

# **JOINT SUBMISSION FOR SWEDEN'S 2<sup>ND</sup> PERIODIC REVIEW IN 2015**

**SUBMITTED BY THE AFRO-SWEDISH NATIONAL  
ASSOCIATION TOGETHER WITH, THE ERITREAN  
STUDENTS' ASSOCIATION, JUNE 2013**

The Afro-Swedish National Association (Afrosvenskarnas Riksförbund, ASR) is a humanitarian and cultural non-governmental organisation established in 1990. The association consists of six regional branches through out the major Swedish cities and has the purpose to promote the equal rights and social wellbeing of Africans and people of African descent living in Sweden. The number of Africans and people of African descent amount to approximately 200 000, representing 2 per cent of the Swedish population of 9,6 millions.

The Eritrean Students' Association (ESA) is a politically and religiously independent, university students', association that seeks to promote studies of its members as well as to motivate and assist secondary school students with Eritrean origin in their pursuit for higher education. It was established in 2009 and has its base in Stockholm. The Eritrean community in Sweden is the second largest community of people of African descent in Sweden.

## COMMENT ON RACE

On 1 January 2009, the new Discrimination Act entered into force with the term race deleted. Two years later, on 1 January 2011, the term was subsequently deleted from the Instrument of Government. It is with great concern that we are witnessing the Swedish government's determination to unilaterally eliminate the term race.

The ideology of racism is based on the categorisation of people into permanent groups that are positioned in a hierarchy. The grounds of categorising have shifted through history and have included sociocultural, religious, biological, pseudo scientific, and cultural characteristics.

Race has yet not been eradicated as a social construction, despite the legitimacy of the biological and pseudo scientific grounds of racial classification having been phased out since their peak during the Second World War.<sup>1</sup> On the contrary, race is a factor that continues to be a significant determinant of a persons living condition globally, and Sweden is no exception.<sup>2</sup>

We believe that in order to eliminate racial discrimination there needs to be a deconstruction of the prevailing racial hierarchy in regards to living conditions including access to power before removing race as a category for consideration, lest the strive will be doomed to chase the on-going mutations of racism i.e. ethnicism<sup>3</sup>, anti-Muslimism etc. The position of the ASR is in line with widely accepted research and scholarly discourse on race, and also reflects a number of international accords signed by Sweden, including the International Convention on the Elimination of All Forms of Racial Discrimination.

## GENERAL MEASURES TO COUNTERACT RACIAL DISCRIMINATION

### POPULATION DATA

2. The Government has instructed the Equality Ombudsman to undertake a preliminary study of methods for determining the population's composition and living conditions to examine what methods could be used to collect data on living conditions among the population."<sup>4</sup> One of the central conclusions of the study is that data can be collected according to the requirements of the International Convention on the Elimination of all form of Racial Discrimination, given that it is carried out in a way where certain protective measures are taken.

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<sup>1</sup> Heng, G., *The Invention of Race in the European Middle Ages I: Race Studies, Modernity, and the Middle Ages*. 2011

<sup>2</sup> HübINETTE, T., et. al. (red), *Om ras och vithet i det samtida Sverige*, 2012

<sup>3</sup> Motturi, A., *Ethnicism - An Essay on Multiculturalism, Silence, and the Craving for Meaning*, 2014 (originally published 2007 in Swedish as *Etnotism: En Essä om Mångkultur, Tystrnad och Begäret Efter Mening*).

The term *ethnicism* is, as described by Motturi, a neologism that names the specific contemporary type of difference-thinking that is based on a discourse of ethnicity.

<sup>4</sup> Sweden's 19th, 20th and 21st periodic report to the CERD, p.5

3. The study also concludes that a prerequisite for a meaningful national discussion on discrimination and equality is collecting qualitative and quantitative data that can shed light on the form and extent of discrimination, making campaigns and other awareness-raising activities formulated and enforced in a relevant and adequate manner.<sup>5</sup>

4. As place of birth is misleading in regards to having a clear understanding of along what lines the dominant division of access to resources has lied and still lies,<sup>6</sup> and given the overwhelming international research, not to mention the very basis of the ICERD and other international accords that the State party has adopted or otherwise obligated itself to comply with – data disaggregated according to race is required, and should not be disregarded.<sup>7</sup>

### THE DISCRIMINATION ACT

5. On 1 January 2009, the new Discrimination Act (Swedish Code of Statutes 2008:567) entered into force. On 1 January 2011, the term race was deleted from the Instrument of Government. It is with regret that we witness that race has been made invisible as a central basis of discrimination. It is also of no consolation to those of us discriminated against on the basis of race that the law *assumes that all people belong to one and the same race – the human race*.<sup>8</sup> On the contrary, it is cause for grave concern that legislators seem to believe that the racial body is an effect of biological truths as opposed to a socially constructed category that continues to play a pivotal role in determining the living conditions of Swedes.<sup>9</sup>

### GOVERNMENT'S SUPPORT TO ORGANISATIONS

6. Ethnically based organisations receive annual grants from the National Board for Youth Affairs. This support is meant to strengthen the recipient or agenda on culture, identity and language. In 2012, ethnic organisations received approximately 18 904 998 SEK for 315 598 members. This allocation granted each member 60 SEK for the year. During the same year, LGBT-organisations were allocated 6 297 994 SEK for 4 525 members to achieve similar aims, which makes about 1400 SEK per member - 23 times more than what was granted to ethnically based organisations.<sup>10</sup>

7. Another factor is the government grant for organisations that represent national minorities other than Sami, administered by the County Administrative Board of Stockholm. Organisations for national minorities are not required to report on how many members they have. In 2011, eleven organisations applied for grants and all were granted funding. This should be compared with the fact that 60 organisations shared the funding for ethnically based organisations. This discrepancy needs to be

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<sup>5</sup> Statistikens roll i arbetet mot diskriminering – en fråga om strategi och trovärdighet. (A2011/4415/DISK).

<sup>6</sup> Kindly view the statistics presented in this reports chapter on segregation.

<sup>7</sup> European Union Racial Equality directive (2000/43/EC), Durban Declaration and Programme of Action etc.

<sup>8</sup> Sweden's 19th, 20th and 21st report to the Committee, 2012, § 37.

<sup>9</sup> HübINETTE, T., et. al. (red), *Om ras och vithet i det samtida Sverige*, 2012

<sup>10</sup> Ungdomsstyrelsen, Statsbidrag HBT-personer resp. Etniska organisationer 2012.

rectified in order to achieve parity and equal opportunity for all organisations coming to terms with the problems regarding discrimination. We strongly believe that civil society needs to be consulted in the measures that need to take place in order to come to terms with structural racial discrimination.

#### **POSTIVE ACTION MEASURES**

8. It seems that the government is guided by a false sense that meritocracy is prevalent. This is commonly expressed through the implication that positive action measures go against the fundamental principal of justice and that people should be rewarded according to their efforts.

9. The problem with the notion of meritocracy is that, in reality, people are *not* being rewarded according to their efforts. On the contrary there have been positive action measures in place for many years that, albeit informal, privilege certain groups - primarily white, upper and middle-class males. This informal positive measure is better known as structural discrimination. This needs to temporarily be balanced with a formal one to even out the scales, as is stated in the ICERD and CERDS relevant general recommendation.

#### **PARTICIPATION IN THE DURBAN PROCESS**

10. The Durban Declaration and Programme of Action, (DDPA) represents a tremendous achievement for People of African Descent and the recognition of their rights. The DDPA was adopted by consensus by the UN member states present and was acclaimed by victim groups of racism, including Africans and African descendants in Sweden.

11. Sweden participated in the 2001 World Conference Against Racism, (WCAR), as well as the 2009 Review Conference and the 2011 High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the DDPA. Unfortunately, the official Swedish follow up to the WCAR has been far from satisfactory.

12. The final document from the World Conference has never been translated into Swedish nor has the output been disseminated. This differs from standard Swedish practice after important UN conferences, and also contradicts General Recommendation XXVIII of the follow up to the WCAR I (h) where the Committee recommended states to disseminate the DDPA and *”provide the Committee with information on the efforts in this respect under the section of their periodic reports concerning article 7 of the Convention.”*

13. All requests for support to publish a Swedish edition of the DDPA have been met with refusal. Furthermore, the English-language DDPA booklet is practically unavailable in Sweden’s public libraries. In addition, neither outcome document from the 2009 Review Conference, nor the 2011 High Level Meeting have been translated and disseminated.

14. There has been very little effort to live up to the requirements to the DDPA or to Sweden's obligations to conduct follow-up activities to the WCAR.

15. Indeed one could even question Sweden's commitment to the DDPA. For example, at an information meeting for NGOs prior to the Durban review conference, a representative of the foreign ministry undermined the legitimacy of the DDPA by stating that it had been forced through by the developing countries and that the Swedish target for the 2001 WCAR had been to have the concept of racism replaced with discrimination. While Sweden did participate in the 2009 Durban Review Conference, its attitude towards the process was negative towards Swedish NGO efforts in support of the conference.

16. In our view the willingness and sincerity in supporting the Durban process must be seen as the litmus test for assessing a country's adherence to the Convention.

## RECOMMENDATIONS

- actively and comprehensively participate in the Durban follow up mechanisms of the United Nations, including the Working Group of Experts on People of African Descent, as well as provide support to NGO participation in these mechanisms.
- actively and positively inform the public on the Convention and the DDPA and its follow up process and widely disseminate Swedish translations of these key documents.
- increase state grants to ethnically based organisations to levels comparable to those of other organisations with the purpose to promote and accommodate the interest of minorities.
- comply with the CERDS recommendation to provide official statistics on the composition of the population so that more can be known about the causes, extent, nature and effects of racial discrimination in Sweden. It will take additional examination and dialogue with minority groups before settling on appropriate methodological approaches, however, the government is well advised to heed the recommendations from the Equality Ombudsman's preliminary study of methods for determining the population's composition and living conditions when complying with the requirements of the Convention.
- comply with the Committees recommendations by adopting and implementing positive action measures regarding race to the same extent that is currently allowed in regard to gender concerning working life, higher studies and government agencies.

## SEGREGATION

### RESIDENTIAL SEGREGATION

17. The three Swedish metropolitan areas, Stockholm, Gothenburg and Malmo show segregation indexes that are extreme in a Western context to the extent that values are comparable to the sharp segregation between Roma and non-Roma in many Central

and Eastern European cities.<sup>11</sup> As evident in the statistics below, there is a division of not only the type of residence but also the area of residence.

*Percentage living in owned homes including condominium in Capital Stockholm divided in region of background.*<sup>12</sup>

Sweden	52%
Western Europe	44%
Eastern Europe	35%
Latin America	25%
Middle-East	17%
Sub-Saharan Africa	8%

*Percentage living in rental apartments*

Sweden	31%
Western Europe	40%
Eastern Europe	53%
Latin America	64%
Middle-East	75%
Sub-Saharan Africa	85%

*Percentage living in Stockholm County neighbourhoods having 30 per cent immigrants or more divided in place of birth.*<sup>13</sup>

Total Stockholm County	18%
Sweden	12%
Rest of Nordic countries	19%
Rest of Western Europe	20%
Eastern Europe	37%
Latin America	39%
Middle-East	61%
Sub-Saharan Africa	63%

18. Even with the current use of categories there can be no serious doubt that race is an important factor in the lines of division. However, one could draw sharper, unmasked and more relevant conclusions regarding the line of division and the extent of it if data based on race had been available. This, in turn, will enable the State party to adopt sharper and more relevant policies to remedy racial inequalities.

#### *EMPLOYMENT SEGREGATION*

19. Sweden is the developed country where the disparity regarding access to employment between natives and foreign born is the largest, 15%.<sup>14</sup> As in the case

<sup>11</sup> Hübnette, T., et. al. (red), *Om ras och vithet i det samtida Sverige*, 2012

<sup>12</sup> Bråmås, Å., et. al, *Bostadsmarknadens institutioner och grindvakter i den etnisk segmenterade staden – exemplet Stockholm och Uppsala*. 2006

<sup>13</sup> GeoSweden database

<sup>14</sup> *International migrations outlook*, Organisation for economic co-operation and development. 2011

with residential segregation, the discrepancy becomes even sharper when comparing native Swedes with African born Swedes.

*Unemployment divided by place of birth*

Sweden	7,1%
Rest of Europe	10%
South America	14%
Asia	22%
Africa	25%

*Unskilled low wage employment among males divided by place of birth*

Sweden	4,3%
Rest of Nordic countries	5,3%
Rest of Europe	9,9%
North America	9,4%
Asia	12,7%
South America	17,0%
Africa	20,1%

*Employment with leading positions among males divided by place of birth*

Sweden	8,4%
Rest of Nordic countries	7,5%
Rest of Europe	4,2%
North America	5,7%
Asia	2,8%
South America	2,3%
Africa	1,7%

20. This difference cannot successfully be attributed to merely immigration as, despite a slight decrease in difference, the pattern still applies amongst immigrants with a longer duration in Sweden, and even amongst mixed, adoptees and second generation Swedes.<sup>15</sup>

21. To concretise further, the statistics presented below provide an insight into the situation of male immigrants that have arrived to Sweden before the age of 16 and attained a university degree. These figures also present the situation for second-generation Swedes with parents born in Africa, Asia or South America.

<b>Place of birth</b>	<b>Wage difference</b>	<b>Average years of education</b>	<b>Over-educated<sup>16</sup></b>
Sweden	(norm)	12,3	26%
Horn of Africa	-19%	12,3	37%
Chile	-17%	11,9	35%

<sup>15</sup> Ibid.

<sup>16</sup> Over-qualified or over-educated for the position that they currently are holding, an indicator of a lack of opportunity for advancement (glass ceiling)

Turkey	-16,5%	11,6	47%
MENA <sup>17</sup>	-15,5%	12,6	45%
2 <sup>nd</sup> generation	-14,5%	12,9	45%

22. In conclusion, in comparison with males with a Swedish background, Afro-Swedish males are:

- three times more likely to be unemployed,
- five times more likely to have an unskilled low wage employment,
- five times less likely to have an employment with a leading position,
- seven times less likely to own his home,
- six times more likely to live in an area with other immigrants

23. Even when born here, a Swedish man of African descent is twice as likely to hold an employment he is over-qualified for, and will be paid 15-20 per cent less than a colleague that have native born parents.

24. In any other country that has made a commitment to take racial discrimination issues seriously, these figures would awake a sense of urgency. Regrettably, in Sweden, the obvious disparities along racial lines are not even a subject that is included in the debate. This is a telling example of how the governments disregard of race as a crucial factor manifests itself as a counterproductive stance.

## RECOMMENDATIONS

- *take* immediate steps to restore race as a ground of discrimination, in compliance with obligations of the Convention, relevant parts of the Durban Declaration Programme of Action and the European Union Racial Equality Directive, and as a result take steps to combat the economic segregation in society that goes along racial lines.
- *adopt* reforms based on the extensive research put forward in two Swedish Official Government Reports: *The Blue and Yellow Glass House: Structural Discrimination in Sweden* (SOU 2005:56) and *The Black Book of Integration: An agenda for Equality and Social Cohesion* (SOU 2006:79).

## THE RIGHT OF EFFECTIVE LEGAL REMEDIES

### PENAL LAW

#### *Alarming rate of hate crimes*

25. According to the latest report on hate crimes by the Swedish National Council for Crime Prevention (Brå), there were 940 reported cases in 2012 that were identified to have Afrophobic motives. This represents an increase of 17 per cent compared to 2011 and an increase of 24 per cent compared to 2008. Afrophobic hate crimes accounted for 25 per cent of the racially motivated reports in 2012 despite that Africans and people of African descent only constitute 10 per cent of non-white Swedes, and even less of the total victim groups of hate crimes. Hate crimes

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<sup>17</sup> Middle-East and North Africa.



motivated by Afrophobia are also disproportionately violent when compared with hate crimes motivated by other reasons. Public spaces were the most common crime scene for Afrophobic hate crimes, (22 per cent), and a relatively high proportion were committed in the victim's workplace (14 per cent). In over half the cases (56 per cent) the perpetrator was unknown to the victim.<sup>18</sup>

26. Only 8 per cent of the reports of Afrophobic hate crimes led to an investigation that tied a person to the crime by indictment, order of summary punishment or prosecution, including when the defendant subsequently is acquitted at trial.<sup>19</sup>

27. The increase of Afrophobic hate crimes by 24 per cent, in contrast to the 6 per cent overall decrease of hate crimes during the same period, calls for special measures to halt this dangerous development.

## CIVIL LAW

### *Application of The Discrimination Act*

28. The upholding of the Discrimination Act, a civil law, requires the wronged to be able to litigate. It is however not easy for a natural person to litigate against a legal person as the latter often has more experience and resources to litigate. Litigation also constitutes an economic risk, as the losing party in civil law cases is liable to pay both parties litigation costs. In light of the fact that penalty compensation in discrimination cases is low in Sweden in comparison to international standards, with sums varying from 15000-60000 SEK, current legislation is in a sense acting as a deterrent for a wronged person to claim his or her rights rather than a deterrent to discriminate.

29. In a report to the government, The Equality Ombudsman called for measures to encourage other actors to litigate in discrimination cases.<sup>20</sup> Amongst the recommendations was the setting up of a fund in order to provide financial assistance to individuals and associations to litigate in discrimination cases, and an increase of resources granted to non-governmental anti-discrimination agencies. The Equality Ombudsman also calls for a strengthened legal aid system. We concur with the Equality Ombudsman's assessment that all these measures should be put in place in order to make proper use of the Discrimination Act.

## RECOMMENDATIONS

- *allocate* resources to the police and prosecution authority earmarked to address the alarming rates of afrophobic hate crimes
- *raise* the penalty compensation to a level that constitutes more of a deterrent factor
- *implement* the recommendations of the Equality Ombudsman to
  - (i) create a process fund from which individuals or associations can apply for money to fund the operation of major discrimination disputes in court,

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<sup>18</sup> Brå, *Hatbrott 2012 – Statistik över brott med identifierade hatbrottsmotiv*

<sup>19</sup> Ibid.

<sup>20</sup> Ärende LED 2012/54, *Bättre möjligheter att driva diskrimineringsmål*. 2012

- (ii) strengthen the resources of anti-discrimination offices and providing ample support to NGOs to litigate on behalf of their members
- (iii) strengthen the legal aid system,
- (iv) create conditions to improve the extension of legal protection provided through home insurances to include litigation of discrimination cases,
- (v) oversee the rules on litigation costs

## EDUCATIONAL POLICIES

### **RECOGNITION AND REMEMBRANCE OF PAST ATROCITIES AND THEIR LEGACIES**

30. The Swedish report gives prominent role to the government agency "Living History Forum." The Forum commands considerable resources for research, outreach and education based on a concept of the unique centrality of the Second World War holocaust for the understanding and education against racism and discrimination.

31. By contrast, no similar efforts or support exists for research, outreach and education on the crimes against humanity related to the ideology of racism, the transatlantic slave trade and colonialism. A small-scale programme that was initiated in 2007 by the now disbanded Delegation for Human Rights in Sweden on slavery and the Swedish role in the slave trade quickly evaporated. There is a lack of willingness or initiative to restore the programme and no support for NGO efforts for education and outreach on slavery and colonialism is available.

32. This atmosphere of denial and total imbalance with regard to investment, education and public recognition of the considerable role of Sweden in the transatlantic slave trade and the construction of the ideology of racial thinking to be at odds with a good faith implementation of the Convention and relevant parts of the Durban Declaration and Programme of Action.

## RECENT ALARMING EVENTS

### ***The authorities failure to address the racial persecution in Forserum***

36. In the town Forserum, several families of Somali origin had been the victims of systematic Afrophobic discrimination and violence. Over several years, their homes, places of worship and gatherings were vandalised, and the threat of violence reached a point where parents kept their children home from school out of concern for their safety. Out of 160 Somali-Swedes, 95 of them eventually fled Forserum.<sup>21</sup>

37. The families reported this on-going violence but the police and other authorities did not take adequate measures. It wasn't until the story broke in the media that things started to happen.

38. The Minister of Justice, Ms Beatrice Ask, called the events individual cases that thus did not merit the involvement of the government in ensuring the affected community their rights to education, freedom of association, personal security and the

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<sup>21</sup> Somalier uppmanas att flytta efter hot, SVT-nyheter, 2012-08-21  
<http://www.svt.se/nyheter/regionalt/jonkopingsnytt/somaliska-barn-tas-ur-skolan>

right to practise their religion. The Minister even refused to start an independent inquiry to study if and how the state failed in its responsibility.

#### **REVA**

39. REVA is a collaboration between the Police, the Probation Service and the Immigration Service. It aims to increase efficiency and certainty in the law enforcement process regarding the execution of deportations of persons residing in Sweden without a permanent resident permit, also known as irregular immigrants. A part of this project is an internal immigration control that the police are to conduct. The Police are to stop people only when suspicion is well-founded and under objective circumstances.

40. In order to bypass the requirement of having a well-founded cause to suspect someone for a crime in order to stop and search, the police started to target people in the Metro. People would be asked whether they had a valid Metro ticket as failing to have one would constitute a breach against the law, which thus would entitle the Police to ask for documents that could verify that the person is in the country legally. Despite already standing on shaky legal premises, this conduct was furthermore in effect racial profiling. It targeted non-whites and nine out of ten stopped and controlled were not irregular migrants.<sup>22</sup>

41. Due to the huge public outcry against these obvious acts of racism the Police chose to discontinue targeting and stopping suspects in the Metro. It is however important to point out that the Police made it clear that they did not acknowledge that the method constituted racial profiling. The reason for the discontinuation was instead explained by the Police as that the public opinion took away focus from the good job they do.<sup>23</sup>

#### **RECOMMENDATIONS**

- *set up* an inquiry to find out if and how the local authorities in Forserum failed to live up to their obligations to the local Somali Swedish community; especially with regards to respecting the rights to personal security, education, effective legal remedies and the right to religious freedom. Then, if needed, the government should take all necessary measures to make sure human rights abuses are discontinued and that the affected parties get redress for their grievances.
- *recognise* the immense difficulty to combat structural and institutional discrimination with only case law and therefore create a commission dedicated to monitoring how the Swedish Public authorities promote racial equality and prevent discrimination while carrying out their functions.
- *establish* a closer, clearer and more structured cooperation and consultation with the NGOs representing the groups targeted by discrimination. This should include
  - (i) inclusion in the aforementioned commission,

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<sup>22</sup> Sveriges Radio, *Nyheter P4 Stockholm*, 2013-02-25

<sup>23</sup> Sveriges Radio, *Ekot*, 2013-03-08

- (ii) an obligation for the State party to consult with organisations representing groups that would be affected by any reform, policy change or similar measure and,
  - (iii) a raise of grants for these purposes.
- *commence* a mass education endeavour against racism with the purpose to make Sweden's role in the development of racial thinking and the transatlantic slave trade as well as a basic understanding of the nature of structural and institutional racial discrimination, household knowledge. The endeavour should be pursued in close consultation with the Afro-Swedish National Association and include:
- (i) political manifestations and support by the state bodies and outspoken support from the Prime minister, including but not limited to the commemoration of important anniversaries such as 25 March, the International Day of Remembrance for the Victims of Slavery and the Transatlantic Slave Trade and October 9<sup>th</sup> the Day of the Abolishing of Swedish Colonial Slavery,
  - (ii) authoring a book on the history and development of racial thinking, beginning from the transatlantic slave trade to its modern day expression; structural racial discrimination, with a focus on Sweden's role,
  - (iii) mass promotion and distribution of the aforementioned book, translated to English and a number of languages that are spoken amongst immigrants in Sweden, to every household with children in school age,
  - (iv) creation of a dedicated website,
  - (v) articulation of a plan to target parents,
  - (vi) support to Afro-Swedish and other NGOs research and information work on the Swedish role in the development of racism as an ideology, the transatlantic slave trade, colonialism and structural racism, including support for publications, public seminars and conferences,
  - (vii) education material that targets school students, including written material, documentary, and a recommendation list of available sources of information
  - (viii) pedagogical idea material targeted to school teachers,
  - (ix) educational campaigns in cooperation with Universities and the Swedish Adult Education Association,
  - (x) establishing a museum on the history and development of racial thinking beginning from the transatlantic slave trade to its modern day expression through structural racial discrimination with a focus on Sweden's role.
  - (xi) international co-operation