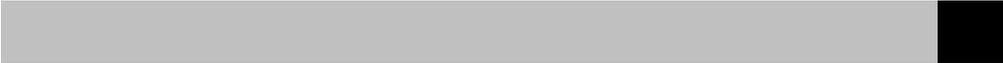


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ECRI REPORT ON SWEDEN

(fifth monitoring cycle)

Adopted on 5 December 2017

Published on 27 February 2018

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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles, covering 9-10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, and those of the fourth round in the beginning of 2014. Work on the fifth round reports started in November 2012.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The fifth round country-by-country reports focus on four topics common to all member States: (1) Legislative issues, (2) Hate speech, (3) Violence, (4) Integration policies and a number of topics specific to each one of them. The fourth-cycle interim recommendations not implemented or partially implemented during the fourth monitoring cycle will be followed up in this connection.

In the framework of the fifth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 21 June 2017; developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fourth report on Sweden on 19 June 2012, progress has been made in a number of fields.

In 2016, the government launched its new National Plan to combat racism, similar forms of hostility and hate crime. It is based on a consultation process with civil society groups and minority representatives and provides an overall political vision for the fight against racism and intolerance, emphasising a human rights based approach.

Various government-supported initiatives exist to combat racism. The Living History Forum carries out an extensive education programme on racism and similar forms of hostility, providing information material and training to teachers and other school staff in partnership with the National Agency for Education. Since 2016, the Swedish Research Council has been allocating special annual funding to support a comprehensive research programme to provide a more detailed understanding of racism-related problems and possible solutions. The Swedish Media Council has received around € 100 000 annually since 2013 for initiatives to prevent online xenophobia and intolerance among children and youth. It has implemented these activities in the framework of the Council of Europe's No Hate Speech campaign, which has been extended in Sweden until 2020. The Swedish Defence Research Agency has also been tasked with monitoring extremist Internet propaganda.

The authorities have made larger-scale efforts to address the need to integrate the extraordinarily high number of refugees and beneficiaries of subsidiary protection who arrived during the recent migration crisis in 2015. The primary objective of Swedish integration policy is to facilitate their access to the labour market. The Introduction Programme includes Swedish language and civic education courses, as well as pre-employment training activities, such as work placements and internships. A supplementary integration benefit for recently arrived persons who participate in these activities also exists.

In 2016, the government presented its new housing policy package, as well as a long-term reform programme to reduce segregation 2017-2025 which is also intended to combat ethnic segregation in the housing market. The housing policy package will make funding available to support municipalities in the construction of new and affordable housing units, taking into account the increased housing needs resulting from the high number of newly-arrived migrants in recent years. The long-term reform programme will implement activities across five strategic areas in order to improve disadvantaged areas and combat de facto residential segregation.

In 2012, the Swedish government adopted the national strategy for Roma inclusion 2012-2032, with the overall objective of providing members of the Roma community the same opportunities in society as non-Roma. The strategy covers the areas of education, employment, housing, health, social services, social security, culture and language, and Roma civil society.

ECRI welcomes these positive developments in Sweden. However, despite the progress achieved, some issues give rise to concern.

The country's criminal, civil and administrative law provisions are still not entirely in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. In spite of the 2014 legislation establishing criminal responsibility for genocide, there is still no prohibition of the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes. Legislation to criminalise the creation or the leadership of a group which promotes racism, support for such a group or participation in its activities, is also missing. Furthermore, the Discrimination Act, and by extension the mandate of the Equality Ombudsman, does not fully cover all actions of public authorities. Substantial aspects of the work of law enforcement agencies, for example, are not covered.

The number of incidents of racist and xenophobic hate speech has been rising over recent years, in particular in the context of the arrival of an extraordinarily high number of migrants during the recent migration crisis and in spite of serious efforts by the authorities to prevent such hate speech. The main target groups are migrants, Muslims, Black persons and Roma. Antisemitic hatred also remains a problem in Sweden. Furthermore, incidents of racist violence still occur in the country. The results of the law enforcement agencies' responses in this respect are not fully satisfactory and the clearance rate of hate crime cases remains low.

The National Plan to combat racism, similar forms of hostility and hate crime does not contain clear targets and measurable outputs. The same has been observed for the national strategy for Roma inclusion 2012-2032 and the long-term reform programme to reduce segregation 2017-2025.

In spite of the authorities' considerable efforts and resources made available for the Introduction Programme for refugees and beneficiaries of subsidiary protection, the labour market participation rate following completion of the programme stood at only 27% in 2016, and was even lower for women at just 15%.

In this report, ECRI requests that the authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.

The authorities should bring the criminal, civil and administrative legislation, in general, into line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

Adequate powers and expertise to investigate discrimination by all public authorities, including law enforcement agencies, should be vested in the Ombuds institutions; and the Parliamentary Ombudsman should work in consultation with the Equality Ombudsman in these cases. *

The Swedish authorities should include concrete, targeted and measurable actions in the National Plan to combat racism, similar forms of hostility and hate crime; the national strategy for Roma inclusion 2012-2032, and the long-term reform programme to reduce segregation 2017-2025.

The authorities should review the Introduction Programme for refugees and beneficiaries of subsidiary protection with the aim of strengthening it and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women. *

* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. Common Topics

1. Legislation against racism¹ and racial discrimination²

- Protocol No. 12 to the European Convention on Human Rights

1. Sweden has neither signed nor ratified Protocol No. 12 to the European Convention on Human Rights (ECHR). In its third and fourth reports, ECRI had recommended that the country sign and ratify this instrument. The Swedish authorities stated once more that they do not intend to do so in the near future. ECRI considers ratification of the Protocol, which provides for a general prohibition of discrimination, to be a useful step for Sweden to combat racism and racial discrimination more effectively at national level.

2. ECRI reiterates its recommendation to ratify Protocol No. 12 to the European Convention on Human Rights.

- Criminal law provisions

3. The provisions of the Swedish Penal Code (henceforth: PC) reflect most of ECRI's recommendations concerning criminal law contained in its GPR No. 7 on national legislation to combat racism and racial discrimination.³ The PC contains provisions against racism, racial discrimination and racially aggravated offences. These are mainly contained in Chapter 5, Article 5(3) and (4) criminalising defamation and insults based on "race", colour, national or ethnic origin, religion and sexual orientation⁴; Chapter 16, Article 8 criminalising the dissemination of threats or expressions of contempt (agitation) based on these grounds⁵; Chapter 16, Article 9 prohibiting discrimination on these grounds in the context of, inter alia, the exercise of a public duty, business activities or public meetings; and Chapter 29, Article 2(7) establishing aggravating circumstances using the same list of grounds, as well as "other similar circumstance". Some provisions are, however, not fully in line with GPR No. 7 and various gaps remain.

4. In spite of ECRI's recommendation made in its fourth report on Sweden (§ 28), language has not been included in the list of enumerated grounds in the above-mentioned provisions.⁶ While the list of grounds establishing aggravating circumstances in Chapter 29, Article 2(7) is an open one, as indicated by the wording "or other similar circumstance", ECRI always advocates for explicitly mentioning the grounds contained in its GPR No. 7, § 1(a). Furthermore, gender identity is not yet included as a ground in any of these provisions.⁷

¹ According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.

² According to GPR No. 7 "racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

³ Swedish Penal Code (1962), as amended.

⁴ Chapter 5, Article 5(3) and (4) contains rules which allow, as an exception to the general rule, the public prosecution of insulting behaviour in cases where the insult is related to any of the above-mentioned grounds.

⁵ Cf. ECRI (2012): § 23.

⁶ As already described in ECRI's last report (§ 26), the broad interpretation of the term "national origin" in the case-law of the Swedish courts can also cover the ground of nationality / citizenship.

⁷ ECRI was informed that the government has presented proposals to strengthen the protection of transgender people in Swedish criminal law. The proposed legislative amendments aim at including the grounds of gender identity and gender expression in the relevant provisions mentioned in § 3 above. ECRI welcomes this initiative.

5. In spite of the 2014 law on criminal responsibility for genocide⁸, there is still no prohibition of the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, as recommended in GPR No. 7, § 18(e) and in ECRI's last report on Sweden (§ 29).
6. There is also still no provision penalising the creation or the leadership of a group which promotes racism; support for such a group; or participation in its activities, as recommended in GPR No. 7, § 18(g) and in ECRI's last report (§ 31).
7. The Law does not contain a comprehensive provision to hold legal entities criminally liable for racist offences, as set out in GPR No 7, § 22 and in ECRI's last report (§ 29). The criminal liability of legal entities provided for in Chapter 36, Article 7 of the PC only covers offences committed in the exercise of an enterprise's business activities, while any other offences committed by legal entities are not subject to criminal liability.
8. ECRI recommends that the authorities bring the Swedish criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) explicitly include the grounds of language and gender identity in the relevant provisions of the Penal Code; (ii) criminalise the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, (iii) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities; and (iv) establish criminal liability for all racist offences committed by legal entities.

- **Civil and administrative law provisions**

9. The Discrimination Act (2008) prohibits, in its section 1, discrimination on the grounds of, inter alia, ethnicity, religion, sexual orientation and gender identity. Section 5(3) defines ethnicity as comprising national or ethnic origin, skin colour or other similar circumstance. In its last report, ECRI referred to the Discrimination Act in detail and made several recommendations (§§ 46 and 50) to close the gaps it had identified. ECRI notes, however, that these recommendations have not been heeded.
10. Language is still not included in the list of grounds.⁹ Segregation is also still not mentioned as a prohibited form of discrimination. Furthermore, the Discrimination Act still fails to put on an equal footing all persons qualified to provide legal assistance to victims of discrimination and to represent them, in particular by retaining the requirement for victims of workplace discrimination who are members of a trade union to consult this organisation first. In addition, the Discrimination Act does not contain comprehensive provisions for fast-track procedures leading to interim decisions, available to all victims of discrimination.¹⁰
11. In spite of ECRI's recommendation in its last report (§ 55), there is still no general obligation that places public authorities under a duty to promote equality in carrying out their functions.
12. The Swedish authorities have not enacted legislation making it possible to withdraw public financing from parties promoting racism or to disband organisations promoting racism, as recommended in ECRI's last report (§ 42).

⁸ Act on criminal responsibility for genocide, crimes against humanity and war crimes (SFS 2014:406).

⁹ As for the criminal law provisions described above, the broad interpretation of the term "national origin" in the case-law of the Swedish courts covers the ground of nationality / citizenship also with regard to the application of the Discrimination Act (see also § 45 of ECRI's fourth report).

¹⁰ Chapter 6 (8) of the Discrimination Act refers to provisions of the Employment Security Act, which provide for fast-track procedures and interim decisions in cases concerning unlawful dismissal.

13. ECRI recommends that the authorities bring the Swedish civil and administrative law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) add discrimination on the ground of language as well as segregation to the forms of discrimination listed in the Discrimination Act; (ii) place public authorities under a duty to promote equality in carrying out their functions; and (iii) enact legislation making it possible to withdraw public financing from parties promoting racism and to disband such organisations.

- **National specialised bodies¹¹**

The Equality Ombudsman (Diskrimineringsombudsmannen)

14. As set out in the Act concerning the Equality Ombudsman (2008), the Equality Ombudsman is an independent authority which supervises compliance with the Discrimination Act. To this end, the Ombudsman may, inter alia, receive and consider complaints from individuals who allege that they have been victims of discrimination. The Ombudsman has most of the competences set out in ECRI's GPR No. 7 § 24, including the power to bring legal action for damages on behalf of the individual concerned.

15. However, ECRI notes that the Discrimination Act, and therefore by extension also the mandate of the Equality Ombudsman, does not fully cover all actions of public authorities. Substantial aspects of the work of law enforcement agencies, for example, are not covered. In the case of a Roma database maintained by the Skåne regional police service (for details see § 72), for instance, this led to a problematic situation in which the Equality Ombudsman's mandate to investigate the accusation of ethnic profiling was severely limited.

16. ECRI recommends that adequate powers and expertise to investigate discrimination by all public authorities, including law enforcement agencies, be vested in the Ombuds institutions. Furthermore, ECRI encourages the Parliamentary Ombudsman to work in consultation with the Equality Ombudsman in these cases.

2. Hate Speech¹²

- **Data on racist hate speech**

17. The Swedish National Council for Crime Prevention (Brå) collects data on hate crime incidents.¹³ These are categorised into different types, including the following related to hate speech: (i) unlawful threat and non-sexual molestation; (ii) defamation; (iii) criminal damage/graffiti; and (iv) agitation against a population group. The third category, however, combines incidents of hate speech (graffiti) with other incidents of damage to property, such as vandalism, which ECRI covers in section I.3 of this report. Despite the generally good data collection system for hate crime, it is therefore not possible to report accurately the number of incidents of hate speech as distinct from violence.¹⁴ Given the increasing scale of the problem, as demonstrated by the figures below (see § 21), a detailed

¹¹ Independent authorities expressly entrusted with the fight against racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as ethnic origin, colour, citizenship, religion and language (racial discrimination), at national level.

¹² According to ECRI's GPR No. 15 on combating hate speech, "hate speech" shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

¹³ Brå (2016).

¹⁴ See also § 43 (footnote 46) in section I.3 below.

breakdown of this category would help to better understand trends in these areas.

18. ECRI recommends that the authorities further refine their national data collection system for hate crime incidents, by sub-dividing the categories of criminal damage and graffiti.
19. ECRI has been informed by civil society groups that they have observed a considerable increase in hate speech on the Internet, in particular on social media, in recent years. However, no accurate data is available.
20. The available data for the above-mentioned four categories shows a marked increase in reported racist and xenophobic hate speech incidents, which includes hate speech against migrants/refugees, against Black persons and against Roma. Hate speech against religious groups, such as islamophobic and antisemitic hate speech, is recorded separately (see §§ 23 and 27 below).
21. While the number of reported defamation cases with racist and xenophobic motivation has hardly changed (643 in 2011 and 635 in 2015), the number of cases with this motivation in the other three categories has substantially increased. Threats/molestations have increased by 20% (1 650 in 2011 and 1 972 in 2015), the number of incidents of agitation against a population group have risen by 39% (396 in 2011 and 552 in 2015) and cases of criminal damage /graffiti shot up by 138% (296 in 2011 and 703 in 2015). The strongest increase in the latter category occurred from 2014 to 2015¹⁵, which many observers attribute to the growing number of anti-immigrant hate speech graffiti by right-wing populists exploiting the high influx of migrants during the recent migration crisis.¹⁶
22. The viciousness of anti-Black hate speech in day-to-day life is illustrated by an incident which occurred in 2014, during which an 11 year-old handball player was called a "negro bastard" and told to go back "home" to Africa by parents of the opposing team at a youth tournament in Eslöv.¹⁷ The matter was referred to the police and treated as a suspected hate crime, but no further outcomes are known.¹⁸
23. In its 2012 report on Sweden (§ 122), ECRI recommended that the authorities step up their measures to combat Islamophobia. However, Muslims are still often victims of stereotyping and negative attitudes. Cases of islamophobic threats/molestations doubled from 2011 to 2015 (123 and 247 cases respectively), islamophobic defamation cases were up from 38 to 68 cases (a 79% rise), islamophobic criminal damage /graffiti increased from 16 to 76 cases (375%) and the number of incidents of agitation against Muslims rose from 45 to 102 (127%).¹⁹
24. Representatives of different Muslim organisations informed ECRI that islamophobic comments and insults in day-to-day public life are increasing, in particular against women wearing a headscarf. According to the same sources,

¹⁵ Brå (2016): 8-9 and 15.

¹⁶ The term "migration" is used here to cover the broad spectrum of different reasons that led people to leave their country of origin. While many migrants received refugee status in the recipient countries, others had their asylum claims rejected or, in some cases, did not submit an application for asylum in the first place. The term "crisis" is used in order to describe adequately the hardship and the loss of life, especially in the Mediterranean Sea, that characterises this migration flow. Furthermore, it is also used to denote the situation in which the authorities in the recipient countries find themselves, as they need to provide shelter, health care, daily necessities and administrative support on an unexpected scale. (See ECRI's Annual Report 2015: 7).

¹⁷ The Local (8 Nov 2014).

¹⁸ Ibid.

¹⁹ Brå (2016): 15.

Muslims often do not believe that reporting such incidents to the police would lead to any meaningful outcome, potentially leading to significant underreporting of islamophobic hate speech.

25. Furthermore, public discourse about Islam is dominated by associating followers of the religion with terrorism and threats to freedom and democracy. The Office of the Equality Ombudsman carried out a media analysis during October and November 2014, reviewing how Muslims were portrayed in 11 newspapers and three broadcasters in the country. The study concluded that the coverage was characterised by negative stereotypical representations and a strong discourse of “us” and “them”, juxtaposing Muslims with Swedish society and values.²⁰
26. ECRI strongly recommends that the authorities, without encroaching on editorial independence, encourage debate within the media on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudices, as recommended in ECRI’s General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims.
27. Antisemitic hate speech is also on the rise. The number of reported cases of antisemitic agitation nearly doubled from 54 in 2011 to 102 in 2015, while the number of threats/molestations against Jewish persons rose from 77 to 127 during the same period.²¹ However, Jewish community representatives indicated to ECRI that the number might be significantly higher, since incidents are not always reported due to what many members of the Jewish community perceive as ineffective follow-up from the police on such complaints in the past, especially in Malmö, where public expressions of antisemitic hatred, mainly from radicalised young Muslims, have been widespread²² and continue to be of grave concern. In October 2015, for example, participants in a pro-Palestinian demonstration in Malmö shouted phrases such as “death to the Jews”.²³ Following the Paris terror attacks in November 2015, the Jewish community in Sweden saw a sharp rise in the number of threats made against it by Islamists.²⁴ Already in 2014, Gothenburg’s Rabbi received a hate email in which the author praised the killings of Jews and threatened to attack the city’s synagogue.²⁵
28. Jewish people also experience hatred from Neo-Nazi groups. In the northern city of Umeå, repeated antisemitic vandalism and threats against the local Jewish association (Judisk föreningen) forced the organisation to suspend its activities in March 2017 and close its community centre. Parents felt that it had become unsafe for their children to attend the association’s school after its walls had been vandalised with threatening phrases and swastikas.²⁶ In 2016 and 2017, across several Swedish towns, testimonies given by Holocaust survivors in schools and similar public settings have been repeatedly disturbed by a small Neo-Nazi organisation (the Nordic Resistance Movement), which publicly denied the Holocaust and instigated further antisemitic hate speech and altercations during such events. The continuation of the testimonies was thereby jeopardised, while the police is alleged to have refused preventive security measures for such events.²⁷ ECRI reiterates the strategic importance of Holocaust testimonies in the fight not only against antisemitism but against racism in general, and underlines

²⁰ Equality Ombudsman (2015): 7-11.

²¹ Brå (2016): 17.

²² Cf. ECRI (2012): §§ 155-157.

²³ The Times of Israel.com (22 December 2015).

²⁴ The Local (14 January 2015).

²⁵ The Local (21 November 2014).

²⁶ The Local (3 April 2017).

²⁷ YnetNews (18 March 2017).

the urgent need for such events to take place in an atmosphere free of intimidation.

29. ECRI strongly recommends that the Swedish authorities ensure that adequate police protection is provided to public testimonies of Holocaust survivors. Furthermore, Neo-Nazi groups should be prevented from spreading antisemitic hatred, in particular during such events. ECRI also recommends that the authorities fully investigate the vandalism and threats against Umeå's Jewish community, ensure that the local authorities liaise with the city's Jewish association to establish its security needs, and provide all necessary protection measures to allow the association to carry out its activities in safety.

30. Members of the Sami community point out that racist remarks still occur in day-to-day life, especially in urban areas. Pejorative comments and prejudice against Sami can create an atmosphere in which members of the country's indigenous community are inhibited from freely expressing their culture, such as wearing traditional clothing or using their language, in public places.²⁸ In some cases Sami feel compelled to hide or deny their ethnic origin in order to avoid being confronted with negative stereotypes.

31. ECRI recommends that the authorities conduct widespread awareness-raising activities aimed at conveying to the general public the unique value of the indigenous Sami culture as an integral part of Sweden's society and its cultural heritage.

- **Homo- and /transphobic hate speech**

32. In 2012, the EU Fundamental Rights Agency's LGBT survey found that 48% of Swedish respondents indicated that they had been harassed at least once in the preceding five years.²⁹ According to Brå, the number of reported anti-LGBT hate speech incidents has declined from 2011 to 2015, especially in the category of threats/molestations from 405 to 271 (a decline of 33%).³⁰ Nevertheless, such hate speech still occurs and remains a problem.

33. In recent years, a number of religious clergy men were reported to have made derogative remarks about homosexual persons. These cases involved Roman Catholic priests, Pentecostal pastors and a Muslim Imam.³¹ Some of them apologised subsequently for their remarks. In one case the prosecution service carried out an investigation, but decided not to bring any charges as the comments were deemed reprehensible but not intended to incite hatred.³² In this context, ECRI would like to underline the particular responsibility of religious community leaders to promote tolerance.

34. In 2014, a photographer employed by a secondary school in southern Sweden used a homophobic insult towards a pupil during a photo shooting. He was subsequently dismissed.³³ The same year, a homosexual pupil, who had been subjected to homophobic hate speech by fellow pupils, reported graffiti on the school premises featuring his name together with homophobic insults and was reportedly told by the head teacher to erase it himself.³⁴ Given the important role of schools as institutions in which to acquire social skills and values, such as

²⁸ The Local (28 March 2017). See also: FCNM (2012): § 38.

²⁹ EU FRA (2012).

³⁰ Brå (2016): 18.

³¹ The Local, (29 May 2014); The Local, (7 Apr 2015); The Local, (12 Apr 2015); and ILGA-Europe (2016): 159.

³² ILGA-Europe (2016): 159.

³³ The Local (20 Oct 2014).

³⁴ The Local (17 Jun 2014).

tolerance and respect for others, ECRI encourages the authorities to remain particularly vigilant with regard to homo-/transphobic bullying in this field.³⁵

- **Measures taken by the authorities**

Law enforcement

35. In 2013, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed its concern about the reported discrepancy between increased reports to the police of hate crimes and the decrease in the number of preliminary investigations and convictions, in particular as regards agitation against a national or ethnic group.³⁶ The CERD recommended the development of a strategy to ensure scrutiny of the way police and prosecutors deal with hate crimes and measures such as hate crime units and special investigators in all parts of the country.
36. However, the problem persists. In only 4% of the reported hate crime incidents in 2014 and 2015³⁷ were the authorities able to link a person to the offence (person-based clearance rate) either through a decision to prosecute, through the acceptance by the perpetrator to pay prosecutor fines or through the granting of a waiver of prosecution.³⁸ Nearly half of all cases (46%) were closed without an investigation being initiated.³⁹
37. ECRI recommends that the authorities carry out an in-depth analysis of why the clearance rates of hate crime incidents remains low as well as an assessment of what resources the police and prosecution services require to address the issue more effectively.
38. In the context of the 2015 police reform, which saw the merger of 21 autonomous regional police services into a single national police service, the National Police Commissioner created a national focal point for hate crime, as well as specialised hate crime units in the metropolitan areas of Stockholm, Göteborg and Malmö. Apart from criminal investigations, these units are also tasked with providing assistance to victims, training fellow police officers, and conducting outreach and confidence-building activities in local communities and among vulnerable groups. The authorities also informed ECRI that in October 2015, the Police Authority decided to establish a Cyber Crime Centre (SC3) with the aim of building capacity throughout the police to investigate all forms of cyber-hate speech, threats, defamation and bullying. The SC3 is scheduled to be fully operational by 2018.

Awareness-raising

39. Since 2013, the government has granted the Swedish Media Council SEK one million (approximately € 100 000) per year for initiatives to prevent online xenophobia and similar forms of intolerance among children and youth. This has been done in the framework of the Council of Europe's No Hate Speech campaign, which has been extended in Sweden until 2020.⁴⁰ The campaign provides materials for teachers, parents, children and youth about online racism and applicable rules and regulations. For 2017, the government plans the presentation of a National Action Plan to safeguard the democratic discourse against threats and hatred, with the prevention of online threats and hatred as

³⁵ See § 89 in section II.2 for positive initiatives in this field.

³⁶ UN CERD (2013): 4.

³⁷ This figure provided by Brå is a comprehensive one and includes incidents of hate speech as well as violence. (See also section I.3 below).

³⁸ Brå (2016): 11.

³⁹ Ibid.: 12.

⁴⁰ Government Offices of Sweden (2017): 61.

one of the focus areas.⁴¹ Furthermore, the Swedish Defence Research Agency has been tasked, until 2018, with monitoring and analysing extremist propaganda on the Internet and via social media.⁴²

40. In 2016, the Swedish government⁴³ also launched its new National Plan to combat racism, similar forms of hostility and hate crime (“A comprehensive approach to combat racism and hate crime”).⁴⁴ The document is based on a consultation process with civil society groups and minority representatives and provides an overall political vision for the fight against racism and hate crime, emphasising a human rights based approach and the risks for democracy and social cohesion posed by these phenomena.⁴⁵ It furthermore maps existing and planned initiatives in this field. Examples include the Living History Forum and the National Agency for Education, which carry out an extensive education initiative on racism and similar forms of hostility, scheduled to continue until 2019. The initiative covers afrophobia, antisemitism, anti-Gypsyism, Islamophobia, racism against Sami, homophobia and transphobia. The Forum produces information material and training is offered to teachers, in partnership with the National Agency for Education. Other public sector employees, such as police officers, staff of the state employment agency and social workers can also participate in this training. Furthermore, from 2016 onwards, the Swedish Research Council is allocating special annual funding to support a comprehensive research programme in the area of racism in order to provide a more detailed understanding of racism-related problems and possible solutions.
41. ECRI commends these positive steps taken by the Swedish authorities and notes that the National Plan could benefit from including clear targets and measurable outputs, such as numbers of training sessions held or persons reached with awareness-raising campaigns. Adding details regarding the planned implementation of the various activities could also render a future evaluation of the plan more effective.
42. ECRI recommends that the authorities add clear indicators and targets to their National Plan to combat racism, similar forms of hostility and hate crime.

3. Violence

- Data on racist violence

43. Brå recorded a substantial number of reported cases involving violence against persons⁴⁶ with racist and xenophobic hate motivation, although the number has decreased from 703 cases in 2011 to 588 cases in 2015 (a decline of 16%).⁴⁷ Against this trend, however, the number of cases of violence against Black persons has slightly increased from 183 in 2011 to 189 in 2015.⁴⁸ Concerning violence motivated by religious hatred, the number of registered antisemitic attacks dropped from 14 cases in 2011 to eight cases in 2015⁴⁹, while

⁴¹ Ibid.

⁴² Ibid.: 60.

⁴³ Under the leadership of the Ministry for Culture and Democracy, the Ministry for Home Affairs and the Ministry for Justice and Migration.

⁴⁴ Government Offices of Sweden (2017).

⁴⁵ Ibid.: 12-14.

⁴⁶ In the Swedish hate crime statistics the category “violent crimes” contains reported cases of homicide, assault and violence against a public servant.

⁴⁷ Brå (2016): 15.

⁴⁸ Ibid.: 16.

⁴⁹ Ibid.: 17.

islamophobic attacks increased from 39 cases in 2011 to 46 cases in 2015, with a peak of 60 cases in 2014.⁵⁰

44. Examples of the above-mentioned trends include the case of a 14-year-old Muslim girl who was attacked outside a school in Borås in 2016.⁵¹ The assailant reportedly tried to remove the girl's veil forcibly, before threatening to kill her for being a Muslim. A particularly serious example of anti-Black violence took place in 2013 in Malmö, when a group of people assaulted a Ghanaian man and his 18-month-old son, whom they threatened to kill. Several of the perpetrators were about to throw the father off a five-meter-high bridge onto a street, when passers-by came to his rescue and alerted the police.⁵²
45. Attacks on mosques are also of concern. In late 2014, three arson attacks were carried out against mosques in Eskilstuna, Eslöv and Uppsala over a two-week period.⁵³ Muslim organisations reported to ECRI 12 arson attacks against mosques in 2016 and mentioned that no arrests had been made by the police in this respect.
46. Arson attacks have also occurred against reception centres for asylum seekers or places about to be converted into such centres. In 2015, following the onset of the recent migration crisis during which Sweden saw the number of immigrants reaching record levels, more than a dozen such attacks were carried out. Targets of similar attacks also included accommodation facilities for unaccompanied minors, who are particularly vulnerable.⁵⁴

- **Homophobic and transphobic violence**

47. Despite the positive Swedish track record in upholding LGBT rights, homo- and transphobic violence still occurs. However, Brå reports a decline from 189 violent incidents against LGBT persons in 2011 to 108 such cases in 2015 (a decline of 43%).⁵⁵ In a high-profile case in March 2016, the politician Alexander Bengtsson, who is openly homosexual, was attacked at his home by a masked assailant wielding a knife.⁵⁶ Violent attacks against LGBT persons also include a case in which a homosexual man was stabbed with a knife and threatened with a gun.⁵⁷ In another incident, a homosexual couple in western Sweden had their car vandalised and homophobic insults scratched into it; subsequently one of the men was assaulted.⁵⁸
48. LGBT groups also informed ECRI that they have observed, on an increasing number of occasions, homosexual asylum seekers living in reception centres being harassed and assaulted by other asylum seekers acting with homophobic motivation.⁵⁹ In some cases the authorities provided separate accommodation for LGBT asylum seekers, which according to LGBT groups, however, resulted in further stigmatisation.

⁵⁰ Ibid.

⁵¹ The Local (9 September 2016).

⁵² The Local (9 Sep 2013).

⁵³ The Local (2 January 2015).

⁵⁴ The Local (24 October 2015) and The Local (27 October 2015).

⁵⁵ Brå (2016): 18.

⁵⁶ Pinknews (11 March 2016).

⁵⁷ OSCE/ODIHR (2015).

⁵⁸ The Local (13 Mar 2014).

⁵⁹ Cf. OSCE/ODIHR (2015).

- **Measures taken by the authorities**

49. As mentioned in § 36, the clearance rates for hate crime are very low. In addition to the measures already mentioned section I.2, the authorities have also taken steps to strengthen the prosecution service. ECRI was informed that each of the 32 prosecution offices now has a dedicated and specialised prosecutor for hate crime, which is expected to yield results in particular with regard to improving the prosecution rate for violent hate crime incidents. A guidance document for prosecutors was produced in 2016 and includes detailed advice on how to deal with hate crime. Furthermore, a network of specialised prosecutors, including an annual meeting to exchange experiences, has been established. ECRI takes positive note of these efforts, but also refers in this regard to its recommendation in § 37 above.
50. Government efforts to combat racist and homo-/transphobic violence also include initiatives such as the preventive work of the National Coordinator to safeguard democracy against violent extremism and staff training among a number of government agencies on this issue.⁶⁰
51. The authorities have also supported local authorities and civil society organisations in organising awareness-raising and capacity-building events. Examples include seminars in Gothenburg and Malmö organised by the Swedish Committee against Antisemitism in co-operation with the two municipalities, and support given to the NGO Civil Rights Defenders for their work with the police to improve their capacity to combat hate crime by increasing law-enforcement officers' knowledge about vulnerable groups (Muslims, Roma and Black persons). This latter activity is an example of the government's effort to bring the police and vulnerable groups closer together, to build mutual trust and understanding in order to respond better to hate crime incidents and to tackle underreporting. In this context, however, ECRI was informed by representatives of the Black community (Afro-Swedes), that a planned cooperation project between their organisation and the police authorities to facilitate training on combating anti-Black violence could not be implemented. ECRI encourages the authorities to revisit the possibility of carrying out this activity jointly, given the growing trend of anti-Black racism in the country.
52. A question of particular sensitivity is the issue of integrating awareness-raising about antisemitism and homo-/transphobia (see §§ 27 and 48) into integration courses for newly arrived migrants (the *Introduction Programme*, see also section I.4). Given the fact that many recently-arrived migrants in Sweden originate from countries where public discourse is largely dominated by antisemitic prejudices (especially in the Middle East) as well as homo-/transphobia, the need to include elements on the prevention of these forms of intolerance is evident. However, it is also obvious that such measures should not be misunderstood as equating a specific national origin with holding certain views or prejudices. It is therefore necessary to ensure that such awareness-raising modules are introduced without stigmatising migrants, similar to the way the authorities already introduced awareness-raising about gender equality as a core element of Swedish society into the integration courses. It should also be emphasised that such awareness-raising is relevant not only for newly-arrived migrants, but for everyone living in Sweden.
53. ECRI recommends that the authorities include awareness-raising and prevention modules covering antisemitism and homo-/transphobia in introduction courses for newly-arrived migrants in Sweden in a way that avoids stigmatisation.

⁶⁰ Government Offices of Sweden (2017): 14.

54. Public condemnation by the political leadership of violent attacks have been numerous and include the participation of the Minister for Culture and Democracy, Alice Bah-Kuhnke, in a 2015 protest march following the above-mentioned series of arson attacks against mosques.
55. The Swedish Crime Victim Compensation and Support Authority, in co-operation with other organisations, provides support for local groups assisting victims of hate crime and their respective communities, recognising that hate crime incidents not only affect individuals but also vulnerable groups as a whole.

4. Integration Policies

- General background

56. Sweden has been a country of immigration for several decades. For many years, it has had one of the most generous asylum policies in Europe, and still endeavours to maintain this approach. During the migration crisis of 2015, the country received approximately 160 000 asylum seekers, the highest number per capita of any EU member State. As a consequence, the authorities have taken various measures to reduce this number, inter alia by refusing access to the country for migrants without valid identity documents trying to cross from Germany or Denmark, and limiting family reunification (see below). The high number of asylum seekers caused widespread concern in the country about its reception capacity. It also revealed and reignited long-standing discussions about integration efforts, successes and challenges. Some of the ensuing reactions and rhetoric involved racist and xenophobic hate speech or even violence (see sections I. 2 and I.3 above). Others voiced legitimate concerns about the development of “parallel societies” and persisting problems with integration, especially in residential areas with a high density of socio-economic problems (unemployment, low education achievements, elevated crime rates) in the larger cities, like Stockholm and Malmö. In its previous report on Sweden, ECRI had already pointed out that de-facto residential segregation constituted a major obstacle to integration. This remains a problem.
57. Article 13 of the Personal Data Act (1998) contains a general prohibition of processing sensitive personal data, such as information about ethnic origin or religion. Hence, there are no comprehensive official statistics on ethnicity and it is difficult to obtain data on vulnerable groups of concern to ECRI and their levels of social inclusion. In its fourth report (§ 168), ECRI recommended again that the authorities improve their mechanisms for monitoring the situation of groups of concern to ECRI. The Swedish government, however, maintains its restrictive attitude towards statistics and data collection about vulnerable minority groups and states that it does not see any reason to re-evaluate its approach.⁶¹ In this regard, ECRI draws the attention of the authorities to its GPR No. 4 on National surveys on the experience and perception of discrimination and racism from the point of view of potential victims.
58. ECRI reiterates its recommendation that the Swedish authorities improve their system for monitoring the situation of groups coming under ECRI's mandate by collecting relevant information in various fields, broken down into categories such as religion, language, nationality and national or ethnic origin and ensure that this is done in all cases with due regard to the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. The data collection system for racism and racial discrimination should also take into account the gender dimension, particularly in terms of possible multiple discrimination.

⁶¹ Government Offices of Sweden (2017): 56.

- **Refugees and Beneficiaries of subsidiary protection**

Introduction Programme and integration into the labour market

59. One of the primary objectives of Swedish integration policy is to increase the employment rate and facilitate access to the labour market for recognised refugees and beneficiaries of subsidiary protection. Since 2010, the Public Employment Service (henceforth: PES) has been responsible for preparing a personal integration plan, together with the persons concerned, taking into account their educational background and previous work experience. The subsequent *Introduction Programme* includes Swedish language and civic education courses, as well as pre-employment training activities, such as work placements and internships. Alongside the *Introduction Programme*, a supplementary integration benefit has been introduced for recently arrived refugees and beneficiaries of subsidiary protection who participate in these activities.⁶²
60. The PES and other relevant government agencies aim at creating fast-track options to the labour market for new arrivals within the *Introduction Programme*. Such initiatives started during the first half of 2016 for certain professions such as teachers and health care staff. The PES also offers short supplementary courses as part of the *Introduction Programme* so that new arrivals with tertiary education can be rapidly matched with available positions in the Swedish labour market.⁶³ Furthermore, the government launched an initiative (the 100 Club), which provides tailor-made offers to companies willing to provide jobs and work placements to at least 100 recently-arrived refugees or beneficiaries of subsidiary protection. Employers can also receive financial support when recruiting a person who is new in Sweden. Various government agencies have been instructed to accept new arrivals for work placements during 2016-2018. Other public actors involved in the implementation of integration measures include the municipalities, which are inter alia responsible for providing accommodation and schooling, as well as social welfare assistance for those persons who still require it after the end of the two-year *Introduction Programme*.⁶⁴
61. The authorities informed ECRI, however, that in spite of their efforts the rate of labour market participation following completion of the *Introduction Programme* is rather low. In 2016, only 27% of persons completing the programme managed to find employment within the following three months, while many of the remaining 73% either enrolled in publicly funded employment or education programmes or continued to depend on social welfare payments or other benefit schemes. For women, the success rate was even lower: in 2016 only 15% of female participants successfully integrated into the labour market. This problem appears to be at least partially due to the fact that the *Introduction Programme* is geared towards participants with a certain level of education and marketable skills, whereas the actual education and skill levels often turned out to be considerably lower than expected.⁶⁵ Local integration experts met by ECRI also questioned the usefulness of the two-year period, which they consider to be unrealistically short.

⁶² The *Introduction Programme* was established in 2010 when, as part of a reform of the reception and introduction system, the supplementary integration benefit was also introduced.

⁶³ OECD (July 2014): 20; and UN-ICCPR CCPR/C/SWE/7(24 July 2015): 10-11.

⁶⁴ OECD (July 2014): 20.

⁶⁵ Although the *Introduction Programme* aims at providing activities in accordance with an individual's specific needs, subsequent employability often requires a certain level of education and/or professional experience.

62. ECRI recommends that the authorities review the Introduction Programme for refugees and beneficiaries of subsidiary protection with the aim of strengthening it and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women.

Family reunification

63. Part of the Swedish authorities' measures to reduce the number of newly arriving migrants in the country, following unprecedentedly high numbers in 2015, was to enact temporary legislation restricting eligibility for family reunification. A new law came into effect in July 2016 and allows family reunification only for persons recognised as refugees in accordance with the Convention Relating to the Status of Refugees of 1951 (Convention status) and beneficiaries of subsidiary protection holding a permanent residence permit. However, permanent residence is now only granted to beneficiaries of subsidiary protection after a period of three years. During that period they are therefore excluded from family reunification.⁶⁶ This provision also affects Syrians seeking protection in Sweden, as currently only around 5% of them receive Convention status, while the remainder receives subsidiary protection. The law has a validity of three years and a review is scheduled for 2018. In this context, ECRI reminds the Swedish authorities of the importance that family reunification can have for successful integration.

64. ECRI recommends that the Swedish authorities refrain from renewing or extending the temporary law restricting family reunification for beneficiaries of subsidiary protection.

Self-settlement

65. ECRI was informed by local integration experts that recognised refugees and beneficiaries of subsidiary protection often take advantage of the possibility of choosing the municipality in which they wish to settle – instead of being allocated to one by the authorities – by registering at an address in the municipality of their choice, which is often one in which a substantial community of immigrants from their home country is already settled. Local administrations have noted, however, that the addresses given for such registration often do not represent adequate housing, but in many cases overcrowded apartments or non-residential premises, resulting in a number of social problems, especially when children are involved. This trend appears to be growing significantly. The vulnerability of recently arrived immigrants is hereby often exploited by persons extracting substantial amounts of money from them in exchange for providing an address in a specific location at which the migrants can register in order to leave the reception accommodation facilities provided by the Swedish Migration Agency.

66. ECRI recommends that the authorities ensure that any self-settlement of persons granted refugee or subsidiary protection status in municipalities of their choice is accompanied by a process of verification of the suitability of the registered housing, in particular when children are involved.

- De facto residential segregation

67. ECRI's delegation visited the Rinkeby-Kista district of Stockholm, where more than 80% of local residents are immigrants or second-generation descendants of immigrants, mainly of African or (Western-) Asian origin. Education outcomes among residents are lower than the national average, while unemployment, especially among young people, is higher. The de facto segregation also reduces exposure to mainstream Swedish society and culture, resulting, inter alia, in reduced possibilities to learn, practise and improve Swedish language skills and subsequently in lower educational and labour market opportunities. This vicious

⁶⁶ Unless they submitted their asylum application by 24 November 2015 in which case they have the same right to family reunification as recognised refugees.

circle leads to the development of “parallel societies”, which in turn further impedes the integration of immigrants and their children. This situation is due to a combination of various factors, of which only some can be addressed by the authorities. The phenomena of newly arriving migrants choosing to settle in locations where they can find established communities from their home country, for example, is neither new nor specific to Sweden. A similar pattern of migration was also noted by ECRI’s delegation when visiting the town of Södertälje.

68. In recent years, Sweden has repeatedly experienced episodes of rioting in neighbourhoods characterised by a high percentage of non-ethnic Swedish residents and social problems. In May 2013, riots erupted in the Stockholm suburb of Husby and quickly spread to other parts of the Rinkeby-Kista district and beyond. Cars and buildings were torched, shops vandalised and police officers attacked by youths. Between March and May 2016, similar events occurred in several Swedish towns, notably in Norrköping and Borlänge, and thus spread for the first time beyond the large urban agglomerations. In February 2017, rioting again occurred in Rinkeby, although this time on a smaller scale. These events demonstrate the persistence of problems with regard to the integration of immigrants and ethnic minorities in Sweden. De facto housing segregation is one of the root causes and a long-standing problem in the country, which ECRI already pointed out in its last report (§§ 88-93).
69. In its 2015 interim follow-up conclusions⁶⁷, ECRI considered that while some small steps had been taken towards reducing social exclusion of migrants in the context of de facto residential segregation, the initiatives did not go beyond small-scale projects in a limited number of localities. There was no overall national Action Plan to address the issue, as had been recommended by ECRI. In 2016, the government presented its new housing policy package, which, according to the authorities, also aims at combatting ethnic segregation in the housing market and will make approximately SEK 6 billion (€ 600 million) per year available, inter alia, to support municipalities in the construction of new and affordable housing units, rejuvenate the existing infrastructure in disadvantaged areas and support urban development planning. The programme takes into account the increased housing needs resulting from the high number of newly-arrived migrants in recent years and ECRI commends the government for taking such swift action, not only for the benefit of migrants but for everyone in need of affordable housing. Such measures could reduce the risk of development of a sense of competition between different groups in Swedish society. In 2016, the government also launched its long-term reform programme to reduce segregation (2017-2025), which focuses on actions in five strategic areas relevant to making socially disadvantaged areas more attractive and thus reducing de facto residential segregation: combatting crime, reducing long-term unemployment, improving school conditions, strengthening community services and reducing overcrowding, and supporting local civil society. For this programme and other related measures the government announced a budget of SEK 110 million (€ 11 million) for the first year, gradually increasing to SEK 250 (€ 25 million) from 2020 onwards.⁶⁸ However, the reform programme does not yet include any targeted measures addressing existing de facto residential segregation. Furthermore, specific provisions ensuring that such segregation will not re-occur in the context of new housing developments are not contained in either the new housing policy package or the reform programme. Given the large investment of public resources that these programmes constitute, it would be a useful opportunity to include an in-depth analysis, concrete action and measurable targets to combat and prevent de facto residential segregation.

⁶⁷ ECRI (2015): 5.

⁶⁸ Government Offices of Sweden (29 August 2016).

70. ECRI recommends that the Swedish authorities include concrete, targeted and measurable actions to combat de facto ethnic residential segregation in the long-term reform programme to reduce segregation (2017-2025).

- **Policing**

71. In 2013, the Swedish police in cooperation with the Migration Board started the REVA campaign aimed at intensifying efforts to apprehend and deport rejected asylum seekers who had already received an order to leave the country. During the campaign, police officers monitored strategic locations like metro stations and requested to see the passports/residence permits of selected persons, allegedly solely based on their “foreign-looking appearance”, which would indicate a form of ethnic profiling. Following growing news coverage and criticism from civil society about these practices, the campaign was terminated. Persons affected by this practice also included Swedish citizens with a migration background.⁶⁹ In this context, ECRI reminds the authorities of the negative impact such practices can have on the integration of ethnic minorities and draws their attention to its GPR No. 11 on Combating racism and racial discrimination in policing (§ I, 1-4).

72. In 2013, it emerged that the Skåne regional police service had for many years maintained a database with some 4 700 names of members of the Roma community, including more than 1 000 children below the age of 15. Many of the persons listed had never been associated with any criminal activity. An investigation by the Swedish Commission on Security and Integrity found that the database was in breach of existing legislation concerning the protection of personal information, but did not find that it constituted ethnic profiling. Based on these findings, the Chancellor of Justice subsequently awarded each person whose name was included in the list an amount of SEK 5 000 (€ 500). In 2014, however, the office of the Equality Ombudsman, although having a very limited mandate in this respect (see section I.1), came to the conclusion that it could not be excluded that the database reflected a method of ethnic profiling employed by the police.⁷⁰ Following complaints about the non-recognition of ethnic profiling by the Swedish Commission on Security and Integrity, the human rights NGO Civil Rights Defenders, together with 11 plaintiffs, initiated further legal action. In June 2016, the first instance Stockholm District Court ruled in their favour and found that the database constituted an act of ethnic profiling. The Court awarded the plaintiffs a substantially higher amount of damages of SEK 30 000 (€ 3 000). The Svea Court of Appeal confirmed the ruling on 28 April 2017.

73. ECRI underlines that the recognition that such a database constituted ethnic profiling, and the corresponding amount of damages, represents acknowledgement vis-a-vis the victims, but also part of the measures necessary to prevent a reoccurrence of such practices in the future. This is important not only, but in particular, in the police services (see also § 71 on racial profiling in police operations), and to rebuild trust among members of the Roma community in state institutions.

74. ECRI recommends that the authorities take adequate measures, including training activities, to ensure that police services do not resort to ethnic profiling. Furthermore, ECRI strongly recommends that the authorities ensure that adequate safeguards are put in place to prevent any reoccurrence of police services maintaining ethnic databases, drawing inspiration from ECRI’s GPR No. 11 on Combating racism and racial discrimination in policing.

⁶⁹ Civil Rights Defenders (2014): 5; and The Local (21 February 2013).

⁷⁰ Equality Ombudsman (2014): 1.

- **Roma**

75. In 2012, the Swedish government adopted the national strategy for Roma inclusion 2012-2032, with the overall objective of providing members of the Roma community the same opportunities in Swedish society as non-Roma by 2032.⁷¹ The strategy covers the areas of education, employment, housing, health, social services, social security, culture and language, as well as Roma civil society organisations. In its last report (§ 111), ECRI described some of the problems many members of the Roma community face in these areas. The authorities informed ECRI that Roma representatives were involved in the design of the strategy and that a reference group, consisting of 20 persons, was appointed and is regularly consulted on policies concerning the Roma minority. For 2016-2017, the government provided special funding to five selected municipalities (Stockholm, Uppsala, Borås, Gävle and Haninge) for the implementation of local Roma inclusion activities. This followed up on similar one-off financial support to the strategy's initial pilot municipalities (Malmö, Gothenburg, Helsingborg, Linköping and Luleå) in 2012–2015 which was used, for example, to recruit Roma mediators to provide targeted support in the areas of education, social services and health. ECRI was informed by the authorities that the total funding for Roma integration between 2012 and 2016 amounted to SEK 75 000 000 (€ 7 500 000), while further funding of SEK 43 000 000 (€ 4 300 000) is foreseen for the years 2017 to 2019.
76. In 2014, following the publication of a government white paper documenting the historical discrimination and abuses against Roma in Sweden, the authorities created the Commission against Anti-Gypsyism.⁷² The commission, in consultation with the National Agency for Education and the Living History Forum, produced information materials for schools and awareness-raising in local communities in order to sensitise non-Roma about the problems that Roma have faced historically and to promote their acceptance and integration. In 2016, the commission presented its final report, which contains a number of recommendations to strengthen the position of Roma in Swedish society, including a proposal for the establishment of a national centre for Roma issues.
77. While the objective of the national Roma strategy is commendable, ECRI notes that no concrete and measurable targets and indicators are included for each of the areas. It is thus difficult to measure progress in this long-term strategy or even have a baseline serving as a strategic starting point to inform the allocation of resources (see also the recommendation on data collection in § 58 above). Furthermore, the activities across the selected cities reveal a largely project-based approach towards the implementation of the national Roma strategy, instead of a coherent overall vision to address structural and institutional reasons for persisting marginalisation and discrimination of members of the Roma community.
78. Municipal Roma Information Centres exist in Malmö and Gothenburg, and a further one is planned in Stockholm. They are funded by the authorities and have a two-way function: on the one hand to provide information to members of the Roma community and on the other to raise awareness among employees of the municipalities about Roma-related issues. ECRI has been informed that the existing centres have had a positive impact on building trust among members of the Roma community vis-à-vis state institutions, especially in the crucial areas of education, health and social services. These positive efforts, however, seem to

⁷¹ In the strategy this is defined as providing a Roma who in 2032 will be 20 years old the same opportunities in life as a non-Roma.

⁷² The commission consisted of nine members, the majority of which were Roma, and was chaired by the former Council of Europe Human Rights Commissioner Thomas Hammarberg.

have experienced a massive set-back as a result of the revelations concerning the Roma database established and maintained by the Skåne police service (see § 72 above). In this context, it appears necessary and timely now to expand the existing network of Roma support offices by providing the necessary funding for a national-level centre for Roma issues in which best practices can be collected, their replication coordinated and the efforts of re-building trust between the state institutions and the Roma community moved forward.

79. ECRI recommends that the authorities initiate an independent interim evaluation of the national Roma strategy and its implementation so far, with participation of as wide and diverse a Roma representation as possible. This should be done with a view to developing measurable progress indicators and establishing an overall and coherent national roll-out mechanism for the strategy. Furthermore, ECRI recommends that the authorities provide adequate funding to establish a national-level centre for Roma issues.

- **Sami**

80. ECRI notes that the Swedish authorities have engaged in an ongoing and long-term dialogue with Sami organisations about issues concerning their situation as a recognised indigenous community.⁷³ Regarding issues such as land rights, teaching of the Sami language and other expressions of their separate identity, ECRI refers to the work of the Council of Europe's Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM).⁷⁴ ECRI notes, however, that with respect to integration issues, no studies or in-depth assessments have been carried out concerning the situation of members of the Sami community residing in the country's urban areas, especially in Stockholm.

81. ECRI recommends that the authorities carry out a study on the possible needs of members of the Sami community residing in urban areas, in particular in Stockholm, in the areas of education, health, employment and housing.

II. Country Specific Issues

1. Follow-up of fourth cycle priority recommendations

82. The follow-up given to ECRI's first 2012 priority recommendation⁷⁵ concerning the need to adopt a national strategy to combat de facto residential segregation is elaborated on in § 69 above (section I.4). ECRI's second 2012 priority recommendation⁷⁶ concerning access to medical care for undocumented migrants had been fully implemented already, as explained in ECRI's 2015 conclusions.⁷⁷

83. In its third 2012 priority recommendation⁷⁸ ECRI recommended that the authorities implement measures to resolve all family reunification problems arising due to difficulties in obtaining identity papers in the country of origin. In its 2015 conclusion on the implementation of its 2012 priority recommendations, ECRI noted that the Swedish authorities had taken considerable step towards resolving the problem.⁷⁹ However, ECRI also noted that the measures taken were not regulated by law. While this provides flexibility, as the Swedish authorities underlined, to allow for the rules on proof of identity to be adapted to each

⁷³ The Swedish authorities also indicate that they are involved in negotiations for a Nordic Sami Convention with a view to strengthening and clarifying the rights of the Sami people. Cf. Government Offices of Sweden (2017): 21.

⁷⁴ See FCNM (2012).

⁷⁵ ECRI (2012): § 92.

⁷⁶ Ibid.: § 108.

⁷⁷ ECRI (2015): 5.

⁷⁸ ECRI (2012): § 148.

⁷⁹ ECRI (2015): 6.

situation, it also leaves a degree of uncertainty. In its 2015 conclusions, ECRI therefore considered that this recommendation had only been partially implemented. In 2017, ECRI was informed by the Swedish authorities that they do not envisage changing the situation by regulating the issue by law, but instead prefer to maintain the current approach.

2. Policies to combat discrimination against LGBT persons⁸⁰

- Data

84. There is no official data on the size of the LGBT population in Sweden.⁸¹ According to Article 13 of the Personal Data Act, the processing of data concerning health or sex life, which are considered to be “sensitive personal data”, is, as a general rule, prohibited.⁸² On the 2016 ILGA Europe Rainbow Map, reflecting countries’ legislation and policies guaranteeing LGBT human rights, Sweden has a score of 64.85%, ranking 12th out of 49 European countries.⁸³ According to the 2013 EU FRA LGBT survey, 61% of the participants in Sweden were very open or fairly open about their LGBT background.⁸⁴ A global survey published in June 2013 indicates that 57% of the participants in Sweden think that same-sex couples are just as likely as other parents to successfully raise children.⁸⁵ According to the Eurobarometer 2015, 95% of the people surveyed in Sweden totally agreed with the statement that homosexual persons should have the same rights as heterosexual people (the EU average was 71%), while 96% of them said that they would be comfortable or moderately comfortable with a homosexual work colleague, and 93 % of them with a transgender work colleague (the EU averages were 72% and 67% respectively).⁸⁶

- Recognition of same-sex partnerships

85. In 1995, registered partnerships granting same-sex couples the same legal status as married couples were introduced in Swedish law. In May 2009, with amendments made to the Marriage Act, same-sex couples were granted the right to marry.

- Gender reassignment

86. In 1972 Sweden was the first country in the world to adopt an act to regulate gender reassignments, also allowing transgender persons to legally change their gender marker on official documents. Following amendments made in 2012, in order to officially change a person’s gender, one has to be resident in Sweden, be at least 18 years of age, not be in a registered partnership and must have lived as the opposite gender for some time.⁸⁷ The National Board of Health and Welfare assesses gender reassignment applications through a panel of medical and legal professionals to make a decision based on the eligibility criteria set out in the Gender Recognition Act. If applicants fulfil the required conditions, the costs of their gender reassignment are covered by the national health system.⁸⁸ In April 2015, the National Board of Health and Welfare published new guidelines for gender reassignment procedures with the aim of improving treatments and

⁸⁰ Concerning the definition of LGBT cf. Council of Europe, Discrimination based on sexual orientation and gender identity in Europe 2011: 21 and 139 et seq.

⁸¹ Statistics Sweden website.

⁸² Personal Data Act (1998:204).

⁸³ ILGA Europe Rainbow Europe Map (2016).

⁸⁴ EU FRA LGBT Survey Data Explorer.

⁸⁵ IPSOS (June 2013).

⁸⁶ ILGA-Europe Annual Review (2016): 160.

⁸⁷ RFSL (2013); and Gender Recognition Act (1972), as amended in 2012.

⁸⁸ Council of Europe, CDDH (2013): 595.

making publicly funded surgeries and hormone therapies equally available across the country.⁸⁹

87. The gendered personal identification number in the public register can be changed following gender reassignment treatment. In July 2013, the hitherto existing requirement to undergo sterilisation before being able to correct one's gender marker was removed from the law.⁹⁰ In April 2016, the government announced an initiative to pay financial compensation to persons who had to undergo sterilisation due to the former requirement in the Gender Recognition Act.⁹¹

- **Access to goods and services, employment and health**

88. According to the EU FRA LGBT survey, only 8% of the participants in Sweden felt discriminated against because of their LGBT identity when searching for employment, and 17% of them at work. Concerning housing, the number was only 6%. As regards healthcare, 15% of the participants expressed that they felt discriminated against by healthcare personnel.⁹²

- **Measures to combat discrimination against LGBT persons**

89. In January 2014, the government published a national LGBT strategy, covering multiple issues including homo-/transphobic hate crime, improving awareness-raising on LGBT issues in schools and conducting research into LGBT persons' experiences of social services. In 2016, the authorities carried out an initial evaluation of the strategy which stated that it has contributed to strengthening the rights of LGBT persons, but it also pointed to the need for clearer priorities in the strategy. LGBT issues are also addressed by the National plan to combat racism, similar forms of hostility and hate crime (see sections I.2 and I.3).

⁸⁹ ILGA-Europe Annual Review (2016): 160.

⁹⁰ TransGender Europe (TGEU) (22 May 2013).

⁹¹ TGEU (27 April 2016).

⁹² EU FRA LGBT Survey Data Explorer.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the Swedish authorities are the following:

- ECRI recommends that adequate powers and expertise to investigate discrimination by all public authorities, including law enforcement agencies, be vested in the Ombuds institutions. Furthermore, ECRI encourages the Parliamentary Ombudsman to work in consultation with the Equality Ombudsman in these cases.
- ECRI recommends that the authorities review the Introduction Programme for refugees and beneficiaries of subsidiary protection with the aim of strengthening it and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 2) ECRI reiterates its recommendation to ratify Protocol No. 12 to the European Convention on Human Rights.
2. (§ 8) ECRI recommends that the authorities bring the Swedish criminal law into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) explicitly include the grounds of language and gender identity in the relevant provisions of the Penal Code; (ii) criminalise the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, (iii) criminalise the creation or the leadership of a group which promotes racism, support for such a group, and participation in its activities; and (iv) establish criminal liability for all racist offences committed by legal entities.
3. (§ 13) ECRI recommends that the authorities bring the Swedish civil and administrative law, in general, into line with its General Policy Recommendation No. 7 as indicated in the preceding paragraphs; in particular they should (i) add discrimination on the ground of language as well as segregation to the forms of discrimination listed in the Discrimination Act; (ii) place public authorities under a duty to promote equality in carrying out their functions; and (iii) enact legislation making it possible to withdraw public financing from parties promoting racism and to disband such organisations.
4. (§ 16) ECRI recommends that adequate powers and expertise to investigate discrimination by all public authorities, including law enforcement agencies, be vested in the Ombuds institutions. Furthermore, ECRI encourages the Parliamentary Ombudsman to work in consultation with the Equality Ombudsman in these cases.
5. (§ 18) ECRI recommends that the authorities further refine their national data collection system for hate crime incidents, by sub-dividing the categories of criminal damage and graffiti.
6. (§ 26) ECRI strongly recommends that the authorities, without encroaching on editorial independence, encourage debate within the media on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudices, as recommended in ECRI's General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims.
7. (§ 29) ECRI strongly recommends that the Swedish authorities ensure that adequate police protection is provided to public testimonies of Holocaust survivors. Furthermore, Neo-Nazi groups should be prevented from spreading antisemitic hatred, in particular during such events. ECRI also recommends that the authorities fully investigate the vandalism and threats against Umeå's Jewish community, ensure that the local authorities liaise with the city's Jewish association to establish its security needs, and provide all necessary protection measures to allow the association to carry out its activities in safety.
8. (§ 31) ECRI recommends that the authorities conduct widespread awareness-raising activities aimed at conveying to the general public the unique value of the indigenous Sami culture as an integral part of Sweden's society and its cultural heritage.
9. (§ 37) ECRI recommends that the authorities carry out an in-depth analysis of why the clearance rates of hate crime incidents remains low as well as an

assessment of what resources the police and prosecution services require to address the issue more effectively.

10. (§ 42) ECRI recommends that the authorities add clear indicators and targets to their National Plan to combat racism, similar forms of hostility and hate crime.
11. (§ 53) ECRI recommends that the authorities include awareness-raising and prevention modules covering antisemitism and homo-/transphobia in introduction courses for newly-arrived migrants in Sweden in a way that avoids stigmatisation.
12. (§ 58) ECRI reiterates its recommendation that the Swedish authorities improve their system for monitoring the situation of groups coming under ECRI's mandate by collecting relevant information in various fields, broken down into categories such as religion, language, nationality and national or ethnic origin and ensure that this is done in all cases with due regard to the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. The data collection system for racism and racial discrimination should also take into account the gender dimension, particularly in terms of possible multiple discrimination.
13. (§ 62) ECRI recommends that the authorities review the Introduction Programme for refugees and beneficiaries of subsidiary protection with the aim of strengthening it and achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of women.
14. (§ 64) ECRI recommends that the Swedish authorities refrain from renewing or extending the temporary law restricting family reunification for beneficiaries of subsidiary protection.
15. (§ 66) ECRI recommends that the authorities ensure that any self-settlement of persons granted refugee or subsidiary protection status in municipalities of their choice is accompanied by a process of verification of the suitability of the registered housing, in particular when children are involved.
16. (§ 70) ECRI recommends that the Swedish authorities include concrete, targeted and measurable actions to combat de facto ethnic residential segregation in the long-term reform programme to reduce segregation (2017-2025).
17. (§ 74) ECRI recommends that the authorities take adequate measures, including training activities, to ensure that police services do not resort to ethnic profiling. Furthermore, ECRI strongly recommends that the authorities ensure that adequate safeguards are put in place to prevent any reoccurrence of police services maintaining ethnic databases, drawing inspiration from ECRI's GPR No. 11 on Combating racism and racial discrimination in policing.
18. (§ 79) ECRI recommends that the authorities initiate an independent interim evaluation of the national Roma strategy and its implementation so far, with participation of as wide and diverse a Roma representation as possible. This should be done with a view to developing measurable progress indicators and establishing an overall and coherent national roll-out mechanism for the strategy. Furthermore, ECRI recommends that the authorities provide adequate funding to establish a national-level centre for Roma issues.
19. (§ 81) ECRI recommends that the authorities carry out a study on the possible needs of members of the Sami community residing in urban areas, in particular in Stockholm, in the areas of education, health, employment and housing.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Sweden

ECRI, in accordance with its country monitoring procedure, engaged in confidential dialogue with the authorities of Sweden on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which only takes into account developments up until 21 June 2017, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Viewpoints of the Swedish Government

Paragraphs 5 and 8

While deeply committed to combatting all forms of racism and intolerance and to fully adhering to its international obligations in this field, Sweden is also committed to upholding its longstanding and strong constitutional traditions as regards the freedoms of opinion and expression.

In an appendix to its fourth report Sweden referred to General Comment No. 34, concerning article 19 of the International Covenant on Civil and Political Rights, which was adopted by the United Nations Human Rights Committee in 2011. According to the General Comment, laws that penalize the expression of opinions about historical facts are incompatible with the obligations that the Covenant imposes on States parties in relation to the respect for freedom of opinion and expression. The Covenant does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events. Restrictions on the right of freedom of opinion should never be imposed and, with regard to freedom of expression, they should not go beyond what is permitted in paragraph 3 or required under article 20 (General Comment No. 34, paragraph 49). Sweden agrees with this conclusion.

That said, it should be pointed out that Sweden has criminal provisions in place to deal with the most dangerous instances of conduct mentioned in the recommendation in paragraph 8. According to the European Union Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Member States shall criminalize conduct of essentially the same nature as that mentioned in the recommendation, but may choose to punish only conduct which is either carried out in a manner likely to disturb public order or which is threatening, abusive or insulting. In fulfilling its obligations under the Framework Decision, Sweden relies in particular on the provision concerning agitation against a national or ethnic group (Chapter 16, Article 8 of the Penal Code), inciting rebellion (Chapter 16, Article 5) and unlawful threat (Chapter 4, Article 5).

Paragraphs 6 and 8

As Sweden has previously stressed, although Swedish criminal provisions do not include an explicit prohibition of racist organizations, they do prohibit racist activities, including activities of racist organizations. For a fuller account of the relevant provisions, Sweden would like to refer the Commission to its observations in respect of the third report.

Paragraph 26

Pursuant to the Swedish Constitution, the state has no ability to directly or otherwise interfere with editorial decisions of the media. This also applies to negative portrayals. Any action by the authorities to encourage debate within the media on the image conveyed of Islam and Muslim communities can be interpreted as a restriction of media freedom.

According to the Radio and Television Act, a media service provider shall ensure that the service, in its entirety, reflects the fundamental concepts of a democratic society, the principle that all persons are of equal value, and the freedom and dignity of the individual. The Swedish terrestrial channels are through license requirements obliged to take into account the impact of the medium in terms of format, topic and broadcasting hours. Content which may be regarded as prejudice and of a hostile nature towards an ethnic, social or religious group may be in breach of this requirement.

Public service broadcasters are required to have a “diversity-perspective”. Their programmes should also “mirror variations that exist in the population”. The public service broadcasters must also adhere to terms of objectivity and impartiality.

The Swedish Broadcasting Commission is an independent decision-making body that examines the content of radio and TV programmes to see whether they adhere to the applicable broadcasting regulations and license requirements. The Commission’s investigations are either carried out based on viewers and listeners complaints regarding a programme, or at its own initiative.

The press adheres to a self-regulatory code of ethics, which is applied also by the public service broadcasters and TV4. Adherents commit themselves to not emphasizing amongst others, ethnic origin, nationality, religious persuasion etc. of persons if such particulars are not deemed important in the specific context and demeaning.

The Press Ombudsman (PO) and the Press Council (PON) are independent self-disciplinary bodies which deal with complaints about the editorial content of the press. PO, the investigating authority in the process, handles complaints from individuals who feel unfairly treated by the press. Companies, government authorities and organizations can also file complaints.

Moreover, there is already an ongoing debate within the media itself, as well as academic research, about the portrayal of ethnic groups in the media.

