophobic and homophobic hate crimes, based on the National Council for Crime Prevention's study on security in Swedish society

29. At present, it is not possible to track all reported hate crimes throughout the justice chain. However, extensive efforts have been under way for some time to develop the justice system's provision of information, including crime statistics, one of the aims being to ensure that cases can be tracked all along the chain.

30. In 2004–2007, the number of reports to the police with identified hate crime motives totalled 3 000–3 500 per year. The revised definition used in the production of the 2008 statistics meant that additional groups were included in the National Council for Crime Prevention's hate crime victim category. As a result, the number of reported cases with identified hate crime motives increased to 5 895 in that year. Since then, the level has been slightly lower. In 2010, the number of such cases was 5 139, of which 40 per cent involved unlawful threat and molestation, while 10 per cent involved agitation against a national or ethnic group and 3 per cent unlawful discrimination.

31. The trend is similar for reports to the police involving identified xenophobic/racist motives. During the period 2004–2007, the number of complaints was 2 200–2 500. In 2008, the number had risen to 4 224, whereupon it declined to 3 786 in 2010. For reported cases involving xenophobic or racist motives, too, 40 per cent concerned unlawful threat or molestation while the figures for agitation against a national or ethnic group and unlawful discrimination were 10 per cent and 4 per cent respectively.

32. The numbers of reported and solved crimes of agitation against a national or ethnic group and unlawful discrimination for 2006–2011 are shown below.

Table 5

**Agitation against a national or ethnic group**

<i>Agitation against a national or ethnic group</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Reported crimes	754	718	780	762	723	731
Solved crimes	381	374	412	407	366	306
Proportion of reported crimes that led to a charge, a waiver of prosecution or a summary fine (person-based clearance)	5% (41)	8% (56)	9% (70)	8% (63)	9% (66)	7% (54)

Table 6  
**Unlawful discrimination**

<i>Unlawful discrimination</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Reported crimes	394	314	308	254	229	245
Solved crimes	378	295	266	203	202	188
Proportion of reported crimes that led to a charge, a waiver of prosecution or a summary fine (person-based clearance)	3%(12)	0% (1)	1% (2)	0% (1)	0% (1)	0% (1)

*Source:* National Council for Crime Prevention

33. Case reviews undertaken by the National Council for Crime Prevention reveal a number of reasons why so few cases of unlawful discrimination are brought to trial. One is that many complainants have only a vague idea of what constitutes unlawful discrimination. This is partly why it is fairly common for such reports to prove unfounded from a strictly legal standpoint, thus precluding legal action. Another reason is that it can be difficult to prove that the motive of the act in question was to discriminate against someone. Lastly, it should be noted that the parties in a discrimination case sometimes reach a private financial settlement after the complaint has been lodged. In some situations of this kind, the complainant is no longer interested in participating actively in the criminal investigation.

34. In the case of agitation against a national or ethnic group, too, only a limited number of cases are cleared up compared with the number of reports. Many of these offences concern graffiti, messages or various kinds of abusive behaviour that can seldom be linked to an individual or a group of individuals. Frequently, such offences are extremely difficult to investigate, which is why they tend to be cleared up by technical means instead of being linked to a particular individual.

35. In May 2011, the National Council for Crime Prevention reported on a government assignment that involved following up the efforts of the justice system to combat hate crime during the period 2003–2010. It noted that hate crime training as a part of basic police training had progressed favourably and that a number of police authorities had embarked on relatively ambitious training programmes targeting this issue. In training programmes for public prosecutors and newly appointed judges, a number of features relating to hate crime have been introduced. Regarding training for prosecutors, see paragraph 23 in the present report.

#### **4. Civil law legislation**

##### **(a) The Discrimination Act**

36. On 1 January 2009, the new Discrimination Act (Swedish Code of Statutes 2008:567) entered into force. The new law replaced previous anti-discrimination laws. It prohibits discrimination associated inter alia with ethnicity, religion or other belief. Ethnicity is defined for the purposes of the law as “national or ethnic origin, colour or other similar circumstance”.

37. The term ‘race’ previously included in the definition of the discrimination ground ethnicity was deleted in the new Discrimination Act. The word race is not used in the Act since the law assumes that all people belong to one and the same race: the human race. This change does not mean that protection against discrimination on grounds of ethnicity is weakened. Instead, the definition includes the words colour “and other similar

circumstance”. The latter phrase covers for instance perceptions that people can be divided into races.

38. The Discrimination Act contains prohibitions against discrimination that are applicable in virtually all areas of society. The anti-discrimination provisions apply to working life, education, employment policy activities and employment services not under public contract, membership of certain organisations, goods, services and housing, and public meetings and public events, health and medical care and social services, the social insurance system, unemployment insurance and financial aid for studies, national military service and civilian service, and public employment.

39. A new penalty, compensation for discrimination, was introduced for infringements of the Discrimination Act, the aim being to facilitate the provision of higher levels of compensation to victims of discrimination. Compensation for discrimination is designed both to compensate for the abuse represented by an infringement and to act as a deterrent against discrimination.

40. The new Act also introduces a right for non-profit organisations to bring an action on behalf of an individual in the same way as employee organisations are entitled to do.

**(b) The Equality Ombudsman**

41. The task of the Equality Ombudsman is to monitor compliance with the Discrimination Act. Coinciding with the appointment of the new Ombudsman on 1 January 2009, the four previous offices of the anti-discrimination ombudsmen were phased out; these were the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination because of Sexual Orientation.

42. The Equality Ombudsman now has access to better tools than the previous anti-discrimination ombudsmen for dealing with actors who fail to fulfil their obligations under the Discrimination Act. The Equality Ombudsman may for instance personally impose financial penalties on employers, education providers and business operators who refuse to provide such information about their activities as may be of relevance to the Ombudsman’s supervisory duties, or refuse to provide information about the qualifications of the person or persons selected for a job interview, appointed to a post or admitted to an educational programme. The same applies to those who refuse to give the Ombudsman access to workplaces or other premises where activities are conducted or refuse to attend discussions with the Ombudsman.

**(c) Application of civil law legislation**

43. As noted above in paragraphs 41 and 42, the task of the Equality Ombudsman is both to monitor compliance with the Discrimination Act and to combat discrimination and promote equal rights and opportunities for all, regardless of ethnicity or other attributes. As part of its mandate, the Equality Ombudsman can investigate complaints of discrimination that violate the provisions of the Discrimination Act, and in so doing can represent the complainant in connection with settlements or, as a last resort, in court.

44. Among the reports of discrimination that are submitted to the Equality Ombudsman, ethnicity is on the whole the most common discrimination ground in all areas of society. During the period 2009–2011, the Ombudsman received 7 960 complaints. Of these, a total of 2 282 (about 29 per cent of all complaints received) concerned discrimination on the grounds of ethnicity.

45. The distribution of complaints to the Equality Ombudsman in different social sectors is shown in the table below.

Table 7

**Complaints on the discrimination ground of ethnicity, by social sector**

<i>Complaints on the discrimination ground of ethnicity, by social sector</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>Total</i>
Employment services etc.	19	9	23	58
Workplaces	292	286	265	883
Housing	49	42	34	134
Non-protected areas*	80	59	50	228
Health and medical care	38	25	38	109
Membership of employee or employer organisations etc.	5	7	12	25
Business activity and professional qualification	3	3	2	9
Public employment	23	40	42	116
Social insurance etc.	24	27	12	65
Social services	54	54	41	161
Education	72	96	65	255
Goods and services	132	145	114	414
Total	791	793	698	2282

*Source:* Equality Ombudsman

\* Refers to areas not covered by the protection against discrimination available under the Discrimination Act.

46. As the table shows, the most frequent reports of discrimination associated with ethnicity are to be found at the workplace (883 complaints in all), in connection with the supply of goods and services (414) and in education (255).

47. As in the case of complaints associated with other grounds of discrimination, the most common ground for closure in the case of complaints relating to ethnicity was not discrimination. The reason for closing cases of this kind may be lack of proper evidence, for instance, or too weak a link to the ground of discrimination specified. There are also grounds for closure in education-related cases where the Equality Ombudsman concludes that the responsible body has complied with the requirements in the Discrimination Act regarding investigation and reasonable action in response to a complaint of discrimination.

48. As the table below shows, during the period 2009–2011 the Equality Ombudsman closed 32 cases of alleged discrimination on the grounds that a legally binding judgment had been passed. A further 51 cases were closed after settlements had been reached out of court.

Table 8

**Closed cases, discrimination ground ethnicity**

<i>Grounds for closure</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Judgment*	6	10	16
Settlement out of court*	36	13	2
Not discrimination	440	501	420
Not protected by law	85	88	65
Not disfavoured under the Parental Leave Act	0	3	1
Union repr./Passed on to the union	53	55	65

Statute-barred	46	38	34
Withdrawn	59	38	22
Other reasons	88	62	66
Cases transferred from the previous ombudsmen*	233	101	6
Total	1046	909	697

Source: Equality Ombudsman

\* The statistics for judgments and settlements include cases transferred to the Equality Ombudsman from the old ombudsmen. Other closed cases transferred from the old ombudsmen are not specified in the table, since limitations in the system do not permit a detailed division of cases.

## **5. Other general measures for combating ethnic discrimination, xenophobia and similar forms of intolerance**

### **(a) Strategies against discrimination and the collection of statistics, with special reference to paragraph 11 in the Committee's recommendations**

#### *(i) The work of the Equality Ombudsman*

49. As noted in paragraphs 41 and 42 above, the Office of the Equality Ombudsman was established in 2009 by merging the offices of the four previous anti-discrimination ombudsmen into a single agency. As also described in paragraphs 9–12 in the present report, the Equality Ombudsman undertakes studies of discrimination, which provide a basis for anti-discrimination strategies. Examples of how the Equality Ombudsman works with special projects, focus areas and forms of cooperation are provided in paragraphs 54, 55, 90, 149, 150, 168 and 177–180 of the report.

#### *(ii) An integration policy strategy*

50. Integration policy is implemented through action in many different policy areas by numerous actors at national, regional and local level. This necessitates a high degree of consensus and collaboration between the relevant agencies, which is best achieved within the framework of an overall strategy that specifies an overarching, long-term policy direction but which also delimits policy areas into realistic, quantifiable and measurable objectives and priorities. To this end, a new integration policy strategy is currently under development. Areas requiring particular attention are how labour participation can be increased among foreign-born persons, how labour demand can be stimulated and what other kinds of action may be relevant to hasten labour market entry.

#### *(iii) Collection of statistics*

51. When the National Integration Office was closed, its statistical operation was transferred to Statistics Sweden. The STATIV database maintained by the National Integration Office is now the responsibility of Statistics Sweden. STATIV is a longitudinal, individual-level database covering all residents of Sweden registered as such during the period 31 December 1997–2007. The Ministry of Employment has compiled a special publication, Pocket Facts 2010, in which tables and diagrams are broken down according to foreign-born and native-born, region of birth and Swedish and foreign background. Where possible, they are also disaggregated by sex. The statistics in the book were drawn from a number of different quarters. Statistics Sweden was one of the most frequent contributors, but there are also statistics from the Swedish Social Insurance Agency, the National Board of Health and Welfare, the National Agency for Education and the Swedish Migration Board etc. The book was previously published by the National Integration Office. Developments and the current state of affairs in the integration sphere are primarily

followed up by the agency concerned. In addition, Statistics Sweden has a government mandate to provide regular statistical reports at local, regional and national level and also to provide an annual integration report.

**(b) Government support to organisations, with special reference to paragraph 12 in the Committee's recommendations**

*(i) Support for local and regional anti-discrimination activities*

52. The National Board for Youth Affairs distributes funding for anti-discrimination activities pursuant to the Ordinance on State Grants for Activities that Prevent and Combat Discrimination (2002:989). The funding is provided to organisations and foundations that prevent and combat discriminatory practices relating to all the grounds of discrimination prescribed by law or the Government. The aim of this support is to prevent and combat discrimination through the provision of free advice and information to individuals and through opinion-making, course and seminar activities or public information and guidance. In 2010, SEK 10 million was distributed for this purpose.

53. Local anti-discrimination offices are given funding in accordance with the above ordinance. Their operations are based on local support and commitment on the part of unpaid volunteers. The anti-discrimination offices are among those that have made use of the right of NGOs to take legal action, introduced through the Discrimination Act.

54. During the period 2009–2011, the Equality Ombudsman has constantly kept in contact with the local anti-discrimination offices. A national reference group containing representatives of these offices has been set up as a means of maintaining an ongoing dialogue. This consultative group was synchronised with the offices' national committee. The exchanges have involved planning joint meetings at which the representatives of the offices also have the chance to meet Equality Ombudsman staff.

55. A substantial part of the Equality Ombudsman's efforts to combat discrimination and promote equal rights and opportunities involves cooperating in various ways with representatives of civil society. This cooperation gives the agency access to expertise and experience relating to issues in these areas of activity, and thereby improves its chances of performing its duties more efficiently. A further aim is for the equality ombudsman to act as a source of knowledge and to support representatives of civil society in their efforts to secure the rights of the various target groups, and also to make people more aware of the protection against discrimination available to them under the law.

*(ii) Support for activities against racism and similar forms of intolerance*

56. The National Board for Youth Affairs also distributes government grants to NGOs and foundations under the Ordinance on State Grants for Activities against Racism and Similar Forms of Intolerance (2008:62). This funding is designed to support activities that prevent and combat racism and similar forms of intolerance, including Islamophobia, Afrophobia, anti-Semitism, antiziganism and homophobia. In 2012, SEK 8 million is being distributed in the form of project grants for activities against racism and intolerance.

*(iii) Support for activities against violent extremism and support for dropout activities*

57. The National Board for Youth Affairs also distributes funds for activities that seek to prevent individuals from joining violent extremist environments or that support individuals intending to leave such environments, under the Ordinance on State Grants for Activities against Violent Extremism (2011:1508). Funding for this purpose is made available to non-profit associations and foundations that are neither state-run nor municipally controlled. In 2012, SEK 2.7 million is being distributed for activities against violent extremism and in

support of dropout activities. Also in 2012, the Government is providing an extra grant of SEK 1.8 million to Exit, an organisation that focuses on such activities.

(iv) *Support for ethnically based organisations*

58. The National Board for Youth Affairs also provides funding to organisations under the Ordinance on State Grants to Ethnically Based Organisations (2008:63). The purpose of this support is to strengthen the organisations' own initiatives and activities relating to culture, language and identity, and participation in community life. In 2012, SEK 19 million is being distributed. As paragraph 70 in the present report shows, government funding is also distributed to the national minorities' own organisations.

(c) **An inquiry into how efforts to combat xenophobia and similar forms of intolerance can be made more effective**

59. In May 2011, the Government appointed a special investigator to draw up proposals on how efforts to combat xenophobia and similar forms of intolerance could be made more effective. The investigator's tasks include compiling available knowledge on xenophobia and intolerant attitudes in society, and proposing further measures to combat xenophobia and similar forms of intolerance. The investigator is to report his findings no later than 26 October 2012.

(d) **National action plan to safeguard democracy against violent extremism**

60. On the basis of reports from the Swedish Security Service, the National Council for Crime Prevention and others on violent political and Islamist extremism in Sweden, the Government has adopted an action plan to safeguard democracy against violent extremism (Govt. Comm. 2011/12:44). The plan is based on the Government's democracy policy and emphasises preventive measures against extremism. In this connection, the term violent extremism is applied both to groups and individuals in the white power environment and the autonomous left, and to violent Islamism.

61. The action plan includes measures to enhance awareness of violent extremism, to dissuade individuals from joining violent extremist groups and to help those who have already joined such groups to drop out. In addition, the plan includes measures to strengthen structures for cooperation and measures to eradicate breeding grounds for ideologically motivated violence. The action plan will apply during the period 2012–2014.

## Article 2.2

### 1. **Special measures, with special reference to paragraph 13 in the Committee's recommendations**

62. Special measures is a controversial concept and is not defined in Swedish law. Nor is there any single, accepted definition of the concept of special measures. It is clear that the lack of an unambiguous definition of special measures frequently leads to misunderstandings.

63. As regards special measures of a more interventionary nature that marks a departure from the principle of equal treatment, there are from a strictly legal viewpoint exceptions to the ban on discrimination in the Discrimination Act (rules on this type of special measures) regarding ethnicity in employment policy, when starting or operating a business, and in some parts of the education system (measures taken by a folk high school or an adult education association). The ban on discrimination currently in place for these areas does not represent an obstacle to the application of provisions or measures that seek to promote equal opportunity regardless of ethnicity.

64. There are no such exceptions to the ban on discrimination either in working life or in other areas of society. Among the reasons cited for not allowing special measures based on ethnicity on the part of employers and in other areas of society are that such a practice violates the principle of equal treatment, problems concerning the delimitation of target groups, the difficulty of determining which criteria employers should use for such assessments, ethnic registration (invasion of privacy), the difficulty of determining which ethnic groups special measures should extend to, the risk of conflict between individuals and groups, and legal insecurity and unpredictability. It may also be reasonably assumed that special measures on ethnic grounds will be practised to only a limited extent.

65. However, a wide range of initiatives have been launched in Sweden that may be described as outreaching, encouraging, generally enabling and enhancing measures designed to hasten progress towards equal rights and equal opportunities for all regardless of ethnicity. These comprise both general measures directed at the population as a whole but which will benefit many people from under-represented groups, and targeted initiatives based on specific individual needs or capabilities. Separate measures targeting newly arrived immigrants and national minorities as a group are a further component. In Sweden, such measures are usually kept separate from special measures in the strictly legal sense of the term, but as in many international contexts could be regarded as being a form of it in practice.

66. Among measures of a facilitative nature, the following are worth particular mention: The Discrimination Act provides for active measures in working life and in education related to the discrimination grounds of ethnicity, religion or other belief. These provisions require employers, in cooperation with employees, to promote equal rights and opportunities in working life by taking such action as may be required to ensure that working conditions are suitable for all employees regardless of sex, ethnicity, religion or other belief. Employers must also take measures to prevent and hinder any employee being subjected to harassment or reprisals associated with sex, ethnicity, religion or other belief, or to sexual harassment, and also seek to ensure that people, regardless of sex, ethnicity, religion or other belief, have the opportunity to apply for vacant positions. Active measures are intended to accelerate progress and inspire greater efforts to combat discrimination. The provisions on active measures are not primarily intended for individual cases. Instead, they are forward-looking and of a general or collective nature.

67. To improve employment prospects for new arrivals in particular, there are also a number of labour market policy measures in place designed to enhance progress. These measures are described in paragraphs 149–154 in the present report. Among the measures initiated by the Government are measures for the national minorities. These are described in paragraphs 68–111 in the present report.

## **2. National minorities**

### **(a) Minorities policy**

68. As noted in paragraphs 42–44 of the fifteenth and sixteenth periodic report, a separate policy on national minorities was established in 2000. Several government initiatives have been taken, including actions to combat discrimination, for the purpose of protecting national minorities and minority languages. A reform of the minorities policy sphere has since been introduced, starting in 2009, which has strengthened the rights of the country's national minorities in a number of different areas. A more detailed account of the reform is provided under paragraphs 71–76 in the present report.

69. As noted in paragraph 65 in the seventeenth and eighteenth periodic report, the Government's consultation process with representatives of minority organisations has been

reinforced by supplementing the annual joint deliberations with separate meetings with each minority group.

70. There is also a government grant for organisations that represent national minorities other than Sami. This funding is administered by the County Administrative Board of Stockholm. The authority has produced a set of implementary regulations, which entered into force on 1 June 2011. Eleven organisations applied for grants in 2011 and all were granted funding. The total disbursement was SEK 4.6 million. The Sami Parliament distributes funding to Sami organisations and provides financial support to parties represented in the assembly.

**(b) A strategy for the national minorities**

71. In June 2009, the Swedish Riksdag passed the bill ‘From Recognition to Empowerment: Government strategy regarding national minorities’ (Från erkännande till egenmakt – regeringens strategi för de nationella minoriteterna, prop. 2008/09:158, bet. 2008/09:KU23, rskr. 2008/09:272.) The new strategy was put in place in January 2010. One of the aims of the strategy is to take a concerted approach to minority issues by clarifying the objectives of minorities policy, by making clear the responsibilities of central and local government in this connection, and by introducing a follow-up system. The strategy includes measures aimed at ensuring better compliance with the Council of Europe’s minorities conventions, at improving the follow-up of policy implementation, at combating discrimination and the vulnerability of the national minorities, at further strengthening the influence and empowerment of the national minorities, and at facilitating the preservation of the national minority languages.

72. The legal regulations governing the rights of the national minorities have been clarified through the Act on National Minorities and Minority Languages (2009:724). The law entered into force on 1 January 2010 and applies nationwide. The County Administrative Board of Stockholm and the Sami Parliament have been assigned to monitor compliance with the law. Each year, the two bodies report to the Government on how municipalities, county councils and government agencies have applied it.

73. As part of their monitoring duties, the County Administrative Board of Stockholm and the Sami Parliament have held consultative meetings with representatives of the national minorities’ organisations. In 2011, the two bodies embarked on efforts to develop the forms for consultation with a view to making this type of communication a more equal process between authorities and minorities.

74. To raise awareness about the national minorities and minority rights, the Sami Parliament operates the website [minoritet.se](http://minoritet.se). This site is an important aid in work on minority rights issues. In 2011, the website [minoritet.se](http://minoritet.se) had an average of 3 000 visits per month. In addition, a special intranet was established at [minoritet.se](http://minoritet.se) in 2011 to provide a forum for officials working on minority issues.

75. The minorities reform has meant that the national minorities, including the indigenous Sami, now have a better chance of exercising an influence. This is essential if the group’s needs are to be made more visible in the community. Administrative authorities are to give the national minorities a voice in matters affecting them, and as far as possible consult with representatives of the minorities on such issues (Section 5 of the Act on National Minorities and Minority Languages (2009:724). The legal obligation to engage in consultations has prompted a mobilisation among the Sami and other national minority organisations. In recent years, the administrative areas have been widened with the addition of further municipalities and county councils. In 2011, a further five municipalities and one county council were added, and in 2012 a further nine municipalities and two county councils have acceded to an administrative area voluntarily, following applications to the

Government. Consequently, the reform has boosted the enhanced protection for minority languages from seven municipalities and one county council in 2009 to 56 municipalities and 12 county councils in 2012. Municipalities and county councils belonging to an administrative area qualify for targeted government grants to offset the extra costs of the enhanced protection for minority languages and for other measures facilitating the preservation of these languages. As of 2012, government funding in this area amounts to just over SEK 62 million. Special funds have been set aside from this sum for the purpose of strengthening consultations between the Sami, the Tornedal Finns and the Swedish Finns in the administrative areas.

76. As a result of the reform, the level of ambition in Swedish minorities policy has been raised considerably. A structure that makes it easier to realise the aims of minorities policy has been created and is now being implemented. An important aim of the reform work is to further empower both the indigenous Sami and the other national minorities and to improve their chances of preserving and revitalising their languages and culture.

### **3. Roma, with special reference to paragraph 18 in the Committee's recommendations**

#### **(a) The Delegation for Roma Issues**

77. In 2006, the Government appointed an inquiry, the Delegation for Roma Issues. Its task consisted mainly of collecting, compiling, analysing and reporting experience and knowledge relating to the situation of the Roma. As part of its assignment, the Delegation undertook studies on conditions for Roma in child education, on the situation of Roma youth and on attitudes towards and awareness about Roma. The Delegation presented its findings in July 2010 in the report *Roma Writes: A strategy for Roma in Sweden* (SOU 2010:55). This report has provided a basis for a new twenty-year strategy for Roma inclusion, which is described in paragraphs 78–81 below.

#### **(b) A strategy for Roma inclusion**

78. In February 2012, the Government presented a communication entitled *A coordinated and long-term strategy for Roma inclusion 2012–2032* (skr 2011/12:56). The overall goal of the twenty-year strategy is to ensure that a Roma who turns twenty in 2032 will have the same opportunities in life as a non-Roma. The rights of Roma who have turned twenty at that time should be safeguarded within ordinary structures and areas of activity to the same extent as the rights of twenty-year-olds in the rest of the population.

79. The target group is primarily those Roma who are living in social and economic exclusion and are exposed to discrimination. Women and children are a special priority. The strategy is based on human rights, with particular emphasis on the principle of non-discrimination. The Government has allocated SEK 46 million for the period 2012–2015 for measures under the strategy.

80. The strategy contains goals and measures in six areas of activity: Education, employment, housing, health, social care and security, culture and language, and the organisation of civil society. Progress towards the six goals will be monitored continuously.

81. Implementation of the strategy should be characterised by Roma participation and influence. In order to speed up developments, the Government is establishing a special pilot project in a number of municipalities, in which county councils will also be involved. Measures in the project include training bridge-builders, testing the use of health communicators and raising awareness of the extent to which support is available for Roma schoolchildren.

**(c) Education for Roma**

82. With the advent of the new Education Act, the provisions concerning mother-tongue tuition at compulsory school and upper secondary school were upgraded from ordinance to law. Romani Chib is a national minority language, and students with a basic command of a national minority language have an extended right to mother tongue tuition. In this particular case, the implication is that Romani Chib does not need to be the everyday language used in the home; nor that at least five students must wish to study the language if a student is to be granted the right to mother-tongue tuition.

83. A number of national initiatives are also planned, such as the development and production of books and other teaching aids in all varieties of Romani Chib for children, teenagers and adults, telephone counselling for Roma girls and women on the subject of sexual and reproductive health, and efforts to raise awareness about gender equality.

84. In April 2012, the National Agency for Education was assigned to take part in the pilot project for Roma inclusion 2012–2015; to provide a better account of the situation of Roma children and students in preschool and preschool classes and in compulsory school and upper secondary school in those municipalities taking part in the pilot project; to ensure that suitable courses are available for the training of some 20 bridge-builders during the period 2012–2015 at preschool, preschool class and compulsory school level in those municipalities taking part in the project, for the purpose of improving the educational situation of the Roma minority; to promote the development and production of books and other teaching aids in all varieties of Romani Chib for children, teenagers and adults, and to inform all responsible school bodies and head teachers about national minorities and their rights.

85. In addition, the Government has stated that the Swedish Schools Inspectorate should be assigned to study the extent to which schools in the pilot municipalities for Roma students comply with the requirements of the Education Act as regards attendance, tuition and the right to special assistance for students requiring it; that teaching materials about the national minorities should be developed for compulsory schools, and that the Government intends to return to the question of ways in which Sweden can better meet its obligations under the Council of Europe's minority conventions regarding access to teachers capable of providing tuition in and on the national minority languages.

86. In its appropriation directions for 2011, the Swedish Schools Inspectorate was also assigned to examine how the responsible bodies provide information about the right to mother-tongue tuition in the minority languages – under the Education Act (2010:800), the Compulsory Schools Ordinance (2011:185), the Upper Secondary School Ordinance (2010:2039), the European Charter for Regional or Minority Languages, and the Council of Europe's Framework Convention for the Protection of National Minorities – and the extent to which these bodies meet their obligations in this respect. The report is currently under consideration at the Ministry of Education.

87. Where the recruitment of teachers is concerned, the Government has taken a number of steps since 2007 to expand education in national minority languages. To further strengthen efforts in this connection, the National Agency for Higher Education was assigned in 2010 to submit proposals on how to increase the supply of teachers able both to teach national minority languages and to teach other subjects in those languages, and, where appropriate, to propose changes in the current division of responsibilities.

88. The Government has also appointed an inquiry to review basic municipal adult education and to assess in particular, on the basis inter alia of Roma Rights (SOU 2010:55), the extent to which it is adapted to Roma needs and circumstances. A final report is to be delivered no later than April 2013.

**(d) A white paper**

89. Work has begun at the Government Offices on producing a white paper on unfair treatment, rights violations and other discriminatory acts against Roma occurring in the 20th century. The aim is to formally acknowledge the victims and their families and to build understanding of the Roma minority's situation today by describing the abuses, highlighting the historical context and showing both how stereotypes and prejudice have developed in relation to Roma and been passed down from generation to generation, and how these have coloured government policy over the years.

**(e) The Equality Ombudsman's work on behalf of Roma**

90. The Equality Ombudsman and the previous Ombudsman against Ethnic Discrimination have worked systematically since 2002 to promote Roma rights. The aim has been to increase awareness among Roma about the protection against discrimination available to them and also to increase awareness about such discrimination both within the agency itself and in the community at large. The work has involved the provision of training aimed at improving Roma's understanding of the available legal protection against discrimination and thereby improving their chances of asserting their rights.

91. By gathering information about Roma experience of discrimination, the Equality Ombudsman is now in a better position to offer Roma relevant educational input and to investigate complaints and pursue strategically important legal proceedings. A key aim has been to test the extent to which the Discrimination Act can provide individuals with redress and to then apply case-law to raise public awareness of the Roma's situation and to bring antiziganism out into the open. As noted in paragraph 11 in this report, the Equality Ombudsman has also published the report Roma Rights.

**4. Sami, with special reference to paragraphs 19, 20, 21 and 22 in the Committee's recommendations**

**(a) Action for Sami as an indigenous people and a national minority in Sweden**

92. Since the Sami are not only officially recognised as the only indigenous people in Sweden but are also one of Sweden's five national minorities, the Government is taking action on their behalf in both respects. The measures are chiefly intended to encourage a flourishing Sami culture, including the Sami language, based on ecologically sustainable reindeer husbandry and other Sami industries, and to improve their chances of playing an influential part in the community.

93. Following publication of the Equality Ombudsman's report Discrimination of Sami: Sami rights in a discrimination perspective in 2008, Sweden's minorities policy has been strengthened in a number of areas – see for instance paragraphs 68–76 in the present report. This means that the rights of Sami as one of the national minorities have been reinforced in several respects.

94. As paragraph 16 in the present report shows, the Instrument of Government nowadays prescribes that ethnic, linguistic and religious minorities are to be given the opportunity to preserve and develop a cultural and social life of their own.

95. As paragraph 50 in the fifteenth and sixteen periodic report shows, an information campaign about the Sami people was launched in 2001. In its seventeenth and eighteenth periodic report, paragraph 72, Sweden noted that this task had been turned over to the Sami Parliament, which had established an information centre with the aid of extra government funding. The information centre ([www.samer.se](http://www.samer.se)), which targets government agencies, NGOs, media and the general public, is continuing its work.

**(b) Consultation with Sami and Sami influence, with special reference to paragraph 19 in the Committee's recommendations**

96. Consultations of various kinds have a long tradition in Sweden and are a basic feature of Swedish democracy. Consultations are therefore held on a regular basis and in a variety of ways.

97. An important part of the Swedish legislative process is the practice of circulating government reports and other documents for comment by relevant bodies. Government agencies like the Sami Parliament to which matters are referred for comment are obliged to give an opinion. The reports concerning Sami rights, including those mentioned in paragraphs 73 and 74 in Sweden's combined seventeenth and eighteenth report, have naturally been referred to the relevant bodies, including the Sami Parliament.

98. Besides the consultative procedure described above in the legislative process, the Sami Parliament and the Government are in regular contact to discuss topical issues. The Parliament communicates on an ongoing basis with the Government Offices, and an annual agency dialogue is held at which matters concerning economics, staff, organisation and work duties are discussed. In addition, the minister responsible for Sami affairs still has regular talks with representatives of the Sami Parliamentary parties to discuss topical issues. This also applies in the case of the government minister responsible for issues relating to Sweden's national minorities, of which the Sami are one.

99. As paragraph 70 in Sweden's seventeenth and eighteenth periodic reports shows, the Government submitted a bill on greater Sami influence in early 2006. This has now been implemented and consolidated through a number of legislative amendments. As of 1 January 2007, for instance, tasks that primarily concern reindeer husbandry, which were once the responsibility of the county councils and the Swedish Board of Agriculture, are the business of the Sami Parliament. In addition, the Sami Parliament has been given responsibility for establishing objectives and managing work on the Sami language. The Swedish Riksdag and Government formulate the overall national language policy objectives, but when it comes to expressing the goals of internal work on the Sami language, the responsibility, according to the Government, should lie with the Sami Parliament in its role as an elected body.

100. Goals for promoting, preserving and developing the Sami language require the kind of democratic support in the Sami community that an elected body can provide. Consequently, the Sami Parliament has established two Sami language centres that are to actively enable and encourage greater use of Sami in public life, to assist with expertise, to develop methods for strengthening opportunities for the individual to use and recapture the Sami language, and to spread awareness of the language's revitalisation. To enable it to manage these new tasks, the Sami Parliament has been given extra funding.

101. Under present legislation, including the Reindeer Husbandry Act, the Planning and Building Act and the Environmental Code, the relevant Sami village as the party concerned is to be asked for its opinion before any decision is taken. At regional level, there are reindeer husbandry delegations that raise land lease issues and other matters of fundamental importance concerning the Sami use of land. These delegations include Sami representatives.

102. As noted in Sweden's reply of 27 of June 2008 to question 15 in the list of issues, a ministry memoranda (Ds 2009:40) concerning certain Sami policy issues was produced for the purpose inter alia of strengthening Sami influence. The original plan was to submit a bill to the Riksdag in the spring of 2010, but when among others the Sami Parliament announced that it had views on the draft bill's content the Government decided to await their arrival before proceeding. Consequently, the drafting process has taken longer than expected.

**(c) Legal protection for Sami and court rulings, with special reference to paragraph 20 in the Committee's recommendations**

103. As private individuals, Sami have the same right to legal protection as other Swedish citizens. Under Swedish law – the Legal Aid Act – legal aid may be provided to a legal entity. This also applies to Sami villages, which have the status of legal entities. Like other legal entities, therefore, Sami villages have no option but to take out private insurance guaranteeing legal aid. The Sami villages have now signed insurance agreements ensuring them of such aid. Regarding the question of court costs, it is a basic tenet of the Swedish justice system that the unsuccessful party in a case must reimburse the litigation costs of the winning party.

104. It was noted in Sweden's seventeenth and eighteenth periodic report, paragraph 76, that Sami villages had won a major case in the district court. The case was subsequently referred both to the Court of Appeal and to the Supreme Court. On 27 April 2011, the Supreme Court delivered its verdict. Like the district court and the Court of Appeal before it, the Supreme Court concluded that the Sami villages were entitled to winter grazing for their reindeer on the properties concerned. The property owners' case, therefore, was dismissed. As mentioned earlier, e.g. in Sweden's reply to question 14 in the list of issues, and in Sweden's follow-up information of 20 July 2009, Sweden has sought in a number of different ways to find alternative methods for solving disputes, such as the appointment of mediators.

**(d) The Nordic Sami Convention and ILO Convention No. 169, with special reference to paragraph 21 in the Committee's recommendations**

105. As shown by paragraph 71 of the seventeenth and eighteenth periodic report, and by Sweden's reply to the CERD list of issues (question 21, paragraph 99), efforts are underway to establish a regional indigenous people's convention (Nordic Sami Convention). The expert committee charged with drafting a Nordic Sami Convention presented its proposals on 26 October 2005 to the ministers responsible for Sami affairs, and the Sami presidents of Sweden, Norway and Finland. The draft has been circulated for comment and impact assessment in the respective countries.

106. The proposed Nordic Sami Convention is a priority issue for Sweden. The ministers responsible for Sami affairs and the Sami presidents decided on 22 November 2007 to appoint national negotiating delegations, and to thereafter begin negotiating on the basis of the draft convention. Accordingly, national negotiating delegations and members were appointed in March 2011. The Swedish delegation is led by a representative of the Government Offices and also contains two Sami representatives appointed by the Sami Parliament and two other representatives from the Government Offices. The costs of the delegation are defrayed by the Government Offices.

107. A first reading of the articles has been held, during which the delegations presented their main viewpoints. The aim is to begin negotiations proper in the autumn, and these are expected to continue for five years at the most.

108. The Government Offices are continuing their work on the issue of ratification of ILO Convention No. 169. A ratification of the convention is deemed complicated due to Article 14 on land rights.

109. Since 1995, both right of ownership and the right to pursue reindeer husbandry are enshrined in the Constitution. The relationship between these two constitutional rights is not uncomplicated, since land in northern Sweden within the reindeer husbandry area is used for different purposes and the owners of the aforementioned rights are not always the same subjects. Sweden is keen therefore to maintain a balance wherever there are competing interests and to avoid letting the right of one usurp the right of the other.

Ultimately, this is a matter of equality before the law and the right to equal treatment. Constitutional protection, therefore, would seem to require that the Sami villages' right to pursue reindeer husbandry may not infringe upon the right of the landowner to exercise his/her right of ownership, and that by the same token the landowner, in exercising this right, may not infringe upon the Sami villages' right to pursue reindeer husbandry.

**(e) Sami, with special reference to paragraph 22 in the Committee's recommendations**

110. In Sweden, the state is responsible via the Sami Education Board for Sami education, including preschool class and leisure-time centres. By agreement with the municipalities, all Sami school also have preschools. The task of the Sami Education Board is to provide information about integrated Sami tuition. The board's allocation for integrated Sami tuition was increased by SEK 1 million from 2010 in order to improve opportunities for Sami children to acquire the language.

111. The Government has appointed a committee to examine whether distance learning may in some cases be a viable alternative to regular tuition at compulsory school level, at upper secondary level and at upper secondary school for students with learning disabilities (dir. 2011:85). Distance learning as an alternative to regular tuition may be a way of countering the shortfall of qualified teachers in the minority languages. The report is to be submitted no later than 15 November 2012.

### **Article 3**

#### **Urban development work**

112. As of 2012, Sweden is focusing its urban development work on evaluation, information gathering and the exchange and dissemination of knowledge. The nine municipalities that are receiving this form of support contain neighbourhoods characterised by low employment, high dependence on social welfare allowance and low participation at upper secondary school.

113. The National Board of Housing, Building and Planning and a number of county administrative boards have been instructed in their appropriation directions for 2012 to contribute input to both the knowledge support programme and to the exchanges of knowledge and experience at municipal level. In addition, Statistics Sweden is continuing its efforts to develop register data on integration at urban district level. The National Crime Prevention Council, meanwhile, has been instructed in its appropriation directions for 2012 to produce statistics at urban district level for those areas specifically affected by the urban development work now under way. Also, the National Agency for Education is to provide support to a selection of schools in the municipalities concerned.

114. The mandate entrusted to the National Board of Housing, Building and Planning involves developing and disseminating knowledge and information that can help bring about favourable developments in the urban districts where exclusion is widespread by linking research more closely to the municipalities in the development project. The agency is also required to ensure the development of relevant exchanges of information between municipalities and other relevant actors, to liaise with other agencies pursuing mandates under the urban development project, and to compile and analyse the information gathered and report its conclusions in the form of a status of knowledge. Its findings are to be presented in February 2013.

115. A report on housing for asylum seekers was submitted to the Government in December 2008 by the National Board of Housing, Building and Planning. People who have applied for asylum in Sweden and are awaiting a decision may choose whether they want to live with relatives or friends (own accommodation), or in one of the Swedish

Migration Board's rented flats. Most asylum seekers choose to have their own accommodation. The right to choose one's own accommodation has been a subject of government inquiries on a number of occasions. The report by the National Board of Housing, Building and Planning confirms the effects of own accommodation previously noted in other inquiries. The problems to which attention has been drawn are overcrowding and insecure housing conditions. According to the study, it is the children of asylum seekers who suffer most. But the study also shows that those who have chosen their own accommodation become better integrated and have a greater chance of finding employment and a home of their own than those who have lived in refugee residential centres during the asylum period. In such centres, too, overcrowding is a problem. A further problem identified in the study is isolation.

## **Article 4**

### **Article 4 (a)**

116. For information on the crime of agitation against a national or ethnic group, the Committee is referred to paragraph 80 in Sweden's seventeenth and eighteenth periodic report.

### **Article 4 (b), with special reference to paragraph 14 in the Committee's recommendations**

117. Sweden wishes to reiterate (*cf* paragraphs 81–89 in the seventeenth and eighteenth periodic report and paragraphs 66–74 in the fifteenth and sixteenth report) that the dissemination orally or in writing of a message or communication incorporating a threat towards or contempt of a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin, religious belief or sexual orientation constitutes a criminal act – agitation against a national or ethnic group – and is punishable by imprisonment for up to two years, or, if the crime is deemed to be a minor offence, by a fine. For crimes judged to be of a gross nature, the sentence is imprisonment for between six months and four years. Agitation against a national or ethnic group is also prohibited when it occurs in written publications or in radio or TV broadcasts etc.

118. Participation in an organised criminal activity can be punishable as a conspiracy to commit a crime, preparation to commit a crime, attempted crime or complicity to commit a crime. Under Chapter 23, Section 4 of the Swedish Penal Code, liability as an accomplice is prescribed in relation to all crimes specified in the Penal Code and also to all crimes punishable by imprisonment. Liability for conspiracy, preparation or attempted crime is present if this is prescribed for the offence in question.

119. Complicity is governed by Chapter 23, Section 4 of the Penal Code. According to this provision, punishment is to be imposed not only on the person who committed the act but also on anyone who furthered it by advice or deed. A person inducing another to commit a criminal act can be sentenced for instigation and otherwise for being an accessory. Under Chapter 23, Section 1 of the Penal Code, a person who has begun to commit a crime without bringing it to completion is to be sentenced for attempt to commit crime if there was a danger that the act would lead to the completion of the crime or such danger had been precluded only because of fortuitous circumstances. Under Chapter 23, Section 2 of the Penal Code, a person can be sentenced for preparation of crime if he or she, with the intention of committing or promoting a crime, presents or receives money or anything else as pre-payment or payment for the crime or who procures, constructs, gives, receives, keeps, conveys, compiles or has any other dealings of a similar kind with something specifically intended for use as an auxiliary means in crime, unless that person is guilty of a completed or attempted crime. Under the same provision, a person who decides

on a criminal act in collusion with another, or seeks to incite another person to commit a crime, or undertakes or offers to execute the crime, may be sentenced for conspiracy. In 2011, Sweden widened the criminalisation of both preparation and attempt to include additional offences. The aim in introducing these additions was to implement the Council Framework Decision (2008/841/JHA) of 24 October 2008 on the fight against organised crime, which includes commitments on criminalisation and provisions on sanctions for crimes committed within the framework of a criminal organisation.

120. On a number of occasions, the Government and the Riksdag have expressed their view that Swedish legislation effectively prohibits all forms of racist expression and that in practice this makes it impossible for groups advocating racial discrimination to operate and for members of such groups to take part in the dissemination of racist propaganda.

#### **Article 4 (c)**

121. As noted in the seventeenth and eighteenth periodic report, law courts, administrative authorities and others discharging public administrative duties as part of their activities are required to give due consideration to the equality of all before the law and to observe objectivity and impartiality. This provision also applies to natural or legal persons discharging public administrative duties for which they are given responsibility. Both support for and the promotion of ethnic discrimination are covered by the penal law and civil law provisions mentioned under Article 2. The discrimination prohibitions also apply to public officials.

#### **Article 5**

##### **Article 5 (a)**

122. For information on relevant legislation, see paragraphs 86 and 87 in the twelfth periodic report from Sweden.

#### **(a) Work on equal treatment and diversity in the justice system, with special reference to paragraph 16 in the Committee's recommendations**

##### **(i) *The police***

123. An important point of departure is the Swedish Police's national set of values, where the catchwords are committed, effective and accessible. These values make clear what the police stand for and are used to develop the force's operation. The aim is for this basic set of values to permeate all police activities and to eventually come to the attention of the public in everyday life.

124. Police officers are educated in matters relating to tolerance and cultural diversity as part of their basic training. Those parts of the further training programme that are provided by the National Police Academy include education in fundamental rights, human rights and cultural awareness. In addition, the police authorities have a responsibility to provide their own internal skills enhancement programmes. A number of police authorities, including Stockholm, have made special efforts to raise awareness and enhance skills in respect of cultural diversity and tolerance.

##### **(ii) *The Swedish Prosecution Authority***

125. The Swedish Prosecution Authority is working actively to promote equal treatment within the agency. Annual activities are organised that focus on equal treatment, including discussions of LGBT issues, religion, disabilities, discrimination and tolerant, respectful treatment. Since 2010, the agency has operated an inspiration network, the purpose of

which is to facilitate exchanges of ideas and experience and to raise awareness of equal treatment issues at the workplace.

126. Of all staff employed at the Swedish Prosecution Authority at the end of 2011, 8 per cent were born abroad or had parents who were both foreign-born. This marked an increase on the 2009 figure.

(iii) *The courts*

127. The National Courts Administration is constantly striving to ensure that the principle of equality before the law fully impacts on its activities. The bulk of its efforts in this connection concern interpretation and rightful treatment in the courts and the prevention and combating of discrimination within the agency's area of operation. The agency also pursues efforts to increase diversity in the court system. Below are some examples of measures that have been taken in the past or are being taken at present.

128. In 2008, the Government instructed the National Courts Administration to show what measures it had taken to prevent and combat discrimination in its activities. The agency described the measures in its annual report for 2009, which shows the following. In 2009, the National Courts Administration worked on developing and improving the support material that had been produced to make it easier for the courts to address diversity and related issues. This support material is based on current anti-discrimination legislation and on the National Labour Market Administration's strategy for diversity in the central government sector, and contains information on how a structured diversity effort might be pursued. It also contains templates for the production of diversity policies and plans, based on what has emerged from analyses of diversity and gender equality at each individual court.

129. The National Courts Administration has continued its efforts to provide information about the aforementioned support material. As a result of its work in this respect, many courts have produced diversity policies and diversity plans of their own, while many have expressly stated when advertising vacant staff positions that they are looking for applicants with foreign backgrounds. The agency's work has also led a number of courts to invest more widely in regional or local training programmes focusing on the areas in question. Examples of such input include lectures, seminars and theme days about diversity, discrimination, prejudice, Islamic law and the treatment of people from other cultures.

130. In addition, the National Courts Administration has continued to invest in centrally organised training in the areas concerned. All basic staff training now incorporates segments dealing with diversity and discrimination. Furthermore, a diversity perspective is included both in various types of training for newly appointed permanent judges and in other regional and local training for staff working within the Swedish court system.

(iv) *The Prison and Probation Service*

131. Issues concerning ethics and tolerance are an important part of the Prison and Probation Service's internal training programme. Both basic training and further training for the service's staff include education in current legislation and in Sweden's international commitments on human rights as a natural course component. Issues concerning honour-related violence and hate crime are also featured in the Prison and Probation Service's training.

132. In addition, over the past five years the Government has repeatedly assigned the Prison and Probation Service to describe in what ways relevant issues concerning the human rights of inmates are made clear in its staff training programme and what proportion of the staff have undergone training in discrimination and diversity issues.

133. The Prison and Probation Service has been pursuing efforts to increase the proportion of staff with foreign backgrounds for a number of years. In 2010, the proportion was just over 15 per cent.

**(b) The supply of interpreters in the justice system and the right to an interpreter, etc., with special reference to paragraph 16 in the Committee's recommendations**

134. General information on the right to interpretation and translation was dealt with in Sweden's memorandum to the Committee in July 2009 (CERD follow-up info 2009) and is therefore not included in this report.

135. Within the police and prosecutors' sphere of operation, interpreters are brought in when these agencies are dealing with someone who lacks a command of Swedish or has a serious hearing or speech impediment. In providing this service, the agencies use centrally produced lists of interpretation agencies and authorised interpreters.

136. In late 2009, the Government assigned the National Courts Administration to gather information on the extent to which legal interpreters and authorised interpreters are used for interpretation in the courts and to what extent these interpreters are felt to be qualified for the task in hand. If necessary, the agency was also to present proposals as to how the quality of court interpretation might be improved. The findings of the National Courts Administration are described in its report *The Quality of Interpretation in Law Courts etc.*, and include the following. The work of legal interpreters and other authorised interpreters is of a high standard. The same applies to authorised translators. A number of courts, however, have problems with finding legal interpreters and authorised interpreters, largely due to the lack of such interpreters.

137. In December 2010, the Government assigned the Swedish Legal, Financial and Administrative Services Agency to assume responsibility for the establishment of a register of contact interpreters who had successfully completed basic training in interpretation. The register was activated in 2011. At the same time, the Government assigned the Swedish Agency for Public Management to examine how the supply of authorised interpreters and of interpreters who had successfully completed integrated basic training in interpretation might be increased. In its report, presented in January 2012, the agency recommended that more frequent qualification opportunities be provided for the largest interpretation languages, and that obtaining validation of qualifications equivalent to integrated basic training be made easier.

138. Following publication of its report *The Quality of Interpretation in Law Courts etc.*, (see paragraph 136 of the present report), the National Courts Administration has made active efforts to improve the standard of court interpretation. Its work has involved communicating to the various courts information about legal interpreters and other authorised interpreters and about their respective qualifications. The National Courts Administration is now seeking to improve court interpretation still further.

139. Sweden is also taking an active part in the efforts under way in the EU. In December 2011, the Government appointed a committee to examine how the EU directive on the right to interpretation and translation in criminal proceedings is to be incorporated into Swedish law. The committee is to present its report no later than 31 July 2012.

140. Under Swedish law, national minorities are entitled to use their own language in court. This is provided for in the Act on National Minorities and Minority Languages (2009:724) and in the Ordinance on National Minorities and Minority Languages (2009:1299). Sections 13–16 of the Act on National Minorities and Minority Languages state that a party or a representative of that party is entitled to use Sami, Finnish or Meänkieli in dealings with certain courts of law. The right to use minority languages includes inter alia the right to submit documents and written evidence in the minority

language, a right to have relevant documents orally translated into that language, and a right to speak this language at oral court hearings.

141. Statutes relating to national minorities and minority languages have been translated into the minority language concerned. These translations are available at the Government's website on the Internet. In addition, the website contains information on the right to use minority languages in court. Such information is also available at the website of the Swedish Courts. It should be noted that the information is available both in Swedish and in the respective minority language.

#### **Article 5 (b)**

142. For information on relevant legislation, the Committee is referred to paragraphs 88 and 89 in the twelfth periodic report from Sweden.

#### **Article 5 (c)**

143. For information on relevant legislation, the Committee is referred to paragraph 78 in the twelfth periodic report from Sweden.

144. Citizens, regardless of their ethnic background, can only take part in the political process and vote if they understand how the Swedish electoral system works. In preparation for the 2010 general election, a film on the subject was produced in Arabic, English, Farsi and Turkish. Also, a fact sheet was produced in 25 different languages. Where the actual pattern of voting is concerned, it is difficult to compile any detailed statistics on the outcome since Sweden, as noted in paragraph 4 of the present report, does not keep any official statistics on people's ethnicity. The only available statistics are those concerning citizenship and country of birth. According to Statistics Sweden, the 2010 election showed that the turnout is comparatively low among foreign-born persons. Swedish citizens born outside Sweden vote to a considerably lesser extent than those born in Sweden. The gap has narrowed, however. At the 2010 parliamentary election, the turnout among foreign-born Swedish citizens rose by almost 7 percentage points to 73 per cent. Among native-born persons the proportion of voters rose by just under 3 percentage points to 87 per cent. But while the gap in turnout between foreign-born and native-born has narrowed, the difference is still 14 percentage points.

145. The government has appointed a committee to look into a number of citizenship issues. Among its tasks, the committee is to propose a definition of what Swedish citizenship implies and to examine whether citizenship may be used to a greater extent as an incentive to integration. The report is to be presented no later than 1 April 2013.

#### **Article 5 (d)**

146. With a very few exceptions, the fundamental freedoms and rights apply equally to all in Sweden. As a result of amendments to the Instrument of Government that entered into force on 1 January 2011, this is more clearly expressed in the Constitution nowadays, see also paragraph 16 in the present report. The rights that apply exclusively to Swedish citizens only extend to protection against the registration of opinions, protection against expulsion from the country or obstacles to free entry to Sweden, and the protection of citizenship, freedom of movement within the country, and the freedom to leave it. Under Chapter 2, Section 12 of the Instrument of Government, no act of law or other provision may imply the unfavourable treatment of a citizen because he or she belongs to a minority group by reason of race, colour, or ethnic origin, or by reason of sexual orientation.

147. As paragraph 17 of the present report shows, the term 'race' has been deleted from the Instrument of Government. This however does not represent any substantive change; discrimination on the grounds of perceptions of race is still prohibited under the

Constitution. As result of the amendments introduced in January 2011, protection against discrimination in the Instrument of Government was extended to include unfair treatment on the grounds of sexual orientation.

148. Where nationality is concerned – in accordance with the amended citizenship law making dual citizenship fully acceptable – the Instrument of Government was amended on 1 January 2011 to remove the possibility of revoking a Swedish citizen's citizenship should the person concerned, by express consent or through entering a public position, become a citizen of another state.

**Article 5 (e), with special reference to paragraph 17 in the Committee's recommendations**

**(a) Measures taken in the labour market**

149. In the course of 2009, the Equality Ombudsman undertook what was termed the Greenhouse Project. The main aim of the project was to assist employers and union organisations wishing to actively encourage an open, inclusive workplace free from discrimination. The method is intended as a means of support for the social partners' preventive efforts at the workplace.

150. In 2010–2011, the Equality Ombudsman implemented a targeted project to persuade the social partners to actively combat and prevent discrimination. Employers may not discriminate and are required to join with representatives of their employees in pursuing goal-oriented efforts to actively promote equal rights and opportunities in working life. The overall goal for this focus area has been to mobilise the social partners in various ways for the task of preventing and combating discrimination, e.g. by initiating local joint efforts that lead to agreements on active measures.

151. On 1 December 2010, a reform programme was introduced to expedite the establishment of newly arrived immigrants in working life and community life. This marked the greatest change in integration policy in decades. Based on their own capabilities and circumstances, new arrivals are to be given professional support so that they may swiftly learn Swedish, find a job and support themselves, and become acquainted with the rights and obligations that apply in Sweden. A quicker introduction is to be achieved by strengthening the incentive to both take an active part in employment preparation activities and to take up a job. Individual establishment plans will be drawn up to make better use of the skills of newly arrived immigrants.

152. One result of the reform is that the Swedish Public Employment Service is now responsible for coordinating the immigrant establishment programme. Employment offices draw up an establishment plan together with the new arrival, containing measures that will facilitate and hasten the person's establishment in working and community life. A new benefit has been introduced that is the same for all newly arrived immigrants regardless of where in the country they live; payment of this benefit is conditional on active participation in establishment activities. A new actor – an 'introduction mentor' – is to assist the newcomer during the establishment period. New arrivals who have an establishment plan also take part in a civic orientation programme.

153. The Government introduced 'new start jobs' on 1 January 2007. The purpose of this program is to get more people into the labour market by giving employers an incentive to recruit people who have been jobless for a considerable length of time. The new start jobs programme will also target asylum seekers who have received residence permits, quota refugees and close relatives of people in these groups, during the first three years after a residence permit has been granted. An employer recruiting someone for a new start job is not required to pay employer's contribution, and in addition qualifies for a grant

corresponding to that contribution. This means that the wage costs for a new start job are practically halved.

154. 'Step-in jobs' were introduced on 1 July 2007. This is an employment grant designed to facilitate the entry of newly arrived immigrants into the labour market. People may be allocated step-in jobs if they study Swedish during the employment period. The target group is people granted residence permits in the past 36 months. From the same date, step-in jobs may be allocated for a maximum of 24 months. The employment grant comprises 8 per cent of the wage cost, but no more than SEK 800 per day.

155. In 2006, seven government agencies were instructed to test the use of anonymous application documents in their recruitment process. This assignment was a result of an inquiry that the Government announced in 12 May 2005, the aim being to examine the feasibility of using a method involving de-identified application documents when recruiting in the public sector. The inquiry reported its findings in December 2005. Simultaneously, the Swedish Agency for Public Management was assigned to evaluate the outcome of this pilot project. The agency's conclusions were as follows. In its view, the use of anonymous application documents had no effect on the choice of applicants interviewed, the applicants themselves however thought it improved their chances and gave them a level playing field, and the diversity study focused greater public attention on diversity issues, equal opportunities regardless of sex or ethnicity, further development work, and a need of evaluation.

156. In light of the report from the Swedish Agency for Public Management, the Government offered the following conclusion in its Budget Bill for 2010: "One result of the diversity projects is that the recruitment process has been improved. The Government believes it is important that the agencies continue their efforts to develop legally secure and effective recruitment processes." The legal security of recruitment processes is implicit in Chapter 12, Article 5 of the Instrument of Government, which states: "Appointments to central government positions are to be based only on objective considerations such as merit and competence."

157. Employment statistics are shown in the following table.

Table 9

**Employed aged 15–74 years, %**

<i>Year</i>	<i>Native-born men</i>	<i>Foreign-born men</i>	<i>Native-born women</i>	<i>Foreign-born women</i>
2005	69.2	59.5	64.4	52.6
2006	69.9	60.6	65.0	52.3
2007	70.8	61.8	65.9	53.3
2008	70.7	63.6	66.0	53.2
2009	68.3	60.3	64.3	52.5
2010	69	60.3	64.2	50.5
2011	69.6	61.6	65.5	51.3

158. Unemployment statistics are shown in the following table.

Table 10  
Unemployed aged 15–74

<i>Year</i>	<i>Native-born men</i>	<i>Foreign-born men</i>	<i>Native-born women</i>	<i>Foreign-born women</i>
2005	6.8	14.8	6.8	13.5
2006	5.9	13.2	6.3	13.0
2007	5.0	11.4	5.4	12.4
2008	5.0	11.3	5.5	12.8
2009	7.3	15.9	6.8	14.3
2010	7.2	15.6	6.7	16.5
2011	6.0	15.9	5.9	15.8

**(b) Measures in the education sector**

159. The Equality Ombudsman has developed a web tool that offers head teachers and the staff of preschools and schools guidance and support in the planning of goal-oriented action and the framing of equal treatment plans. Each ground for discrimination is dealt with in the tool. It also enables the user to include the schools' general measures against degrading treatment in the planning process. The tool was produced in cooperation with the Swedish school authorities, i.e. the Schools Inspectorate and the National Agency for Education, and was well received by the country's preschools and schools. After a year, 5 000 schools and preschools had registered as users. In the course of 2012, the Equality Ombudsman will be evaluating the web tool and how it has affected the schools' work on equal treatment.

160. On 1 April 2006, a special representative for the equal treatment of children and school students was appointed. As of October 2008, this representative is attached to the Schools Inspectorate but has a separate, independent mandate. One of the representative's tasks is to work together with the Equality Ombudsman to combat the abuse, discrimination and harassment of children and school students.

161. In April 2009, the Government instructed the National Agency for Education to implement measures that promote, strengthen and spread awareness about the basic values that guide Swedish schools. One of the agency's tasks was to carry out a follow-up study of the schools' work on their basic values and, on the basis of this and other studies, to produce support material for teachers and responsible school bodies. In May 2009, the Government gave the National Agency for Education a renewed mandate to strengthen the schools' basic values and to intensify efforts against discrimination and unfair treatment, including bullying at school, preschool and leisure-time centres. As part of its task, the agency is to offer in-service training to staff at preschool, compulsory and upper secondary school level, staff at leisure-time centres and school managers, in pursuit of such improvements. An example in point is a university course – Basic values and equal treatment in theory and practice – developed in cooperation with a number of higher education institutions. In addition, the National Agency for Education is required as part of its mandate to assemble and disseminate good practices relating both to preventive work and to work on procedures for reporting and following up cases of discrimination and other unfair treatment.

162. A new Education Act (2010:800) entered into force on 1 July 2011. It contains stricter requirements concerning the duty of teachers and other preschool and school staff who detect discrimination or abuse to report the matter. Such matters are to be reported to the head teacher or preschool director, who in turn is required to notify the body responsible for the facility.

163. The National Agency for Education produces general guidelines in various fields which serve as recommendations on how the statutes governing the education system (laws, ordinances and regulations) may be applied. In 2012, the agency updated its General guidelines for combating discrimination and unfair treatment. The purpose of these guidelines is to support and highlight the efforts of the schools to promote equal rights and opportunities for children and school students, and to strengthen their work against discrimination, harassment and unfair treatment.

**(c) Measures in the housing market**

164. One example of the Equality Ombudsman's work in this sector is the survey undertaken by the agency at the Government's request on the prevalence and extent of discrimination in the housing market. See information about the survey in paragraph 10 of the present report.

165. A report by the National Board of Housing, Building and Planning, How property owners distribute flats, was presented in January 2009. The agency's findings show that housing companies themselves decide what conditions and requirements they impose on presumptive tenants. The companies may supply a vacant flat to whoever they want, as long as they do not contravene anti-discrimination legislation. The findings did not indicate any difference between municipal and private housing companies as regards the conditions imposed on presumptive tenants. The study also shows that there is every likelihood discrimination occurs in the housing market but that research in this field is inadequate and should be supplemented.

166. On 1 January 2011, a new Act on Public Utility Municipal Limited Liability Housing Companies (2010:879) entered into force. Under this law, such housing companies are to operate on a commercial basis. The law sets limits for the value transfer of profits. These limits do not apply, however, if for instance the profits are used to finance measures that enhance integration and social cohesion as part of the municipality's responsibility for housing provision.

167. Paragraphs 112–115 in the present report also describe Sweden's urban development work.

**(d) Measures in the health care sector**

168. During the period 2010–2011, the Equality Ombudsman has pursued special efforts centring on the right to health care on equal terms. As part of this work, the agency has for instance engaged in dialogue with representatives of civil society to learn about their experiences and their views concerning how discrimination is manifested in the health care sector. Representatives of the groups concerned have then taken part in exchanges of experience with key actors in this sector. In addition, the Equality Ombudsman has produced an overview of research reports and studies relating to the health care sector. Its findings in this respect are detailed in the report The right to health care on equal terms, which is described in paragraph 12 in the present report.

**Article 5 (f)**

169. Here, the Committee is referred to paragraph 32 in the twelfth periodic report for information on the penal provision concerning unlawful discrimination in Chapter 16, Section 9 of the Penal Code.

## Article 6

170. For information on relevant legislation, the Committee is referred to paragraphs 133 and 89 in the twelfth periodic report from Sweden.

171. The application of legislation against discrimination and xenophobia etc. is described in paragraphs 20–35 and 43–48 in the present report.

172. Work on behalf of equal treatment and diversity etc. in the justice system is described in paragraphs 123–133 in the present report.

## Article 7

### (a) Consultation with NGOs, with special reference to paragraph 26 in the Committee's recommendations

173. Non-governmental organisations working in the areas covered by the Convention were invited to a consultation in May 2012. At this meeting, information was provided about the reporting process and the planned contents of this report. The NGOs were also given the opportunity to put questions to responsible officials and express their opinions.

### (b) National consultation on xenophobia

174. The Government organised a national consultation on xenophobia and similar forms of intolerance in March 2012. Some 175 people from organisations, municipalities and government agencies etc attended the meeting. The views expressed during the consultation will provide a basis both for the government inquiry currently underway on more effective measures against xenophobia and similar forms of intolerance, and for the Government's continuing efforts in this area.

### (c) The Government Offices' websites

175. The website [www.manskligarattigheter.se](http://www.manskligarattigheter.se) contains detailed information about human rights. This includes the key conventions on human rights and information about individual complaint procedures. The site also contains other important documents in this field, such as Sweden's periodic reports to the United Nations monitoring committees and the conclusions and recommendations of the committees. The more important documents have been translated into Swedish.

176. A new web page has been launched at the government website [regeringen.se](http://regeringen.se) where the most common Internet myths about immigration and minorities are refuted through the presentation of facts.

### (d) The Equality Ombudsman

177. As noted in paragraphs 54, 55, 149, 159 and 168 in this report, the Equality Ombudsman cooperates to a great extent both with representatives of civil society and with other key actors in the Ombudsman's sphere of activity.

178. The Equality Ombudsman website contains information specifically directed at those who have been exposed to or risk being exposed to discrimination. This information has been translated into 27 languages, including the national minority languages and variations on these languages. There is also information on the site targeting employers, employer organisations, education providers, government agencies and other key actors willing to work against discrimination and for human rights. This information, too, has been translated into 27 languages. Equality Ombudsman publications comprise basic

brochures, manuals, method support material and reports. In this connection, the agency has given priority to the education system and working life, particularly the provision of method support to teachers and other staff.

179. As part of its advisory service, the Equality Ombudsman responds to oral and written questions from individuals wishing to find out what the legal protection against discrimination involves and how discrimination may be prevented. The Ombudsman advises the general public by phone, letter or e-mail. In its activities in the education sector, the Equality Ombudsman focuses on finding other actors to cooperate with so that they in turn may disseminate knowledge and information and train others in this sphere. The Equality Ombudsman focuses in particular on participants capable of contributing to the development of the agency's knowledge, of reaching many others, and of reaching actors of importance to the agency's priorities.

180. In the course of 2011, the Equality Ombudsman implemented the project Paths to Rights. This project sought to make it easier for individuals experiencing discrimination to obtain advice and where necessary to obtain assistance in lodging a complaint. The main target group was the local level in civil society, which needs to strengthen its ability to pursue local anti-discrimination efforts. Another important target group was municipal and regional officials and politicians responsible for the provision of public services in such areas as adult education, labour market programs, housing and health care. A book entitled Paths to Rights: A source of inspiration for local anti-discrimination work was produced as part of the project.

**(e) Living History Forum**

181. The Living History Forum is a government agency that engages in outreach activities centring on knowledge, information and culture. The prime task of the agency is to act as a national forum for the promotion of democracy, tolerance and human rights, based on the Holocaust. The main target group is students and teachers in Year 9 of compulsory school and in upper secondary school. Using exhibitions, workshops, in-service teacher training and a range of educational aids, the agency communicates knowledge and information and establishes dialogue as a means of combating intolerance in various forms, including anti-Semitism, Islamophobia and antiziganism.

182. In 2011, for instance, acting on instructions from the Government, the agency produced Assignment: Democracy, a comprehensive, web-based package of methods focusing on democracy, tolerance and human rights, problematised on the basis of historical events and life stories. The material proceeds from the education system's policy documents and can be used by teachers in the schools' democracy tuition. During 2012, the Living History Forum is spreading its material via in-service teacher training and conferences for politicians, school managers and others throughout the country.

## **IV. Other recommendations from the Committee**

### **A. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with special reference to paragraph 23 in the Committee's recommendations**

183. Sweden is not at present planning to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The protection prescribed in this convention is already largely implicit in other key United Nations conventions on human rights and in the ILO conventions. Sweden is continuing its

efforts to guarantee human rights and to implement the key conventions on human rights that it has ratified.

**B. The Durban Declaration, with special reference to paragraph 24 in the Committee's recommendations**

184. Sweden has adopted a number of national action plans for human rights and against discrimination and xenophobia. In 2001, a national action plan against racism, xenophobia, homophobia and discrimination was adopted. The first national action plan for human rights was adopted in 2002 and this was followed in 2006 by a second plan in which issues concerning discrimination and xenophobia were a key feature. At present, efforts are underway to develop a third national action plan for human rights. Sweden also participated actively both in the preparations for the 2009 Durban Review Conference and in the conference itself.

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