



Responding to racism in Sweden



europaen network against racism
europeiska antirasistiska nätverket

OVERVIEW OF RACISM IN SWEDEN

In the same way that there is a gender power structure in Sweden, there is an ethnic power structure. There is an ethnic hierarchy with native-born Swedes at the top and non-Europeans at the bottom.

This structure is expressed in various ways. Placing “demands on immigrants” led to positive election results in 2002 for an established party. At the local level, anti-immigrant parties achieved their best results. In the labour market it can be seen in the denial of ethnic discrimination as a key issue as well as the treatment of immigrants as a labour reserve. Structural discrimination has become increasingly apparent as a factor in working life, school, politics, the media, the legal system, housing and welfare services.

Denial of the issue by politicians, civil servants, employers and unions has also become more apparent. Despite the goal of equal rights and opportunities, the focus has remained on educating and controlling the immigrant. In the background is the well-worn mantra that work is the key to integration. This avoids the fact that while work is important as part of an individual's survival strategy, it can indicate just the opposite concerning integration.

At the same time, in later years people are increasingly connecting racism and ethnic discrimination to those with the power to discriminate.

The formal structures for counteracting discrimination have been improved. At the same time it must be realized that it is not the laws themselves that result in social change – but rather a combination of pressure from those subjected to discrimination, pressure on politicians and others to put discrimination in focus, which in turn leads to the targeted groups and individuals attaining more fair opportunities on e.g. the labour market, and thus even more power to put increased pressure on those with the power to discriminate. This type of process will lead to sustainable and positive social changes concerning equal rights and opportunities.

The current challenge is in the mobilization of the targets of racism and discrimination in a direction that puts the actions of politicians, civil servants, employers and unions in focus.

OVERVIEW AND KEY ACTIVITIES OF THE SWEDISH NATIONAL COORDINATION

ENAR/Sweden has mainly functioned as a network of different organisations that counteract racism and discrimination in different contexts.

ENAR/Sweden contributed to the pressure that led the government to fund the participation of a number of Swedish NGOs in the World Conference Against Racism.

ENAR/Sweden has encouraged the Government and others to deal with the issue of structural discrimination/institutional racism as a key issue.

ENAR/Sweden was one of the driving forces behind the establishment of the national Center Against Racism (CMR) and the development of local anti-discrimination bureaus. Support was also provided to the establishment of a knowledge bank against racism – i.e.

www.sverigemotrasism.nu

ENAR/Sweden has promoted the UNESCO Coalition of European Cities Against Racism and the action plan that the cities have agreed to.

OVERVIEW OF ENAR – EUROPEAN NETWORK AGAINST RACISM

ENAR promotes the cause of anti-racism and equal treatment for ethnic minorities and non-EU nationals residing in the European Union.

ENAR is a network of European NGOs working to combat racism in all EU Member States. The NGOs have formed National Coordinations (NCs), which constitute the membership of ENAR and include ethnic minorities, immigrants' associations, information centres, advocacy groups, trade unions, faith based organisations and many others. Democratically elected representatives of each NC attend the Network's meetings where they are consulted on policy and statutory issues. One of the representatives of each NC should belong to an ethnic minority.

ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.

WHO IS EXPERIENCING RACISM AND DISCRIMINATION IN SWEDEN?

The ethnic power structure and hierarchy in Sweden places native-born Swedes at the top and non-Europeans at the bottom. While statistics indicate that immigrants are discriminated against as a group, the conclusion can also be drawn that visible ethnic minorities are the ones subjected to higher levels of discrimination.

In other words, for example, skin colour plays a decisive role in an individual's opportunities in the labour market. Academics from countries outside the EU (and North America) have a significantly lower probability of having a job that is relevant to their level of competence. This is particularly true in regard to academics from Africa. The situation is quite similar in regard to immigrants from the Middle East.

Islamophobia, i.e. negative attitudes and actions that are specifically directed toward Muslims, has become more apparent in later years.

Roma are another group that has clearly been discriminated against and marginalised.

The daily racism that affects ethnic minorities is found not only in working life but also in other parts of society. It occurs in school, politics, public services, nightlife, the legal system, media and housing.

At the same time it can be difficult to raise questions concerning racism and discrimination in a society that has a self-image as a primary force for human rights – particularly in regard to foreign policy. There are thus strong tendencies, particularly among well-meaning policymakers, to prioritise problems other than racism and discrimination.

POLITICAL REALITY: NATIONAL LAWS AGAINST RACISM

Denial can be seen in Sweden's slow development of laws against ethnic discrimination. Gender discrimination in working life was banned in 1980. A similar ban concerning ethnicity was not adopted until 1999. Similar laws were adopted concerning disability and sexual orientation in 1999.

In 2001 the law on equal treatment in universities was passed. It covers all discrimination grounds. Also, for a long time, there has been an ineffective penal code provision concerning ethnic discrimination related to the provision of goods and services.

The European anti-discrimination directives have been transposed mainly through a law adopted in 2003 banning discrimination (outside of working life) as well as amendments in the other laws related to discrimination. As of 1 July 2005 the law covers gender, ethnicity, religion and other belief, disability and sexual orientation. In addition a law against discrimination and other degrading behaviour has been proposed concerning students in pre-schools, schools and adult education.

Responsibility for supervising the civil laws above lies with four ombudsmen: DO (ethnicity and religion), JämO (gender), HO (disability) and HomO (sexual orientation). However, unions have primary responsibility for representing members in cases concerning discrimination in working life.

The government has also appointed a parliamentary committee with the task of examining the need for a single anti-discrimination law and supervisory body. It is also looking at the remaining issues related to the EC-directives.

Finally, a government inquiry, *The Blue and Yellow Glass House: Structural Discrimination in Sweden*, has proposed the adoption of various measures. The introduction of anti-discrimination clauses into all national public contracts is particularly important. The clauses state that discrimination can lead to cancellation of the contract. The annual value of the national contracts amounts to 100 billion SEK (about 11 billion Euros).

THE ROLE OF CIVIL SOCIETY ORGANISATIONS

In theory civil society organisations play an important role in Swedish democracy. Public subsidies have been available for the creation of ethnic organisations since the 1970s. Swedish immigrants and other ethnic minorities probably have an organisational membership rate that is much higher than in most other countries.

Does this mean that the organisations that represent ethnic minorities are important in Sweden? If the development of the laws against ethnic discrimination is used as a measurement, it can be concluded that these organisations have not had any greater influence in politics.

The subsidies have been directed towards organisations based on a particular ethnic origin background. The idea was that the newcomers would have a chance to retain their “home” culture and language. It was not a subsidy that was intended to provide support to ethnic minorities in gathering around common political issues such as counteracting racism and discrimination.

In the more recent past, among other things due to the EU's increasingly clear focus on racism and discrimination, organisations have more and more supported demands related to the common interests of minorities. This includes support for the establishment of a national Centre Against Racism as well as local anti-discrimination bureaus – that are under the control of civil society organisations. Support for improved laws against discrimination. Support for the introduction of anti-discrimination clauses in local and national government contracts.

There is a belief that a clearer focus on counteracting racism and discrimination by civil society organisations, particularly those that represent the targets of racism, will lead to the questioning of privileges that are taken for granted. In this way, a foundation can be laid for sustainable social development.

STRATEGIC LITIGATION

Many anti-racist NGOs have not traditionally engaged in legal processes, often this is for the simple reason that there was little law for them to refer to. However the adoption of the EU Race Directive (see section 'EU and anti-racism') and the development of national law, means that now more than ever litigation has the potential to lead to real change for those who are vulnerable to racism and discrimination.

As anti-discrimination is a relatively new field of law, NGOs have a role to play in raising awareness regarding its potential. Consequently the strategic litigation has come to the fore as a useful advocacy technique. NGOs can both directly engage in strategic litigation and support others to do so by gathering data, assessing victims and engaging in advocacy.

“Strategic or impact litigation uses the court system to attempt to create broad social change”.

The primary focus of strategic litigation is law or policy change rather than redress for an individual, though these two objectives are not mutually exclusive. Strategic litigation intends to reach beyond an individual case or victim, to create a context of enhanced protection for everyone who is vulnerable to discrimination. By changing law or setting precedents an individual case can have a ripple effect leading to change on a much broader level.

The concept of strategic litigation encompasses the selection of cases, case planning and management, as well as ensuring that favourable outcomes are implemented.

Not every NGO has the mandate or skills to engage in litigation, nor will litigation necessarily be the right strategy in many cases. Nonetheless, it is essential for all anti-racism actors to recognise the importance of strategic litigation as a tool for generating change.

SERVICES AVAILABLE FOR THE VICTIMS OF RACIAL DISCRIMINATION

Discrimination in the public and private sectors

If a person is discriminated against in working life due to ethnicity, the victim can turn to his or her union, to the Ombudsman Against Ethnic Discrimination or to a private lawyer. The advantage in turning to the union or the Ombudsman is that they will take care of all the legal costs. Turning to a private attorney can thus result in higher costs. On the other hand, this may be outweighed by certain advantages such as the individual's greater level of faith in his/her own attorney.

Regarding discrimination in fields other than working life, the victim can turn to the Ombudsman or to a private attorney.

During the past few years, a number of local anti-discrimination bureaus have been set up. These are NGO-controlled bureaus with the purpose of contributing to more effective implementation of the anti-discrimination laws, strengthening the fight against discrimination at the local and regional level in individual cases as well as in discriminatory structures. An important part of the work involves providing advice to those who report that they have been discriminated against. They can also ease the communication with e.g. the ombudsmen who have their offices in Stockholm.

A national NGO-controlled Centre Against Racism (CMR) has been established. The CMR intends to become a leading civil society force in the work against racism and discrimination (including homophobia, islamophobia, anti-semitism and anti-gypsyism). CMR does not work with individual cases, but can work on the exposure of the issues and contribute to solutions by increasing the knowledge base, spreading information and lobbying. Strengthening society's efforts against racism and discrimination requires a committed civil society.

Racist crimes and racist violence

The victims of racist crimes (i.e. crimes connected to the victim's ethnicity or religion) should be reported to the police. Such crimes are primarily issues that are to be dealt with by the police and public prosecutors. It is interesting to note that these so-called hate crimes have in theory been given priority according to instructions issued to prosecutors. However, it is difficult to see the practical effects of this priority order.

WHY A EUROPEAN PERSPECTIVE IS CRUCIAL: EU AND ANTI-RACISM

National NGOs working on anti-racism are already seriously overburdened in their work to confront racism and discrimination. Why then should they also be concerned with what is going on in other European countries, and in the institutions of the European Union itself?

Developing an understanding of racism in Europe is essential for two key reasons. Firstly, to promote learning and knowledge about what racism is and how to combat it and secondly to generate common tools across the European Union to combat racism. Experience over the last ten years has demonstrated that national governments can be convinced to take action at a European level, where they may not have been prepared to move forward alone.

Racism has a distinctly European dynamic. Europe's colonial history underlines its role in fostering both historical and contemporary forms of racism; and the 20th century does not cast a positive light on the European legacy. Despite this long history Europe began to take racism seriously relatively recently. Europe has a responsibility both to the people living within its borders, as well as internationally to take a leading role in promoting a vision of a world free from racism.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop 'appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. Using these powers the European Union adopted the Race Equality Directive in June 2000 (and later that year the Employment Equality Directive).

While the Race Directive was due to be fully implemented by July 2003, at the beginning of 2006 some Member States have failed to implement it. This reality raises questions about the continuing commitment of EU Member States to combat racism and discrimination. However the Directive does have direct effect, which means that individuals can assert it before national courts, even where it has not been implemented.



The Race Directive gives protection against discrimination in employment and access to a range of good and services, including social protection, health, social security and education. It puts forward a number of important definitions including: direct and indirect discrimination, harassment, and victimisation. Other significant aspects of the Directive are that it allows for positive action measures, the sharing of the burden of proof, and the establishment of equality bodies.

The principles enshrined in the Race Directive need to become core elements of anti-discrimination law and practice across the European Union. Strategic litigation is a tool to ensure that this happens. To this end, it expressly allows for NGOs to engage in proceedings in support of or on behalf of victims.

While Article 13 of the Amsterdam Treaty provided the context for developments in the field of anti-discrimination, Article 29 of the Treaty on European Union included reference to preventing and combating racism. While the European Commission proposed a Framework Decision against racism and xenophobia (racism as a crime) in 2001, developments in this policy area have been disappointing; the Council has failed to adopt the Framework Decision. In addition the European Union has competence in other policy areas that either directly or indirectly impact on the fight against racism, including: social inclusion, migration and asylum, and education.

The European Union is also involved in a range of other activities, including awareness raising (through the 'For Diversity. Against Discrimination' campaign) and funding of anti-racism projects. In 1997 the EU Monitoring Centre on Racism and Xenophobia (EUMC) was established. While the Centre is likely to be expanded to become a Fundamental Rights Agency in 2007, it will continue to focus on the problem of racism in Europe.

KEY LINKS AND SOURCES OF FURTHER INFORMATION AT THE NATIONAL LEVEL

Swedish Centre Against Racism: www.centrummotrasism.nu

Sweden against racism: www.sverigemotrasism.nu

Antidiscrimination bureaus : www.do.se/o.o.i.s?id=1730

Quick Response: www.quickresponse.nu

Immigrant Institute: www.immi.se/

Ombudsman Against Ethnic Discrimination (DO): www.do.se

Disability Ombudsman Handikappombudsmannen (HO):
www.handikappombudsmannen.se

Equal Opportunities Ombudsman - gender (JämO): www.jamobud.se

Ombudsman against discrimination due to sexual orientation (HomO): www.homo.se

Government's website on human rights: www.manskligarattigheter.gov.se

Swedish Integration Board: www.integrationsverket.se

KEY LINKS AND SOURCES OF FURTHER INFORMATION AT EUROPEAN LEVEL

EU Monitoring Centre on Racism and Xenophobia: www.eumc.eu.int

European Commission - anti-discrimination and relations with civil society:
www.europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

European Network Against Racism (ENAR): www.enar-eu.org

European Roma Information Office: www.erionet.org

European Union: www.europa.eu.int

'For Diversity. Against Discrimination': www.stop-discrimination.info

Strategic Litigation of Race Discrimination in Europe: from Principles to Practice:
www.migpolgroup.com/documents/2498.html

Strategies on Litigation Tackling Discrimination in EU Countries: www.solid-eu.org

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Denna broschyr skapades för ENAR/Sverige och ENAR:s centrala sekretariatet.
http://www.enar-eu.org/en/publication/national_leaflets/

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