



Swedish Muslims in Cooperation Network Alternative Report

In Response to the Swedish Government's nineteenth,
twentieth and twenty-first report to the UN Committee on
the Elimination of Racial Discrimination under the United
Nations International Convention on the Elimination of All
Forms of Racial Discrimination

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Foreword

This report in response to the Swedish government's 19th, 20th, and 21st periodic report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) is the result of collaboration between Swedish Muslim organisations. It represents the point of view of some of the leading Swedish Muslim organisations concerning the increasingly racist and Islamophobic climate in Sweden and it is historic in that it marks the first time such a broad group of Swedish Muslims addresses the United Nations as one body. Our aim is to bring the many violations of Swedish Muslims' human rights and civil liberties to the attention of the CERD committee.

The Swedish Muslims in Cooperation Network was established three years ago after the 2010 Swedish parliamentary elections where the Sweden Democrats, an Islamophobic party, was elected into parliament. Since then we have witnessed how established parties have exploited the same questionable sentiments as the Sweden Democrats to gain favour with the voters and how the government have failed to deal with the alarming situation where Swedish Muslims' human rights are concerned.

Stockholm, February, 2013

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Recommendations

The Swedish government should comply with the Committee on the Elimination of Racial Discrimination's (CERD) recommendation by providing 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 CERD in this matter.

(Main text: par 1-5)

The many cases of reported negative treatment of Muslims by the Social Services give reason to suspect a pattern of discrimination. The government should therefore commission a suitable entity, such as the Equality Ombudsman, to set up an inquiry into the Social Service's conduct in relation to Muslims. It should examine the prevalence of discriminatory practices and in particular look at the prevalence of forced removals of Muslim children from their families and if this is done within the framework of legal certainty.

(Main text: par 6-10)

Institutional discrimination, as a product of Islamophobic attitudes and established practices, is not easily fought with case law only. We therefore recommend that Swedish public authorities be placed under a statutory duty to promote equality and prevent discrimination not only in their role as employers but also in carrying out their functions.

State grants to ethnically based organisations should be raised to levels comparable to those of other organisations with similar missions such as organisations formed to support the LGBT community or for the purpose of supporting national minorities.

(Main text: par 15-16)

At a minimum, Positive Action Measures with regard to ethnicity and religion in the realm of working life and higher studies should be allowed by law to the same extent that it is currently allowed in regard to gender. In particular, Positive Action Measures should be implemented in regard to government agencies so that Muslims and other racialised groups are adequately represented.

(Main text: par 17-18)

Swedish authorities should adopt a plan of action to address residential segregation. This plan should be adequately funded and include practical measures such as the removal of legal obstacles to Islamic banking so that Swedish Muslims can become home owners on equal terms as other Swedes. The lack of power and

resources available to people in vulnerable areas is a bigger problem than the segregation in and of itself so it is imperative that the plan aims for the social and economic recovery of these people. The action plan's impact in practice should be evaluated regularly.

(Main text: par 21-27)

The government through its various branches, such as the Chancellor of Justice, must ensure that the freedom of speech and freedom of the press is balanced by respect for the rights and reputations of others. In particular the Chancellor of Justice must use its discretion to prosecute offences against the freedom of the press and freedom of expression targeting Muslims. Special attention also needs to be paid to the commentary fields of Internet media outlets. The government should also support increased representation of people from culturally diverse backgrounds on the editorial and management positions of public service broadcast media bodies as well as in the presentation of news. To this end, Sweden's Television should lift its discriminatory ban on head scarves for hostesses. Recognizing that the dangerous and duplicitous attitude towards Muslims is in part caused by the negative representation of Muslims in the media, the government must ensure that the public service broadcast media is socially responsible, fair, accurate, comprehensive and balanced in its coverage. The government must also ensure that the private sector is made aware of the dangers and encourage them to be equally unprejudiced in its coverage.

(Main text: par 28-33)

The Swedish legal system, which includes lay judges appointed by political parties, should be revised so that Muslims' right to legal certainty and due process is no longer influenced negatively by the fact that politicians active in racist, Islamophobic parties participate in judgements issued by the courts.

(Main text: par 36)

There are so many outstanding questions with regard to the War on Terrorism in Sweden that the government should set up an independent truth commission as a matter of great urgency. The truth commission should look into the effects of the new anti-terrorism laws and of the increased surveillance that is part and parcel of the War on Terrorism. The commission should also have the mission to look into individual cases and give appropriate recommendations to proper authorities as well as assign responsibility to those individuals and government organs who have failed in their obligations to uphold human rights.

(Main text: par 34-35, 37-39)

All anti-terrorism laws enacted since 2001 should be overhauled so as to ascertain their consistency with Sweden's international human rights obligations, particularly in relation to indirect and systemic racial and religious discrimination. In doing so, the government would be well advised to act upon the findings of the International Commission of Jurists report on terrorism, counter terrorism and human rights, ***Assessing Damage, Urging Action***.

The government should 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.

(Main text: par 40-41)

The law should be changed so that non-Europeans are not treated less favourably due to their ethnic background in regard to voting rights in local elections. This should preferably be done before the general elections of 2014.

(Main text: par 44)

As a matter of great urgency, the government should allocate resources for Muslim safety just as it has done for the purpose of Jewish safety. The government should take notice of the greater size of the Swedish Muslim community as well as its wishes, when determining the size and the form of the funding.

(Main text: par 46-48)

An exception clause should be imposed to amend the discriminatory effect of the Animal Welfare Act (1988:534) with regard to religious slaughter so as to comply with EU directives and the European Convention. This would help ensure that Sweden conforms to the European norm where most countries have laws that take into account the demands of religious groups.

(Main text: par 49)

The government should pay attention to the special plight of converts to Islam as victims of honour culture within their non-Muslim families by supplying means for additional research on the matter and by funding initiatives by Muslim organisations to remedy the situation of converts with regard to honour culture.

(Main text: par 50-51)

The government should do away with all unnecessary obstacles to speedy validations of foreign education programmes and qualifications. No uncalled for discriminatory differences between credentials from Europe and the rest of the world should remain in the validation process.

(Main text: par 57-59)

We strongly concur with the recommendations from the Equality Ombudsman to the government that a fund be set up to provide financial assistance for individuals and associations to bring litigation in discrimination

cases and that the legal aid system be strengthened so as to make it possible for more actors to bring litigation in discrimination cases.

(Main text: par 70)

The government should also significantly increase the aid to the local anti-discrimination offices so they can provide stronger support for victims of discrimination and have the possibility, not only in theory but also in practice, to take cases to court.

(Main text: par 68-70)

We agree with Integration Minister Erik Ullenhag's opinion that the Equality Ombudsman should take more discrimination cases to court. However, this must be coupled with increased funding for the Ombudsman that makes it possible to live up to the requirement.

(Main text: par 71)

The penalty compensation, which the government introduced to facilitate the provision of higher levels of compensation to victims of discrimination and to act as a deterrent against discrimination, should be raised to levels where it can actually fulfil its purpose of deterring companies and institutions from discriminating.

(Main text: par 72)

To compensate for the closure of the National Integration Office and the National Institute for Working Life, additional funds should be allocated to organisations that produce reliable knowledge about racism and Muslims' and other minorities' situation in Sweden. Potential recipients of the grants should be universities, colleges, anti-racist organisations and Muslim organisations.

(Main text: par 76)

The government should publicly acknowledge that there is a growing problem of racist agitation in Sweden – even in the mainstream – which seeks legitimacy by masquerading as criticism of Islam and that this has clear, material, negative implications for Muslims. In that spirit, the government should make sure to use its leadership in such a way so as to be a counterweight against this dangerous development and not exacerbate it.

(Main text: par 74-81)

Finally, the government would be well advised to adopt the understanding of racism as a structural problem put forward in the two 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)* and implement their recommendations on how to fight racism and promote social cohesion.

Introduction

The Swedish Muslims in Cooperation Network is a platform that was formed in 2010 as a response to the increasing racism faced by Swedish Muslims and the general shift in politics towards more and more Islamophobic positions, crowned by the ascent into parliament of the Sweden Democrats on a racist, Islamophobic platform. The Network consists of a multitude of organisations from the very rich and diverse Swedish Muslim civil society. We are submitting this alternative report to the Committee on the Elimination of Racial Discrimination (CERD) because of the urgency of the situation of Swedish Muslims and in response to the failure of the Swedish government in its 19th, 20th and 21st reports to the CERD committee to adequately address the issue of Islamophobic racism and its effects on the Swedish Muslim community.

As in the rest of Europe, the Swedish racist and xenophobic discourse has put on an Islamophobic cloak. Instead of directly attacking immigrants or certain ethnicities, which would be obviously racist, the discourse has been increasingly culturalised by having Muslims as its focal point even though, in the end, essentially the same racist proposals are being advocated. Media researcher Håkan Hvitfelt argues that the attitudes towards Islam could be directed against something more diffuse than the religion itself. Islam has come to be a generic term for everything alien, unknown and therefore threatening. By the same token, concepts such as *refugees*, *Muslims* and *Immigrants* could overlap. In that case the negative attitudes towards Islam should be regarded as a form of xenophobia.¹

It is in this hostile societal context that the findings of this alternative report should be understood. They show that Islamophobic racism affects Swedish Muslims negatively in all spheres of society such as on the labour market, in education, in housing and in the justice system. It is without doubt one of the greatest obstacles to the fulfilment of the International Convention on the Elimination of all Forms Racial Discrimination (ICERD) in Sweden.

Our claim to why Swedish Muslims should be included under the scope of ICERD is best summed up by the Averroes institute submission to the CERD committee in response to the 18th and 20th periodic report by the United Kingdom. It argues that discrimination against Muslims constitutes *indirect* discrimination against minorities on the basis of national origin, race and colour. This can be in 'purpose' and in 'effect' due to the fact that some 99 per cent of Swedish Muslims are of immigrant background.² However, there is an intersectionality that is rendered invisible if we continue to use an outdated way of thinking about racism and ethnicity as something only concerned with blood or phenotype. So without prejudice to the above claim, Muslim identity could itself be characterised as an 'ethnicity' of which religion is but one aspect so discrimination against Muslims because of being Muslims should be considered *direct* 'racial' discrimination in and of itself. Islamophobia, as we shall see, is a particularly aggressive brand of racism in its manifestations that has taken over much of the anti-immigrant discourse and ICERD as a living instrument must be interpreted taking into account the circumstances of contemporary society. For these reasons, it is evident that Swedish Muslims should be seen as a minority protected under the scope of ICERD.

It should be noted early on that any account of the human rights situation of Swedish Muslims will

1 Hvitfelt, H., *Mörk magi I vita medier*, 1998, p. 73.

2 Averroes institute submission to the CERD committee in response to the 18th and 20th periodic report by the United Kingdom, 2011.

unfortunately be incomprehensive by default. This is due to the current and previous governments' failure to compile necessary data to help answer the questions that reviewing entities such as CERD need to look into. So, for example, we do not report on the extent of racial profiling suffered by Muslims even though there is substantial reason to believe that Muslims are victims of racial profiling by police authorities and in border controls. Nor, just to mention a few more examples, do we say anything about Muslims' educational attainment, participation in politics and discrimination in relation to health service providers.

Demography of Swedish Muslims

The number of Muslims in Sweden has risen in the last decades from a few individuals in 1950 to 100 000 in 1980 and was estimated at around 350 000 in the year 2000 representing roughly 4 per cent of the Swedish population of 9 million people.³ Muslims are therefore by far the largest religious minority in Sweden. About half of the Muslim population is concentrated in the capital, Stockholm, and 10-15 per cent lives in Gothenburg, the second city. There are around 50 000 Muslims in the third city, Malmö. The main Muslim groups have origins in Turkey, Iran and the Balkans, and there are also important numbers of Arab, African and Pakistani Muslims. The history of the Muslim community in Sweden dates to the first labour migrations of the 1960s and 1970s, mainly from Turkey and the Balkans. From the 1980s on, however, most Muslim migrants arrived as refugees, fleeing conflicts and persecution.⁴ There is also a small but growing population of up to 3 000 ethnic Swedes who have converted to Islam.⁵

COMMENTARY ON SWEDEN'S 19TH, 20TH AND 21ST REPORT TO CERD

The Swedish government's 19th, 20th and 21st report to the CERD committee is an account of the measures taken in accordance with the ICERD. It is customary in such reports for the state parties to also give an account of the situation of groups vulnerable to racial discrimination. The main failing of the Swedish government's report is that it fails to speak adequately about large sections of the populations affected by racist discrimination and uses language and categories that mask the reality of racism.

This in part could be due to the fact that not enough has been done by the government to try to include the voices of groups affected by racism. Non-governmental organisations, working in the areas covered by the convention, were only invited to a consultation at the end of May 2012, less than two months before the government submitted its report to the CERD committee.⁶ Also, on the 1st of January 2011, the term 'race' was deleted from the Instrument of Government in Sweden and replaced by the expression "ethnic origin, colour or other similar circumstance".⁷ This approach is part of a dominant attitude towards anti-racism in Sweden described as "colour blindness" by researchers Tobias Hübinette et. al.⁸ Thus the Swedish report to the Committee on the Elimination of Racial Discrimination ironically does not even use the term 'race'. The problem with the colour blind approach, well intended as it may be, is that it readily ignores the differences in power distributed according to race/colour, it normalises and makes racial inequality invisible and finally, claiming not to see colour, dismisses the historical and present experiences of racially privileged and oppressed people. All of these fallacies underline the thinking in the Swedish government's policies to combat racism and thus its report to the CERD committee.

3 Otterbeck J., Bevelander P., Islamofobi, 2006, p. 15.

4 Open Society Institute, Muslims in the EU Cities report, 2007, p. 15.

5 Ibid., p 13.

6 Sweden's 19th, 20th and 21st report to the UN Committee on the Elimination of Racial Discrimination, § 174.

7 Ibid, § 19.

8 Hübinette, T., Hörfeldt, H., Farahani, F., Rosales, R. (red), Om ras och viteth i det samtida Sverige 2012 p.14.

For instance, unemployment statistics, shown under § 159, are divided into the categories native-born and foreign-born, which suggests that that dichotomy determines a person's chances on the Swedish labour market. It also implies that any differences between the two groups can be attributed to the challenges of migration. However, there is strong evidence that race and religion play a more significant role than place of birth in determining chances on the Swedish labour market. We know that people born outside of Sweden who come from a West European country or North America face much less discrimination on the Swedish labour market as compared to people born in African and Asian countries and their children. These latter categories of people are Muslim to a high extent and the question is why the government should choose to employ such inadequate categories to illustrate the labour market situation for different groups to the CERD committee or in any other arena for that matter. We think the problem runs much deeper than just wanting to write a report which puts Sweden in a positive light but rather it shows a systemic blind spot for racism inherent in Swedish institutional thinking. As a result of this, the government's report says very little about the situation of most racialised groups in Sweden such as Africans, Asians and people of Middle Eastern background; the regions where most Swedish Muslims hail from.

The Swedish government's failure to gather the necessary data and its failure to undertake research and monitoring of racism is what makes Swedish actions against racism doomed to fail even if the government were to allocate sufficient funds to this end. Under § 6, the government reiterates its refusal to comply with ICERD and start to collect data that can adequately portray the social and economic situation of racial minorities, arguing that it is against the Personal Data Act (1998:204). However, as we shall show, as long it is done properly, there are no legal hindrances in Sweden to the collection of data that would reflect the situation of racialised minorities in such a way that meaningful measures to combat racist discrimination could be put into place.

A question related to data gathering is that of positive action measures to combat racist discrimination. Again Sweden argues that this measure called for by ICERD is illegal under Swedish law (§66). If this is indeed the case, then the government should not stop at just informing CERD about it but rather explain what steps the government will take to pass a new law in order to be in concordance with its international obligations under ICERD. In particular, the Swedish government needs to explain why positive action measures concerning gender are allowed by law, but are made illegal concerning race, ethnicity and religion.

In contrast to the government's failure to address the racism affecting Muslims and other racialised groups, the policies towards the recognised national minorities the Sami, Swedish Finns, Tornedalers, Roma and Jews are at least in principle far reaching. A total of 44 paragraphs of the government's report recount the measures the Swedish government have taken to remedy the situation of national minorities while Muslims are hardly mentioned in the whole of the report comprising 185 paragraphs. This shows the disconnect between Swedish politicians and the reality of Swedish demography. The question of ethnic minorities is no longer a question that concerns only the five recognised national minorities. Other groups now form the bulk of Sweden's ethnic minorities – not least Swedish Muslims – who are very vulnerable to racism and should be part of the government's concerns.

THE WAR ON TERRORISM: A SPECIFIC AREA OF CONCERN

Given the USA political pressure, the interconnectedness between security services worldwide and the ever present temptation for states to keep their citizenry under surveillance, the War on Terrorism, proclaimed by the USA president George W. Bush in 2001, quickly became a transnational war involving ostensibly peripheral countries like Sweden. Sweden as an EU member has done its part in affirming itself as partner to the USA in the War on Terrorism by aligning its foreign policy to fit with USA and NATO objectives in a quite unprecedented manner. For instance, Sweden is currently participating in the war in Afghanistan and has taken part in NATO led military operations in the Gulf of Aden and in Libya.

This shift in foreign policy has also had effects on national policies. In compliance with EU-directives, a new Anti Terrorism Act (2003:148) was adopted in 2003. This law has been heavily criticised by the Swedish Bar Association. Its definition of terrorism is vague, defendants can be convicted not only for having implemented or planned acts of political violence but also for behaviours that "support or glorify terrorism". Trial procedures are not in accordance with the rule of law since people can be sentenced without themselves or their representatives having taken part of the evidence against them. Most disturbingly, the new anti terrorism act seems to be designed for Muslims only since all 12 people indicted under the new law by Agneta Hilding Qvarnström at the Public Prosecution Office for National Security have been Muslims. It is impossible to know for sure how many have been detained since it is a state secret but it is most probably a lot more people.

According to a report cited by Sweden's Televisions news programs *Aktuellt* and *Rapport*, at least 26 people have been arrested and 15 have been detained between 2003 and 2011.⁹ Of the 26 known arrests, 24 have been released by the police and prosecutors due to a realisation that there is a lack of evidence, or found not guilty by the courts. In spite of Hilding-Qvarnström's zealous efforts, she has only managed to produce two convictions and those two verdicts have been heavily criticized by commentators.¹⁰ As a general rule, the Swedish legal system tends to require a relatively high level of proof in cases where suspects are taken to jail. Prosecutors also tend to have a high conviction rate in such cases. However, the legal certainty standards seem to have been substantially lowered in so-called anti-terror cases. Low levels of evidence seem to be sufficient to initiate an arrest. Is this the result of racial profiling? At a minimum it seems that these lowered legal standards apply only to the Muslim community since all 26 arrests have involved Muslims. In response to this, bestselling author and journalist Jan Guillou has called the Anti Terrorism Act a "race law in practice".¹¹

The increased resources applied to surveillance concerning Muslims have also led to a need to legitimise these efforts in the eyes of the public. Especially in the wake of many scandals where apparently innocent Swedish Muslims have been arrested, prosecuted or had their civil liberties taken away. The result of this has been a kind of signal politics from the government which is intended to show the imminent danger posed by Muslims. On the 9th of December 2011, the government launched its *Action Plan to Safeguard Democracy against Violent Extremism* which lists so called radicalised Muslims as one of the primary threats to Sweden's Democracy and welfare. The plan, produced in close cooperation with the Swedish Security Service (Säpo), calls on teachers,

9 Cederholm, R., Få dömda med ny terrorbrottlag, <http://www.svt.se/nyheter/sverige/fa-domda-med-ny-terrorbrottlag>, 2011-12-07.

10 Hultén, G. & Sonne, L., Terroristjaktens svarta bok, 2008, p 7.

11 Guillou, J., I det här landet kan terroristen inte heta Anders, *Aftonbladet* 2011-09-25.

social workers, landlords, NGO:s and other actors in society to help build “structures for cooperation and measures to eradicate breeding grounds for ideologically motivated violence”.¹² In practice, this means the creation of an overarching surveillance apparatus using ordinary citizens, aimed mainly at Muslims.

As we will show, a large part of the human rights abuses against Muslims in Sweden have to do with the framework and the social climate created by the War on Terrorism. It not only affects people who could possibly be planning terrorist acts; on the contrary, all persons perceived as Muslims are more or less placed under suspicion. The War on Terrorism has thus become the underlying principle behind discrimination against Swedish Muslims in all aspects of life, from the right to equal treatment before the courts to the right of access to any place or service intended for use by the general public.

12 Swedens 19th, 20th and 21st report to CERD, 2012, §§ 62-63.

Article 1: Racial Discrimination

1. In 2010, Statistics Sweden published the report *Born in Sweden - yet different*. It is the first study ever to be completely focused on the living conditions of people born in Sweden of immigrant parents. It becomes clear in this report that foreign or domestic background is not the determining factor in regard to how people fare in life but the ethnicity of the person is. The parents' country of origin is reflected negatively in income, housing, mortality and employment opportunities; especially for people whose one or both parents have a non-Western-European background. This points to the need for data that shows Muslims' and other visible minorities' vulnerability to discrimination.

2. The vast majority of Muslims belong to racialised and non-White minorities but generally policies and legislation lack language through which race or colour is recognised and taken into account. We therefore need a modernisation of Swedish legislation as well as an institutional approach that better reflects the intention of the ICERD that makes it clear that data should be collected so that the ethnic makeup of the population can be known.

3. Indicators of ethnic discrimination are necessary for the development of an effective public policy against discrimination. This is recognised by ICERD but earlier recommendations from the CERD that Sweden changes its conduct in this regard have gone unheeded.¹³ In the European Commission against Racism and Intolerances' (ECRI) latest reports devoted to Sweden it states that "gaps existed in Sweden in the information available on the situation of various minority groups in areas such as education, employment, health and housing. The report notes that there seems to be some doubt regarding the collection of such data, but states that there is no prohibition in Swedish law regarding the collection of data differentiated according to national and ethnic origin."¹⁴

4. Researchers keep running into the problem that there is no data available when trying to map the situation of Muslims in Sweden. So for instance the Open Society Institute wrote in its report on Swedish Muslims that due to the statistical situation and current laws on personal integrity in Sweden, it was not possible to give the number of Muslim pupils attending schools nor say anything much on the situation of Swedish Muslims when it came to the labour market, health or housing.¹⁵

5. . In December 2011, the government asked the Equality Ombudsman to produce a preliminary examination of what methods could be used to collect data on living conditions among the population, partly with regard to the approximate number of people who identify themselves as members of Sweden's national minorities and partly to enable the provision of separate reports on the various discrimination grounds set out in the Discrimination Act (2008:567) which are not currently reported in the official statistics. The report found that including data on ethnic origin and religion (or other belief) in the National Survey on Living Conditions requires only a minor amendment to the Official Statistics Ordinance (2001:100) and highlighted the advantages of expanding the baseline-data in the Survey on Living Conditions for the purpose of combating discrimination. The main advantages are: the sample-based approach, the anonymity of the respondents and the voluntary basis for participating in the Survey. The Personal Data Act (1998:204) includes a prohibition on processing so called "sensitive" personal data inter alia data "revealing" race or ethnic origin (Section 13). The act also includes a number of exemptions from the prohibition (Sections 14-19). However, the Personal Data Act

13 Concluding Observations of CERD the seventeenth and eighteenth periodic reports of Sweden, (CERD/C/SWE/CO/18), 2008-09-21.

14 Léon-Rosales, R., On the Need to develop indicators for the Municipal Task of Working against Discrimination in Botkyrka, pp. 12-13.

15 Open Society Institute, Muslims in the EU, 2007, p. 21.

is subsidiary and the government has the possibility to define legitimate purposes for which the processing may be allowed (Section 20). According to the legal analysis in the report, processing “sensitive personal data” for the aim of combating discrimination is not in breach of the EU-law or the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108). The EU Directive 95/46/EC leaves it to the national competence to define those legitimate purposes for which processing “sensitive personal data” may be allowed. The use of these variables in official statistics for combating discrimination in other EU Member States can be used as a model for the interpretation of the Directive. The conclusion from the report is that the issue of using ethnic origin and religious affiliation as variables in the official statistics is a question of a political priority rather than a question of legality.¹⁶

Article 2: The Government’s Efforts to Combat Ethnic Discrimination

(1 a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation

6. There has been strong criticism against the practises of the Swedish Social Services in relation to forced removal of children from their parents; especially concerning the legal certainty of the interventions. The debate flared up again in the fall of 2011 after a couple in the city of Sandviken had their two children taken away based on unsubstantiated assumptions by the Social Services.¹⁷ Swedish Muslims feel especially targeted by the Social Services when it comes to forced removal of children. There is a prevailing sentiment that it weighs negatively in the assessments of the social workers if the parents are practicing Muslims. As with so many other aspects of discrimination against Muslims there is not enough research to say anything conclusively but several different mosques have provided reports of parents who have had their children taken away and feel wronged by the Social Services. These parents deserve to be taken seriously.¹⁸

7. Given the arbitrariness of the procedures and the existing level of suspicion against Muslims in society, it is quite possible that Muslims are systematically being discriminated against by the social services. The accounts below are two cases in point.

8. A 10 year old Muslim girl of Somali origin and her father were on a routine visit to the Child Health Care Centre. The father told the district nurse that the girl would travel abroad with her aunt during the summer to visit relatives. The district nurse suspected that the girl would be subjected to female genital mutilation (FGM) during the trip and made a report to the Social Welfare Committee in Uppsala that conducted an investigation followed by a time of processing. This in turn led to a report to the police concerning suspected FGM. What

16 Statistikens roll i arbetet mot diskriminering – en fråga om strategi och trovärdighet, (A2011/4415/DISK).

17 Nilsson, D., Ett telefonsamtal räckte för att omhänderta barnen, Svenska dagbladet, 2012-11-02.

18 Interview with Helena Ben-Aouda, President, The Muslim Council of Sweden, 2012-05-10.

followed was that the girl, without warning, was picked up at school by the police and taken to a hospital where she was forced to undergo a gynaecological examination without the consent of her parents. The examination showed that the girl had not been mutilated and the police therefore ended the case. The parents reported the municipality's actions to the Equality Ombudsman who in turn took the case to court. The district court shared the Equality Ombudsman's view that the family's ethnic affiliation had permeated the entire municipal administration of justice since the social services had no other reasons for suspecting FGM than the girl's ethnic affiliation.¹⁹

9. In another startling case, a 16-year-old Muslim boy was arrested in May 2012 after an interim decision by the Vice President of a social welfare committee in the municipality of Stockholm. According to human rights organisation, Charta 2008, it is the first time that Säpo initiated a procedure under the Act of Care for Young Persons (LVU, 1990:52) and managed to convince both the Social Services and the Administrative Court that a Muslim youngster should be imprisoned, not for committing a crime but for having the wrong political views. Part of the explanation probably lies in the mapping of so-called violent Islamists that Säpo made in the autumn of 2010. Such mappings and registrations on the basis of opinions easily lead into a grey area of legal uncertainty for the targeted people, writes Gösta Hultén of Charta 2008 in the Göteborgsposten.²⁰ The report from the mapping describes a network of 200 Islamists in Sweden who should be "deradicalised". The 16-year-old boy apparently knew one of these people through his father which is not a crime in itself, but nevertheless, he was incarcerated together with young delinquents throughout the summer and autumn until the decision was changed by the Administrative Court of Appeal in November of 2012. The court ordered that the boy be placed in a regular family home for foster care.²¹

10. In the winter of 2008 Swedish Public Radio noticed that the Social Services in the Swedish municipalities of Karlshamn, Borlänge, and Örebro applied discriminatory rules for Muslims. A divorce certificate from a district court was not considered enough confirmation for divorced Muslims seeking income support. They also had to produce a certificate from an imam. Local authorities said that this was a way to prevent benefit fraud through sham separations but there was no corresponding requirement for divorced Christians or people belonging to other religions to showcase certificates from their religious leaders. It was only after the Equality Ombudsman, Katri Linna, voiced strong criticism that the municipalities changed these practices.²²

(1 e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organisations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division

11. The Swedish government fails to collect the necessary societal data to monitor the situation of Swedish Muslims with regard to ethnical discrimination which is a prerequisite to putting necessary remediation measures into place. Also, the kind of research on the Muslim group's situation that the government tends to sponsor says very little about Muslims' social and economical situation but focuses solely on public attitudes towards Muslims and how Muslims are effected by harassment and hate crimes like for example the two studies conducted by the Living History Forum, Anti-Semitism and Islamophobia (2011) and Islamophobia(2006) that mapped out attitudes towards Muslims among youths.²³

19 Diskrimineringsombudsmannen, <http://www.do.se/sv/Om-DO/Forlikningar-domstolsarenden/Dom-Uppsala-kommun>, 2010-04-21.

20 Hultén, G., 16-åring inlåst av Säpo i förebyggande syfte, Göteborgsposten, 2012-08-04.

21 Hultén, G., www.charta2008.se/blogg/, 2012-11-07.

22 DO:s kritik ändrar inte kommunens rutiner, <http://sverigesradio.se/sida/artikel.aspx?programid=159&artikel=1905823>, 2008-02-20.

23 Sweden's 19th, 20th and 21st report to CERD, 2012, § 16.

12. While attitudes can be important, for the people affected by racism and discrimination, it is the behaviour and its results that are of greater importance. It will not be of much help to the target of discrimination if, for example, an employer or a civil servant at the same time has a good attitude toward Muslims or other minorities.

13. Ethnic and religious discrimination is arguably the greatest obstruction to the principle of equality that is enshrined in the Swedish constitution, yet the government fails to adequately fund the institutions and organisations that are to provide affected people with the assistance they need to gain effective remedy by competent national tribunals. Sweden is currently allocating 10 million in total for 16 local anti-discrimination offices spread over the country that are supposed to assist people with complaints of discrimination.²⁴ That sum is ridiculously small in view that it hardly covers the cost of office space and one full time employee for most local anti-discrimination offices.

14. Muslims like other faith communities in Sweden receive yearly grants from the Swedish Commission for Government Support to Faith Communities (SST). The aim of this grant according to the Support to Faith Communities Act (1999:932) is to help create the conditions necessary for faith communities to engage in active and long-term oriented religious activities in the form of worship, pastoral care, teaching and nursing.²⁵ However, in light of the fact that the Muslim faith community to an overwhelming majority consists of people with immigrant background and the special focus that Islam has acquired in the public debate on migration; in practice, the task of Muslim faith communities goes way beyond that. Many commentators and politicians seem to think that Muslim faith communities have a special obligation to promote integration or to condemn or be able to explain violent actions committed by other Muslims. National and local government regularly turn to Muslim faith communities to help with promoting integration. This is quite unique for Muslim faith communities and it goes beyond the scope of the SST's support.²⁶

15. The Muslim faith communities have neither the tools nor the funds to effectively serve society beyond the realm of spirituality but there are so called ethnically based organisations that receive yearly grants from the National Board for Youth Affairs. The Ordinance on State Grants to Ethnically Based Organisations (2008:63) says that the support is to strengthen the organisations' own initiatives and activities relating to culture, language and identity, and participation in community life so the support comes with an integrationist mission and the task to protect the interests of migrant communities that is not included in the support for faith communities.²⁷ Since the vast majority of Swedish Muslims have migrant background they are often organised in organisations of this nature and look to them to safeguard their interests. But the ethnically based organisations' funding is quite small when compared to other organisations tasked with basically the same thing. One can make a comparison with LGBT-organisations that receive grants from the National Board for Youth Affairs for essentially the same purposes i.e. "strengthening the organisations' own initiatives and activities for the purpose of strengthening the position in society of homosexuals, bisexuals, transsexuals and people whose gender identity or expression transcends the sexes". In 2012 they were allocated SEK 6 297 994 in total for 4 525 members or in other terms, SEK 1 392 per member,²⁸ while ethnic organisations received SEK 18 904 998 for 315 598 members which translates to less than SEK 60 per member.²⁹ It means that for every member, LGBT-organisations received more than 23 times more support from the National Board

24 Ibid., § 54.

25 Lag (1999:932) om stöd till trossamfund, § 2.

26 Interview with Helena Ben-Aouda, President, The Muslim Council of Sweden, 2012-05-10.

27 Sweden's 19th, 20th and 21st report to CERD, 2012, § 60.

28 Ungdomsstyrelsen, Statsbidrag HBT-organisationer 2012.

29 Ungdomsstyrelsen, Statsbidrag Etniska organisationer 2012.

for Youth Affairs than the ethnically based organisations.

16. There is also a government grant for organisations that represent national minorities other than Sami administered by the County Administrative Board of Stockholm. The total disbursement was SEK 4.6 million but it is hard to make any direct comparisons with ethnically based organisations since the organisations of national minorities are not required to report on how many members they have. Eleven organisations applied for grants in 2011 and all were granted funding while 60 organisations shared the funding for ethnically based organisations.

17. Swedish Muslims' share in the population is not reflected in important societal functions. The Swedish army, for example, suffers from a tendency to be discriminatory against people who are not perceived as Swedes. For example, if one's last name sounds Muslim, one is less likely to be drafted for the military service than if one's name is "Larsson" or "Svensson". This finding is based on official statistical data regarding the number of persons who have been drafted for military service.³⁰

18. Both the Swedish police and the Swedish army have initiated work to recruit people with a foreign background, that is to say, people who were not born in Sweden or who are children of immigrants. For various reasons however, this process has so far not paid off very well and both the Swedish police force and the army are still more or less homogeneously ethnically Swedish in their composition.³¹

19. We are concerned by the emergence of a climate where it is especially difficult for Muslim organisations to be provided public support for their activities. The media and an Islamophobic strain within the public sector use a different yardstick when scrutinising Muslim organisations. It often leads to demands on public funders such as the National Board for Youth Affairs and the Swedish Inheritance Fund to withdraw their financial support to Muslim organisations on very flimsy grounds. Although these accusations are only related in unfounded newspaper articles or, as in some cases, random phone calls from unnamed persons, usually this leads to an official from the authority in question contacting the accused Muslim organisation to hold regular interrogations, where the threat of withdrawal of funds is always present in the background.

20. For example, when the Muslim Human Rights Committee along with Sweden's Young Muslims, the Islamic Association in Sweden and Ibn Rushd Senior Education Association invited the British journalist Yvonne Ridley to a seminar in Stockholm, the Young Muslims of Sweden received a phone call from an official at the National Board for Youth Affairs who felt prompted to call because of complaints they had received from an unnamed individual.³² An article in the *Sydsvenska dagbladet*, which referred to Ms. Ridley as "Madame Terror", probably helped to raise the National Board for Youth Affairs' concerns.³³ It should of course be said that Ms. Ridley is a well respected journalist with no links to terrorism, quite the contrary; she is a staunch supporter of human rights and was even invited to speak in the Swedish parliament the day before the seminar. That episode and many others like it are the result of a hysterical climate surrounding government funding of Muslim civil society that ultimately impairs Muslim organisations' chances of receiving funding.

30 Open Society Institute, *Muslims in the EU*, 2007, p. 31.

31 *Ibid*, p. 31.

32 Interview with Güner Kayhan, acting Secretary General, Young Muslims of Sweden, 2013-01-23.

33 Skogskär, M., *Madame Terror*, *Sydsvenska dagbladet*, 2011-11-11.

Article 3: On Apartheid and Racial Segregation

21. Sweden is one of the most racially segregated countries in Europe in terms of housing. This racial segregation also has a strong social and economic component. Since racialised Swedes are also Muslim to a large extent, it means that Swedish Muslims are a very socially and economically disadvantaged segment of the population. This deprivation – manifested in income, educational attainment, health, life expectancy and vulnerability to crime – is growing instead of decreasing.

22. The three Swedish metropolitan areas show segregation indexes that are extreme in a Western context. It can only be compared with the strong segregation between Roma and non-Roma in many Central and Eastern European cities.³⁴ This is corroborated by Cecilia Englund who in her national analytical study on housing found that the most disadvantaged groups regarding housing segregation are immigrants; in particular people of African and West Asian background.³⁵ These are primarily Muslim Swedes. The wider Malmö area is the most segregated place in all of Sweden where a mere 40 per cent of foreign born-people are employed.³⁶ Incidentally, the second most common name for baby boys in Malmö in 2012 was Mohammed.³⁷

23. *Per cent share of the numerically largest country of birth categories in the county of Stockholm who live in segregated areas*³⁸

<i>Somalia</i>	70
<i>Syria</i>	57
<i>Turkey</i>	55
<i>Iraq</i>	44
<i>Lebanon</i>	42
<i>Ethiopia</i>	41
<i>Bosnia and Hercegovina</i>	39
<i>Greece</i>	32
<i>Chile</i>	27
<i>Former Yugoslavia</i>	25
<i>Iran</i>	22
<i>Poland</i>	13
<i>Finland</i>	10
<i>Sweden</i>	5

24. Ever since 2006 there are no longer any economically poor areas left in the three metropolitan regions where poor indigenous Swedes are in the majority. All the poor and vulnerable neighbourhoods, where barely

34 HübINETTE, T., et. al. (red), Om ras och vithet i det samtida Sverige 2012 p.18.

35 Englund, C., National Analytical Study on Housing, 2003, p. 3.

36 HübINETTE, T., et. al. (red), Om ras och vithet i det samtida Sverige 2012 p.18.

37 Skånes vanligaste namn, <http://www.sydsvenskan.se/malmo/skanes-vanligaste-namn/>, 2012-01-20.

38 Planering för minskad boendesegregation, Regional Growth, Environment and Planning, 2007:1.

30 per cent have a living from paid employment, are dominated by non-white people.³⁹ These non-Whites in turn are predominantly Muslim as can be understood from the table above of the numerically largest birth categories in the county of Stockholm. The top six categories of people who most frequently live in vulnerable areas are all people from Muslim countries except Ethiopia, which is half Muslim and half Christian.

25. These figures are not just the result of the socio-economic disadvantage of Swedish Muslims but also an alarming rate of ethnic discrimination on the housing market. The University of Växjö conducted a situation testing study in 2007 of the private rental market. The results for the three test subjects clearly showed that private rental companies prefer ethnic Swedish women and men to applicants with Muslim names. In the case of individuals who would rent out homes a woman with the alias Maria was called to see 20 per cent of the homes compared to 10 per cent for Erik and only 4 per cent for Mohammed.⁴⁰

26. Another structure in Swedish society that is causing problems for Muslims is that banks and mortgage companies lend money at interest. Many Muslims cannot, on religious grounds, receive or pay interest which makes it difficult for them to get loans and they therefore have less opportunity to buy a home.⁴¹

27. The government's urban development work focuses on evaluation, information gathering and the exchange and dissemination of knowledge.⁴² It just goes to show the weak grasp the government has on the situation of racial segregation in Swedish cities and of the deep need for social and economical programs that can help Muslims and other racialised communities recover. According to figures from Statistics Sweden, Sweden's segregation has doubled in the last two decades. Prime Minister Fredrik Reinfeldt's comment to this was that "it is only when segregation is paired with powerlessness that it becomes a problem".⁴³ Unemployment among native-born people was 4.5 per cent and for African-born and Asian-born people 24.7 and 22.2 per cent respectively in 2009.⁴⁴ This tells us that Swedish segregation is linked to powerlessness and by extension that there is a problem, namely that there is a growing class of poor Swedes that it is predominantly non-White and Muslim. The government's policy of lowering taxes, downsizing the public sector and financing this with cuts in entitlement programs only exacerbates this problem.

39 Hübinette, T., et. al. (red), Om ras och vithet i det samtida Sverige, 2012 p.18.

40 Diskriminering på den Svenska bostadsmarknaden, DO 2008:3, p. 34.

41 Ibid., p. 44.

42 Sweden's 19th, 20th and 21st report to CERD, 2012, § 114.

43 Fördubblad bostadssegregation, Sydsvenskan, 121128.

44 Hübinette, T., et. al. (red), Om ras och vithet i det samtida Sverige 2012 p.19.

Article 4: Condemnation of All Propaganda and Hate Organisations Which Attempt to Justify or Promote Racial Hatred and Discrimination in Any Form

28. Media has replaced church and school as the primary institution that informs people and shapes their attitudes. As such, media plays a pivotal role in the dissemination and enforcement of Islamophobic attitudes. Sweden has laws against incitement to racial hatred and the media is regulated in the Freedom of Press Act (1949:105) but it is very difficult to win such cases against media outlets, and the law is not at all useful against the kind of systematic negative representation of Muslims that takes place through a process of labelling and misinformation.

29. A study showed that in more than 75 per cent of the cases where Muslims appeared in the Swedish television news between 1991-1995 it was in connection with violence. The attacks of September 11, 2001 have only intensified this bias. Ghersetti & Levin have studied what was written in Swedish printed media after the attacks and found a clear tendency to depict Muslims as uneducated and emotionally driven and that newspapers polarised the world in two dichotomies: West, which was Christian, secular and good; and East which was Muslim, religious and bad. Two thirds of all pictures linked to Muslims associated to war and violence.⁴⁵

30. Although it is hard to relate media coverage and public attitudes, common sense tells us that the two are correlated. Hvitfelt presented a survey where only 2 per cent of Swedes stated that they have a very positive or rather positive view of Islam while 65 per cent had a rather negative or very negative view of Islam. A quarter of the people in the survey were of the opinion that Swedish Muslims should not have the same rights as practitioners of other religions and close to half did not think that Muslims should be allowed to build mosques.⁴⁶ In short, Swedes are positive to freedom of religion, as long as it is not fully extended to Muslims. The media should assume some of the responsibility for having fostered this dangerous, duplicitous attitude among the public.

31. Göran Larsson has studied how Swedish Muslims themselves see their situation in Sweden after the September 11 terror attacks in New York and out of 176 interviewed representatives of Muslim organisations 90 per cent experienced worsened attitudes against Muslims from the Majority population. Almost as many, 89 per cent, thought that the media's coverage of Muslims had become even more negative.

32. The Internet is quickly becoming more and more important as an arena for shaping public perceptions and unfortunately it has become a haven for groups and individuals who systematically discredit Swedish Muslims. These people do not limit their activities to extremist web pages in the fringes; quite the opposite, even in the

45 Ghersetti, M. & Levin, A., *Muslimerna och Islam i svenska nyhetsmedier*, 2005.

46 Hvitfelt, H., *Mörk magi i vita medier*, 1998, p. 73.

commentator fields of major media web sites, one can regularly read statements about Muslims that would easily be punishable as incitement to racial hatred if they would appear in printed news media. Internet is now the third most common crime scene for hate crimes as one in every ten complaints concerns hate crimes on the Internet.⁴⁷

33. Another problem is that Muslims are not represented in the media as subjects but are always the ones being talked about. It is unusual for example to see a Muslim host a television show, especially if he or she carries attributes that can be linked to his or her religion. In 2002, a female Muslim reporter was not allowed to become hostess of the program Mosaik on Sweden's Television (SVT). Mosaik's management offered her the job but the decision was revoked by SVT's leadership. SVT made a partial concession after a few days and she was allowed to wear the head scarf as a reporter, but not as a hostess. According SVT's policy, all news should be impartial and they consider a Muslim woman who wears a head scarf to breach that neutrality.⁴⁸ Here, SVT disregards that the head scarf is not just a religious attribute but a central part of the identity of the person who wears it. In effect, the ban against headscarves is a ban against women who wear headscarves and that is against the principles of religious freedom and the spirit of an inclusive multicultural society, which SVT, as public service media, should promote. It also calls into question SVT's notion of impartiality. If a woman wearing a head scarf cannot be considered impartial then no one can be considered impartial since we all have different inalienable aspects of our identity that are not neutral such as being a man or a woman, young or old, Black or White and so on.

47 Hatbrott 2011 - Statistik över brott med identifierade hatbrottsmotiv, 2012:7, p 75.

48 Kalmteg, L., Nu får Nadia Jebri leda program i tv med slöja. SvD Kultur 2003-08-29.

Article 5: Prohibit and Eliminate All Forms of Racial Discrimination and to Ensure All Equality Before the Law

(a) The right to equal treatment before the tribunals and all other organs administering justice

34. Two people, both Muslim, Ali Berzengi and Ferman Abdullah, have been convicted under the new terrorism act from July 2003. In many ways, theirs was a political trial given that many questions concerned the defendants' opinions and the procedures in themselves were highly irregular. Important parts of the evidence were kept a secret even from the court and were based on intelligence gathered by one of the belligerent parties in the war in Iraq. It is a type of evidence that is very unusual in Swedish courts. The verdict prompted 15 prominent Swedish lawyers to write a letter in protest to the then Swedish Justice Minister, Tomas Bodström.⁴⁹

35. Saturday, October 30, 2010, the National Task Force raided the homes of three Muslim families and a mosque in Gothenburg after a false bomb alarm and arrested four men. The police interventions were very brutal, weapons were pointed at children and a 10 year old boy was taken away separately and subsequently interrogated by the police. Two of the men have stated that they were not asked any questions about bombs but plenty of questions about their political views and their religious affiliation. According to the Swedish constitution, it is illegal for authorities to inquire about political views and religious affiliation. Even still, the police's own investigation concluded that the arrests were made correctly.⁵⁰

36. The legal certainty for Muslims is also threatened by the Swedish system of lay judges, a system through which politically appointed laymen act as judges in court cases. One result of the political success of the Sweden Democrats is that the party is allowed to appoint lay judges, including their own party members. Given the Sweden Democrats' openly racist and Islamophobic platform, it is not unreasonable to assume that this negatively affects the right of Muslims to a fair trial.

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

37. Ahmed Agiza and Mohammed Alzery were deported from Sweden 18 December 2001, following a decision by the then government. Säpo saw Mohammed Alzery as a security risk and the Central Intelligence Agency (CIA) pointed out Ahmed Agiza as a terrorist even though it remained unclear for what crime. The expulsions were to be enforced by Säpo, which, without the support of the law, handed the task over to the CIA and people from the Egyptian security services. In Egypt, the men were subjected to torture and cruel, inhuman and degrading treatment.⁵¹ In May of 2005, the UN Committee against Torture ruled that Sweden's

49 Hultén, G. & Sonne, L., Terroristjaktens svarta bok, 2012, p. 35.

50 Hultén, G., Fel att Säpo mörklägger efter hotet, Svenska dagbladet, 2011-11-01.

51 Hultén, G. & Sonne, L., Terroristjaktens svarta bok, 2012, p. 19.

rendition of Agiza and Alzery was in breach of article 3 of the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* because Sweden's procurement of diplomatic assurances from Egypt was not sufficient to protect against the manifest risk of torture.⁵²

38. Hassan Asad is a Jordanian citizen living in Gothenburg. He has been interrogated by Säpo several times as a "security issue" but no allegations have been levelled at him. Still, the Migration Board decided to deport him to Jordan in 2006 because Säpo labelled him a security risk. In 2007, the European Court called on the government not to deport him to Jordan because it would be against the torture ban. In 2008 however, the Migration Board again decided on expulsion but this time the Migration Court of Appeal determined that the deportation could not be carried out because of the risk that he could be tortured in Jordan. Until this day, Hassan Asad has only been given a temporary residence permit so his children, who are Swedish citizens, still risk being separated from their father.⁵³

39. Abderazzak Jabri is a Moroccan national who was deported to Morocco by the Swedish government in 2008. On November 23, 2008, the television program Kalla Fakta on TV 4, examined the Swedish extradition of Jabri and showed that the government had access to information that showed that Jabri risked torture in Morocco before he was deported.⁵⁴

40. Sweden was shaken during the autumn of 2012 by the news that a number of Muslim families of Somali origin in the town of Forserum kept their children home from school out of concern for their safety. It turned out that for several years not only kids but adult Somali-Swedes as well had been systematically targeted by people in the community and victimised by Islamophobic and Afrophobic violence and harassment and their homes and place of worship had been targeted by vandalism. Of 160 Somalis-Swedes living in Forserum earlier, 95 had fled the city.⁵⁵ According to representatives of the local Somali community, they have not been taken seriously when they have turned to the police and other local authorities. They state that they have reported some 40 incidents to the police while the police claim to have received only three reports of hate crimes from them.⁵⁶

41. When the story broke in the media, several national politicians visited Forserum and Integration Minister Erik Ullenhag openly criticised local politicians who refused to describe the events as racist. A unison choir of national politicians condemned the incidents but no one addressed the core issue, i.e. how the state should ensure the affected community their rights to personal security, to go to school, to practice their religion and have access to effective remedies. The Justice Minister, Beatrice Ask, refused to comment on what she, contrary to public opinion, termed "individual cases". She also refused to heed a petition, from Muslim and Afro-Swedish organisations to set up an independent inquiry to study if and how the state failed in its responsibility to guarantee human rights in Forserum. The children have returned to school but it is still unclear how things could get so far out of hand and if the human rights situation of Muslims in Forserum have improved in the long term.⁵⁷

52 United Nations, Report of the Committee against Torture, 35th session, 2005.

53 Hultén, G. & Sonne, L., Terroristjaktens svarta bok, 2012, pp. 84-85.

54 Ibid., p. 87.

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

56 Dawod, N., Somalier tvingas fly sina hem i Forserum, Aftonbladet, 2012-08-22.

57 Interview with Zakaria Zouhir, President, The Afro-Swede's of Stockholm, 2013-01-21.

42. According to the Swedish National Council for Crime Prevention's (Brå) yearly report on Hate crimes, 2011 saw over 650 reports of hate crimes with an anti-religious motive.⁵⁸ For 272 of these reports the motive was Islamophobic. Given the size of the Muslim population, a number of 272 reported hate crimes could seem a reassuringly low figure. However, there are good reasons to think that the number of reported hate crimes is a poor estimate of how many hate crimes are actually committed against Muslims. Brå itself concedes this stating that unrecorded cases are significant because many crimes for various reasons are not reported to the police. Another complicating factor is that the statistics are based on a "victim perspective" or in other words on what the individual perceived the perpetrator's motives to be. Even when hate crimes have Islamophobic motives, the victim might perceive it as racist in a generic sense or might not even perceive it as a hate crime altogether.⁵⁹ Brå also notices that very few reported hate crimes are actually solved.⁶⁰ That is probably one of the main reasons why few victims think it is worth their while to report them to the police.

43. A survey among adolescents shows that a quarter of young people with Muslim background have been victims of abuse. Girls have often been subjected to verbal harassment and boys more often to violence.⁶¹ This is corroborated by a EUMC survey that involved several European countries besides Sweden, where Muslim women wearing a head scarf were reported to bear the brunt of Islamophobic attacks involving both physical assaults and harassment such as people trying to remove their head scarves or spitting at them.⁶²

(c) Political rights

44. In a progressive reform during the 1970s, immigrants were given the right to vote in local elections after three years of residence. In the 1990s the law was changed so that immigrants from the EU, Iceland and Norway were basically given the right to vote in local elections once they entered Sweden. All other immigrants – basically non-Europeans – are required to wait three years. According to the government "non-Europeans" need this time period in order to learn the language and about the local political issues. Apparently Europeans do not have such problems.⁶³ Regardless of the intent during the 1990s, it is obvious today that non-Europeans are treated less favourably due to their ethnic background in regard to voting rights in local elections, and as we have shown earlier; 'non-Europeans' means 'primarily Muslims' in practice.

(d: vii) The right to freedom of thought, conscience and religion

45. Since the War on Terrorism started the right of Muslims to freedom of thought, conscience and religion has been impaired by the increasing surveillance directed against Muslims. Not only Muslims who are considered to be threats to national security are under scrutiny but any Muslim who visits Muslim places of worship is at risk of having their integrity compromised by unwanted surveillance as well as persons who are merely presumed to be Muslims. In the reigning atmosphere of paranoia, mosques and other Muslim places of worship are being staked out and infiltrated by informants working for Säpo. The mere act of visiting certain mosques can make you a suspect individual in the eyes of the police authorities. There are even reports of representatives of

58 Brå, Hatbrott 2011 - Statistik över brott med identifierade hatbrottsmotiv, 2012:7, p 46.

59 Forum för levande historia, Antisemitism och Islamofobi, 2011, p. 13.

60 Brå, Hatbrott 2011 - Statistik över brott med identifierade hatbrottsmotiv, 2012:7, p 74.

61 Forum för levande historia, Islamofobi, 2006, p. 52.

62 EUMC, Perceptions of Discrimination and Islamophobia, 2006, p 45.

63 Det blågula glashuset: Betänkande av Utredningen om strukturell diskriminering på grund av etnisk eller religiös tillhörighet, SOU 2005:56, p. 598.

mosques and Muslim organisations being asked to spy on their visitors or to allow Säpo to partake of member lists which is a clear violation of Swedish law. Säpo often targets Muslims who are in precarious situations such as people without permanent residency when trying to recruit informants or solicit favours. In spite of Säpo's many transgressions, they still expect Muslim congregations to cooperate with them in their dialogue and outreach activities which is stigmatising since no other faith communities are being asked to participate. Muslims and persons perceived to be Muslims are subjected to surveillance in a way that goes far beyond the level of threat posed by Muslims. It violates the right of Muslims to integrity and privacy and by extension their religious freedom since it has resulted in a climate of suspicion and fear, making Muslims reluctant to be associated with others of the same faith or visit Muslim places of worship.⁶⁴

46. Muslim places of worship and their members are also especially targeted in regard to Islamophobic hate crimes. A survey in 2010 involving 147 Muslim congregations showed that about half of their representatives reported some form of local resistance to their activities. The congregations were not only exposed to various legal forms of resistance but also resistance that took criminal forms. A staggering 26 per cent of the respondents reported that their premises at some time had been the target of vandalism with Islamophobic motives. In almost as many cases, 23 per cent, congregation members had been subjected to unlawful threats and in some cases individual members of the congregation had suffered physical violence. In all, 40 per cent of Swedish Muslim congregations were affected by criminal resistance to their activities.⁶⁵

47. The specific threat to imams, the Muslim worship leaders, is a threat not just to their own person, but by extension to the right of Muslims to practice their religion. On New Year's Eve of 2009, an imam in Malmö narrowly escaped an attempted murder when he was hurt by glass splinter caused by gun shots through the window of the Islamic Centre. This was part of serial killer Peter Mangs' killing spree that targeted mainly Muslims in Malmö's immigrant community and lasted for almost a decade. Mangs was finally apprehended and sentenced to life imprisonment for two murders and five attempted murders. It is widely believed that he had committed and attempted more murders but the prosecutor could only prove 13 out of 20 prosecution points.⁶⁶

48. In the 2012 budget, the Government allocated SEK 4 million for Jewish safety. Most of the money, 3.5 million, went to the Jewish Central Council which was commissioned to examine the need for safety measures and allocate money to Jewish congregations, associations and organisations with activities for the Jewish minority.⁶⁷ This was a step in the right direction for the safety of minority religious communities but for unclear reasons the government has not deemed it fit to also allocate money to address the need for Muslim safety which also is an urgent issue. It is now common for Muslim congregations to arrange their own night watch. They have long since given up on the idea of the police being able to protect their places of worship.⁶⁸

49. Halal-slaughter is a point of contention in Sweden. The practice is forbidden due to the Animal Welfare Act (1988:534). However, Sweden, through its EU membership and ratification of international conventions, has approved an expanded concept of religious freedom, which also includes practices and observance. This freedom should not be restricted by other legislation that makes Sweden an odd country from an international

64 Interview with Helena Ben-Aouda, President, The Muslim Council of Sweden, 2012-05-10.

65 Borell, K., *Islamofobiska fördomar och hatbrott*, 2012, p. 36.

66 Mattsson, A. & Ölander, M., *Livstids fängelse för Peter Mangs*, *Kvällsposten*, 2012-11-23.

67 *Stöd för judisk säkerhet betalas ut*, <http://www.regeringen.se/sb/d/16311/a/200798>, 2012-10-04

68 Interview with Helena Ben-Aouda, president, Sweden's Muslim Council, 2012-05-10.

view point. Most other European countries have laws that take into account the demands of religious groups in this regard.⁶⁹

50. We would also like to draw attention to the threatened religious freedom of converts to Islam. Besides opening themselves up to the general discrimination faced by Muslims, they are often rejected by their families who in various ways put pressure on them to leave Islam. This phenomenon affects women in particular.⁷⁰ We call it **Swedish secular honour culture** for lack of any established term. An illustrative example of this is that of a Swedish woman who converted to Islam while living abroad. Her father did not approve of her conversion nor did he approve of the Muslim man whom she subsequently married and for these reasons he reported his daughter and son in law to the Federal Bureau of Investigation (FBI) as potential terrorists. After the woman moved back to Sweden she was called in to a meeting with Säpo which was a very frightening and disturbing experience for her. Säpo's questions to her mainly concerned her husband, what Muslim acquaintances she had and what organisations she belonged to. They kept asking the same questions over and over in different ways until they finally said that they would not get any further with her and she was excused.⁷¹

51. An even more tragic case was that of a young woman in the town of Kungsbacka who broke the news of her pregnancy to her parents. The father of the child was of Middle Eastern background and upon receiving the news; the woman's father attacked her with kicks and punches to the whole body. He proceeded to scratch her with a sharp object from the thighs up over her stomach and is quoted to have said that "Arab foetuses should be ripped out and thrown on the rubbish tip". Meanwhile, the mother was cheering him on and kicked her daughter in the lower back as she was fleeing. Both the parents went on to physically assault the boyfriend, who was waiting in his car outside. It was not the first time the boyfriend had been victimised; earlier the mother of his girlfriend had been sentenced for trespassing and assault after having threatened him at his home. The young woman unfortunately lost the baby shortly after the beating.⁷²

(d: i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

52. In general, due to restrictions on data collection, Swedish data on unemployment figures do not differentiate between ethnic groups, but only between countries of birth and most commonly between native-born and foreign-born people. Because of this policy, it is very difficult to estimate the unemployment figures for specific ethnic or religious groups. However, all available figures indicate that people with a foreign background — and especially those who live in disadvantaged areas — are much more likely to be unemployed than the rest of the population, i.e. native-born Swedes. Muslims form an important section of the people who have a foreign background and who live in disadvantaged areas so by inference they have high levels of unemployment.

69 Forum för levande historia, Antisemitism och islamofobi, 2011. p. 23.

70 Interview with Helena Ben-Aouda, president, Sweden's Muslim Council, 2012-05-10.

71 Information provided by Isabelle Szczepaniec, 2013-02-01.

72 Pojkvän var fel – misshandlade dottern, Aftonbladet, 2005-10-03.

53. *Employment rate according to place of birth, 20-64 years, Municipality of Stockholm, 2007*⁷³

<i>Sweden</i>	<i>83</i>
<i>Nordic countries except Sweden</i>	<i>73</i>
<i>South America</i>	<i>67</i>
<i>North America</i>	<i>63</i>
<i>Former Soviet Union</i>	<i>62</i>
<i>Europe except Nordic countries</i>	<i>59</i>
<i>Asia</i>	<i>53</i>
<i>Africa</i>	<i>52</i>

54. Statistics from the capital Stockholm serve to illustrate the precarious situation of Muslims on the Swedish labour market. The employment rate among people born in Asia and Africa - where most Swedish Muslims are born – is much lower compared to that of native born Swedes and also compared to other immigrant groups. 83 per cent of native born Swedes in Stockholm were employed compared to 53 per cent and 52 per cent for Asians and Africans respectively.

55. As these figures suggests, there is an alarming amount of discrimination against Muslims on the labour market. A review of reports received by the Equality Ombudsman in 2010 showed that approximately 180 complaints came from people who experienced discrimination associated with their Muslim background. Some 40 per cent of these complaints related to experiences of discrimination in employment.⁷⁴ Only 180 complaints of discrimination out of a population of 350 000 Muslims seems a very low figure, but as we shall see under article 6; there is ample evidence to suggest that the low number of complaints does not reflect the level of discrimination in the work field nor in other societal arenas. Rather, the low number of complaints is a problem in and of itself that shows a low level of trust in the judicial system. It should however be pointed out that these complaints from persons with Muslim sounding names constitute a fairly large percentage of the total number of discrimination complaints concerning working life submitted to the Equality Ombudsman.

56. One case that was referred to the Equality Ombudsman serves as a typical example of how Muslims can be discriminated on the labour market. A Muslim man enrolled in a labour market program was supposedly refused a position as a trainee because the female CEO of the company did not approve of the way he greeted women. For religious reasons the man did not shake hands with members of the opposite sex instead he placed his hand on his shoulder as a means of showing respect. The Unemployment Office based on hearsay saw the man's refusal to shake hands as a lack of cooperation and kicked him out of the program, which meant that he lost his livelihood. The man in turn made a complaint to the Equality Ombudsman who took the case to court. The District Court noted in its judgment on behalf of the complainant that the Unemployment Office had no legal grounds for kicking the man out of the labour market program and thus concluded that the man

73 Framtidsutredningen 2009, Municipality of Stockholm, 2009, p. 8.

74 Arbetet vid Diskrimineringsombudsmannen, Bilaga: Antisemitism och Islamofobi, 2011, p. 4.

had been treated unfairly and discriminated against in connection with his religious beliefs. The damages were set at SEK 60 000.⁷⁵ This case was widely discussed in the media as the handshake-case where most commentators criticised the ruling and the Equality Ombudsman – even though the Equality Ombudsman and the District Court only upheld the law. It seems that most commentators failed to read the judgment in the case, while being happy to have a chance to criticize Muslims and their beliefs. The episode revealed the intensity of the lack of public support for the principles of religious freedom when it comes to Muslims.

57. Figures presented by Ekberg & Rooth in 2003 show that graduates born in the Middle East and Africa were less likely to be employed than native-born graduates or graduates born in Western European countries. In addition, employed graduates from the Middle East or Africa were less likely to have jobs that reflected their qualifications. These differences remained substantial even when comparing immigrants who had lived in Sweden between 16-35 years.⁷⁶ Some of the causes for these differences can probably be attributed to employers discriminating against Muslims, but there are also institutional barriers which discriminate against highly educated Swedes with a non-European background.

58. A telling example is the National Board of Health and Welfare who on its web site shows the application procedures to obtain a Swedish licence for pharmacists with foreign licenses. There are two procedures; one aimed at pharmacists trained in the EU, Norway, Iceland, Liechtenstein or Switzerland and a second directed at pharmacists educated in the rest of the world. On the page aimed at the latter category it first says that foreign pharmacists must have a good knowledge of the Swedish language. Then the applicant must take a proficiency test in Swedish and from that go on to courses in social pharmacy and pharmacotherapy, and finally practical service. Then, at last, the applicant can apply for a Swedish license.

59. Pharmacists trained in the EU, Norway, Iceland, Liechtenstein or Switzerland on the other hand, need not go through this long list of elements. They do not even have to pass the language proficiency test.⁷⁷ However, there are no reasons to assume that pharmacists with training from European countries outside of Scandinavia have Swedish language skills greater than pharmacists from the rest of the world. This institutional discrimination against non-Europeans – i.e. primarily Muslims – extends way beyond the field of pharmacy as we have shown, but given the demand for skilled workers it is astonishing to see that the Swedish government has yet to solve the problem of institutional discrimination against skilled workers from outside Europe caused by racist validation procedures.

(d: v) The right to education and training

60. The right to education of Muslim women who wear head scarves is under threat. The discrimination they face in this regard uses different pretexts but overall, a policy decision from the Swedish National Agency for Education in 2003 has made it easier to refuse Muslim women education as it has opened the possibility for schools to ban the full veil. In a famous legal action known as the niqab-case, Västerorts Adult Education invoked educational reasons and the need to identify persons in the school as grounds to exclude a Muslim woman with niqab from an education to become a child minder. The woman subsequently made a report to

75 Arbetet vid Diskrimineringsombudsmannen, Bilaga: Antisemitism och Islamofobi, 2011, p. 7.

76 Migration och Integration - om framtidens arbetsmarknad SOU 2004:73, p. 72.

77 Socialstyrelsen, <http://www.socialstyrelsen.se/ansokaomlegitimationochintyg/legitimation> 2012-11-21.

the Equality Ombudsman who was of the opinion that the Discrimination Act (2008:567) obligates schools to take preventive measures to ensure all students equal opportunities. This should include trying to eliminate the barriers stemming from students' religious beliefs. To exclude a student just because she wears the niqab, without taking into account the specific conditions for participation is therefore in violation of the law. The Equality Ombudsman refrained from taking the case to court since the Municipality of Stockholm, which was responsible for Västerorts Adult Education, allowed the woman to stay in school pending the decision. It meant that by the time of the decision she had already completed the course successfully and thus showed that the niqab was not an obstacle to her education.⁷⁸

(f) The right of access to any place or service intended for use by the general public

61. Allegedly in order to prevent the financing of terrorism and serious crimes, it has been made more difficult for Muslims to transfer money to other countries. People with Muslim sounding names get their transactions blocked or delayed because their names match those on international sanctions lists drawn up by the USA, the EU and the UN. But a statement from the District Court - after it ruled in favour of two Muslim plaintiffs in a case against Western Union noted that Western Union's controls were not sufficiently legally certain and that Western Union should have taken into account that the two names of the persons are very common among Muslim men. The persons on the sanctions list are indicated with date and place of birth and legally certain procedures should have included controls of these variables, in order to reduce the risk of identity confusion. The court held that the Discrimination Act had been violated and ordered Western Union to pay the two men damages in the order of 10 000 and 5 000 kronor.⁷⁹

62. In October 2011, a judge forbade three women from attending the courtroom in a remand hearing in the Gothenburg's district court. His stated reason was that the women's niqabs constituted a disruption of court order. On his own initiative, the Parliamentary Ombudsman, Lars Lindström decided to investigate the matter and his conclusion was that there was no legal basis for the judge's decision to ban women from court because they wear the niqab. The Swedish constitution is very clear that all court proceedings in principle should be public. Lindström also thought that the judge's ban on niqabs could be called into question from the point of view of being discriminatory but he refrained from proceeding with the matter referring to a pending investigation by the Equality Ombudsman.⁸⁰ Subsequently, the Equality Ombudsman dropped the matter on the grounds that they did not think they would be able to prove that it was a case of discrimination. The three women have since then requested the aid of a legal counsel to help them get redress by referring the case to the Office of the Chancellor of Justice.⁸¹

78 Linna, K., Förbud mot Niqab strider mot diskrimineringslagen, Dagens nyheter, 2010-12-01.

79 Arbetet vid Diskrimineringsombudsmannen, Bilaga: Antisemitism och Islamofobi, 2011, p. 6.

80 Justitieombudsmannen, JO beslut, Dnr:5483-2011, 2012-10-22.

81 Information provided by Stellan Gärde, Legal Counsel, 2013-01-29.

Article 6: The Right to Effective Legal Remedies

63. It is largely through the civil Discrimination Act (2008:567) that the principle of non-discrimination is to be upheld in Sweden. A civil law, unlike a criminal law, requires the individual him-/herself to act, but then of course the individual must have the possibility to do so. Economically, it is a big risk to take a discrimination case to court. Complaints are not directed against individuals, but against corporations, authorities and employers, with resources, knowledge of the legal system and the ability to hire lawyers and use internal expertise. If the plaintiff loses then he or she must also pay for the legal expenses of the defendant. The legal aid system and legal expenses insurance are simply inadequate in regards to making it possible for ordinary persons to bring litigation in cases concerning discrimination.⁸²

64. Swedes are generally people who litigate rather sparingly but with Swedish Muslims this is even more so since the knowledge of the legal system and legal aid system is generally smaller than for the population in average. There is also a lower level of trust in the legal system due to discrimination that occurs or is perceived to occur. For this reason, the Equality Ombudsman used to have outreach activities aimed at Muslims which had the clear effect of increasing Muslims' propensity to bring cases of discrimination to the Equality Ombudsman.⁸³ But after the four previous anti-discrimination ombudsmen were merged into one in 2009, the outreach activities towards Muslims were discontinued and the propensity to report declined. The promotion work also had the positive effect of highlighting the situation of those most vulnerable to discrimination and raising the consciousness among the staff at the Equality Ombudsman. It had a clear impact on the former Equality Ombudsman, Katri Linna, who became a strong voice in the public debate on discrimination against Swedish Muslims.

65. This however made Linna unpopular with large segments of the public as well as politicians and opinion makers. Employees at the Equality Ombudsman report that they could never have imagined the level of animosity they would face from an Islamophobic sector of the public and the media when the office took on complaints coming from Muslims. The *handshake-* and *niqab cases*, described earlier, lead to great waves of criticism of the Equality Ombudsman even though the Ombudsman only interpreted the law which was quite clear in both cases.

66. Education Minister Jan Björklund even forestalled the ruling of the Equality Ombudsman in the *niqab-case* when he made clear that the niqab should have no place in the Swedish school system.⁸⁴ This was a peculiar and unusual move that can be criticised not least from the point of view of not respecting the Swedish principle of independent public authorities. Even the leader of the Liberal Youth of Sweden denounced his own party leader's move as being cynical and populist.⁸⁵ Shortly after the Equality Ombudsman's ruling, which allowed for the niqab, Integration Minister Erik Ullenhag called for the law to be changed so that principals would be free to ban the niqab from schools.⁸⁶

67. Katri Linna was subsequently dismissed from the post as director general of the Equality Ombudsman

82 Interview with staff members at the Equality Ombudsman: Paul Lappalainen, Ammar Makboul, Jamal Nijim, Maria Stensson & Lars Thornberg, 2012-04-17.

83 Ibid. 2012-04-17.

84 <http://www.folkpartiet.se/var-politik/nyhetsarkiv/heltackande-sloja-olampligt-i-klassrummet/>

85 Cwejman, A., Jannes slöjförbud andas cynisk populism, <http://www.expressen.se/debatt/jannes-slojforbud-andas-cynisk-populism>, 2010-08-05.

86 Hansson, M. E., FP vill lagstifta mot heltäckande klädsel i skolan, Svenska Dagbladet, 2010-12-01.

for reasons that allegedly had nothing to do with standing up for the human rights of Muslims. Be that as it may, the dismissal of Linna earned Sweden criticism from the International Coordinating Committee of National Human Rights Institutions (ICC). The ICC's Subcommittee on Accreditation (SCA) noted that Katri Linna was not reassigned, despite having four years remaining and that the Government has the power to appoint and dismiss the head of the Equality Ombudsman without any provisions on appointment and dismissal procedures. This calls into question the independence and public confidence in the senior leadership of the Equality Ombudsman and for this and other reasons the SCA recommended that the Swedish Equality Ombudsman only be accredited B-status in response to its application for accreditation to the ICC.⁸⁷

68. Up until now, the Equality Ombudsman has taken as its mission the bringing of individual cases to court as well as other actions that are intended to change norms in society, but the Equality Ombudsman's ability to fill this function is limited. As a complement to the Equality Ombudsman in this regard there are also the anti-discrimination offices working at local and regional level, but they are too financially restrained to be the kind of actors that can assume the risk of losing in court and hence be obliged to pay legal expenses to the winning side. Consequently the local anti-discrimination offices seldom litigate.

69. In spite of the lack of other actors capable of bringing litigation, the Equality Ombudsman has announced that henceforward its focus shall not be on taking cases to court in general, but that it will primarily deal with cases of principal importance that might affect case law and legal norms. Most of the Equality Ombudsman's work is to be oriented towards helping to highlight discriminatory structures and pointing to serious inadequacies according to an article written in June 2012 by the Ombudsman, Agneta Broberg.⁸⁸ The Equality Ombudsman's thinking is developed further in an official letter to the government where she points to the limitations of the authority relative to the broadness of its mission. For this reason, the government should investigate various means to encourage other actors to litigate in discrimination cases. The Ombudsman further advises that a fund be set up to provide financial assistance for individuals and associations to bring litigation in discrimination cases, and call for more resources for the anti discrimination offices and a for a strengthened legal aid system.⁸⁹

70. There is a lot of merit in the Equality Ombudsman's proposals although, as things stand today, it is quite clear that there are no other actors capable of filling the Ombudsman's role when it comes to litigating. In the budget for 2013 the government proposes a modest 20 per cent increase in funds to the local anti-discrimination offices from SEK 10 million to SEK 12 million that will do little to compensate for the Equality Ombudsman's preferred orientation to take fewer cases to court seeing that the anti-discrimination offices in general do not litigate at all with the funds already available to them.⁹⁰ In 2011 alone, the Equality Ombudsman closed a total of 697 cases of ethnic discrimination with 16 of those being judgements in court.⁹¹ The local anti-discrimination offices handled 242 cases without taking any ethnic discrimination cases to court.⁹²

71. It is also worth noting that the government seems to disagree with Broberg's preferred orientation since it raised the requirements on the Equality Ombudsman to take cases to court in the appropriation directions

87 ICC Sub-Committee on Accreditation Report – May 2011.

88 Broberg, A., Fler än DO bör driva målen, Svenska Dagbladet, 2012-06-26.

89 Diskrimineringsombudsmannen, Bättre möjligheter att driva diskrimineringsmål, Ärende LED 2012/54, Handling 3, 2012-06-25.

90 Budget 2013: Stöd till org. mot diskriminering, <http://www.regeringen.se/sb/d/16481>, 2012-09-07.

91 Sweden's 19th, 20th and 21st report to CERD, 2012, § 50.

92 Sveriges antidiskrimineringsbyråer årsrapport 2011, 2012, p. 2.

for 2013. It was Integration Minister Erik Ullenhag's opinion that more victims of discrimination should obtain redress in court and that the Equality Ombudsman should be the one litigating on their behalf.⁹³

72. As we have shown, damages in discrimination cases are low in Sweden. Sums such as SEK 15 000 and SEK 60 000 are not a lot of money for the likes of Western Union and the Unemployment Office and even with the new penalty compensation, introduced with the aim to facilitate the provision of higher levels of compensation,⁹⁴ they remain low compared to international standards. The risk for a defendant of losing a discrimination case is also extremely low. This means that the only remaining deterrence against discrimination is bad publicity and negative reactions from the public. However, this final deterrence is also put out of play when it comes to Muslims since the media and public opinion, as we have shown, is more likely to turn against the discriminated party and whoever represented him or her. Discrimination against Muslims is thus cost free and risk free.

73. Virtually all serious researchers agree that racial discrimination is a significant societal problem and that Muslims are an especially targeted group. How can this fact be reconciled with the other fact that in 2010 there were a mere 180 complaints of discrimination on religious grounds to the Equality Ombudsman from a population of 350 000 Muslims? As in the case of reported hate crimes, a complicating factor is that the victim him- or herself must identify the discriminatory act as having been motivated by religion for the complaint to be recorded as Islamophobic. Also, the Equality Ombudsman does not record the religious affiliation of the complainants so there is no way of knowing how many complaints there were from Muslims that were only registered under other categories such as ethnic or gender discrimination.⁹⁵ But mostly, these figures show an alarmingly low propensity for Swedish Muslims to report cases of Discrimination. This is a serious problem that the Equality Ombudsman, the courts and the legislators must deal with since it shows a lack of faith in the judicial system. During 2010, a total of 3193 complaints on all discrimination grounds were handled by the Equality Ombudsman of which 11 ended in court verdicts and 38 in settlements out of court. The most common reason for closure was that the Equality Ombudsman ruled it not to be discrimination, 1 143 cases; or that the Equality Ombudsman ruled them to be outside of the scope of the Discrimination Act (2008:567), 1067 cases.⁹⁶ What these figures show is that it doesn't make much sense to report cases of discrimination, which is not just a threat to the legitimacy of the Equality Ombudsman; it puts into question if Sweden guarantees its citizens the right to effective legal remedies accorded by ICERD.

93 Persson, A., Ministern kräver att DO blir mer effektiv, Dagens nyheter, 2013-01-09.

94 Sweden's 19th, 20th and 21st report to CERD, 2012, § 41.

95 Arbetet vid Diskrimineringsombudsmannen, Bilaga: Antisemitism och Islamofobi, 2011, p. 4.

96 Diskrimineringsombudsmannen, DO 2010: Statistik över individärenden, p. 3.

Article 7: Political Leadership

74. Integration is the bedrock of Swedish policy towards immigrants and nothing is perceived to be as contrary to Swedes and Swedishness, and thus hard to integrate, as Muslims and Islam. This underlies the attitudes and much of the policy towards the Swedish Muslim minority as shown in the attitudes to Muslim private schools, the Islamic head scarf, halal-slaughter and other things linked to Islam. In addition to this, after the September 11 attacks in New York, Muslims have also been construed as the enemies of the West which has paved the way for a new political niche that is very successfully being exploited by formerly anti-immigrant and anti-Semitic parties in all of Europe. In Sweden, it culminated in the entry into parliament of the Sweden Democrats in 2010. Unfortunately the established parties have not reacted to this by clearly positioning themselves away from such policies but rather they are exploiting the same questionable sentiments as the Sweden Democrats by putting forward their own Islamophobic, populist proposals. These proposals – of which most never materialise into real policies – signal that they are taking the “Muslim problem” seriously and are doing something about it. The government is ready to allocate a lot of resources to initiatives of questionable benefit just to be able to project this image.

75. The recurring themes for these political initiatives are *honour culture* and so called *radicalisation*; both phenomenon that due to a dominant media narrative and political discourse are linked to Islam in the popular imagination. When the government came into power in 2006 it started out by dismantling or discontinuing funding for authorities and organisations that produced knowledge about, or combated racism as a structural problem. In this way, the National Institute for Working Life was closed and the permanent funding for the Centre against Racism was withdrawn which made it quite impossible for the organisation to be an independent critical voice of government policies. And finally, the National Integration Office was dismantled and some of its functions were turned over to the National Board for Youth Affairs. Between 2006 and the spring of 2012, the government had given a total of 65 government assignments to the National Board for Youth Affairs of which 9 can be said to relate to Muslims or immigrants in general:

1. Continued efforts to prevent young people from being married off against their will
2. Study of traditional and wedding-like ceremonies and on economic relations between spouses' families
3. Preventing and stopping young people from being married against their will
4. Mapping of arranged marriages
5. Measures against to so-called honour related violence
6. Education against violence and oppression
7. Continued efforts against honour related violence
8. Thematic analysis of the conditions for young people in areas of social exclusion I
9. Thematic analysis of the conditions for young people in areas of social exclusion II

76. At first glance, this might all seem well intentioned but by placing so many resources into these policies the government is effectively co-opting civil society as a means for implementing policies that aim at reforming ethnic minorities instead of focusing on the government and making sure that it lives up to its obligations concerning ethnic minorities and counteracting racism. Furthermore, these policies are stigmatising Muslims since the practices they target are perceived to be linked to Muslims in the public imagination. Given this stigmatisation downside, it is important that the policies address real societal problems instead of just giving the impression that these practices are common features among certain groups. The National Board for Youth Affairs' report *Married against Ones Will* from 2009 spoke of the urgency to stop marriages among under aged people, but the same report also concluded that there were only 20 under aged persons that were married in all of Sweden at that time.⁹⁷ Out of 8 500 Swedish Youths who answered their survey only 1 per cent said they actually worried about not being able to choose who they should marry. The problem of forced marriages is thus rather marginal it seems, but the author of the report still made it a point to mention that more youths are worried about a lack of freedom to choose their spouse in areas with a high prevalence of Muslims.⁹⁸

77. To the same end of saving young people from being married against their will, the government ordered the National Board for Youth Affairs to conduct a study of traditional and wedding like ceremonies. The resulting report from 2011 is totally concentrated around Muslims with references to Islamic congregations and Islamic practices such as *mahr* (bride gift), clearly suggesting that this has more to do with casting a negative shadow on Muslims rather than actually benefiting young people who risk faring badly.⁹⁹

78. Already in 2008 the Umeå Centre for Evaluation Research evaluated the government's programmes dealing with honour-related violence. The overall conclusion was that the programme had contributed to the legitimating of honour-related violence as a social problem and the introduction of a new policy area with a joint responsibility for the state, local government and NGOs.¹⁰⁰ But that is something of a self fulfilling prophecy when the government, as in this case, allocates SEK 200 million to an end. The evaluation then goes on to say that although honour-related violence has been given more attention there is no general understanding of the phenomenon, nor which relevant and effective measures should be undertaken. Also, it was uncertain if the more than 400 financed local projects had had any effects on attitudes that maintain norms that accept honour-related violence.¹⁰¹ Nevertheless, the government continues to pour money into the programme.

79. The only government assignments related to immigrants that weren't directly stigmatising to Muslims were the two thematic analyses of the conditions for young people in areas of social exclusion, the product of which was the 272 page report *Focus 08: an Analysis of the Exclusion of Youngsters*. In this report about the conditions of young people in segregated areas, the word *racism* was mentioned only one time and Islamophobia was not even mentioned at all. Racism, it said, is an "experience that affects young people's self image and their relationship to Swedishness and society in general". Thus, racism in this government sponsored report is understood as a subjective experience that affects the individual's psychology rather than as a structural problem.

97 Gift mot sin vilja, Ungdomsstyrelsens skrifter 2009:5, p. 306.

98 Ibid., p. 307.

99 Äkta makar, Ungdomsstyrelsens skrifter 2012:1.

100 Hanberger, A., Ghazinour, M. & Mårald, G., Regeringens insatser mot hedersrelaterat våld 2003-2007, 2008, p. 67.

101 Ibid, p. 67.

80. The government seems determined to put all other things but racism on the political agenda. At the time it came to power in 2006, there was a public debate around structural discrimination which followed after the delivery of two government reports commissioned by the previous government: *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)*. Both these reports, with a variety of very promising recommendations on how to fight racism and promote social cohesion have been disregarded by the government.

81. The current government commissioned an inquiry of its own on how to more efficiently combat xenophobia and related intolerance. Former Social Minister, Bengt Westerberg, was appointed as the head of it. Shortly after he started his new job to foster tolerance, he went on to write a remarkably intolerant article in the leading Swedish news paper, Dagens Nyheter, where he attacked the Islamic and Jewish practices of male circumcision, calling it "religious mutilation of boys".¹⁰²

102 Westerberg, B., et. al., Därför måste regeringen stoppa omskärelse av pojkar, Dagens nyheter 2011-11-11.

Final Words

Close your eyes and try to associate to the words “Islam” and “Muslim”. Your head will be filled with images of women in niqab, suicide bombers, stonings, car bombs, screaming bearded men, weapons and plump sheikhs all provided to you from the news, films and the Internet, writes Professor Mattias Gardell in his seminal work *Islamophobia*. The public discourse is full of talk of banning, he goes on to say, banning of minarets, veils, Quranic schools and Muslim immigration.¹⁰³ Across Europe, brown parties are again on the march, all the way into parliaments. Way into the political mainstream, who claim to uphold the principles of liberal democracy, Islamophobia is no longer seen as the problem but rather Islam is.¹⁰⁴

In the climate created after the September 11 terror attacks, the Swedish government also has suspended civil rights and freedoms with the threat posed by Muslims as the underlying rationalisation principle. The government has itself contributed to this fear by delivering the report *Threats to Democratic Values and Principles* (2009) which, based on hearsay, claimed that the Rosengård area in Malmö was run by radicalised Muslims. The report had little scientific value but definitely earned its place in the new genre of Orientalist literature called *Eurabia*.

The Power Inquiry's final report, *The Black Book of Integration*, concluded that people with immigrant background and their children face discrimination in the school system, in workplaces, in welfare institutions, by the media, in the justice system, in housing and in politics.¹⁰⁵ In this alternative report to CERD, we have built on their findings and have also been able to show that discrimination affects migrant communities in different ways and that Muslims are among the worst affected groups. The Power Inquiry further concluded that discrimination creates an unequal society with different rules for different people which undermines social cohesion and prevents democratic solutions to social problems. Thus the real threat to democracy is not “radicalised Muslims” but rather inequality where Muslims right now are on the losing side. An essentially socio-economic conflict between the Haves and the Have Nots is being falsely construed as a clash of civilizations because Islamophobia has become viable currency for opportunistic politicians. Muslims now occupy a role in Swedish society that previously has been held by groups such as Jews, Roma and Travellers with very tragic outcomes.

Although the problem at its core is neither religious nor ethnic, the current and previous governments have bread the ground for a real conflict that threatens social cohesion by pursuing policies that create inequality with ethno-religious overtones. With the right understanding, adequate political steps can be taken to ensure all Swedes - even Swedish Muslims - their civil and political rights as well their social economic and cultural rights. If ICERD was entirely upheld in Sweden, that would foster social cohesion and there would be no need for talk of threats to democracy and values.

103 Gardell M., *Islamofobi*, 2010, p. 9.

104 Gardell M., *Islamofobi*, 2010, p. 10.

105 *Integrationens svarta bok*, SOU 2006:79, p. 250.



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