

# Swedish Muslims in Cooperation Network Alternative Report

In response to the Swedish Government's twenty-second and twenty-third periodic 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

March 2018

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# Foreword

This report has been written in response to the Swedish government's 22<sup>nd</sup>, and 23<sup>rd</sup> periodic report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) and is the result of a collaboration work between various Swedish Muslim organisations. The report represents the point of view of some of the leading Swedish Muslim organisations and in particular concerning the increasing racist and Islamophobic climate in Sweden. The aim is to bring the many violations of Swedish Muslims' human rights and civil liberties to the attention of the CERD committee from the perspective of a broad group of Swedish Muslims addresses the United Nations as one body.

The Swedish Muslims in Cooperation Network was established 8 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 several established parties have exploited the same questionable sentiments as the Sweden Democrats to gain voters and how the government has failed to deal with the alarming situation concerning Swedish Muslims' human rights.

Stockholm, March, 2018

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## Recommendations

Recommendation 1: There is an urgent need for better and more diversified statistics in the form of the collection of equality data and regarding the composition of the population according to all legal discrimination grounds so that more can be known about the causes, the extent, the nature and the effects of racial segmentation, segregation and discrimination in Sweden. (Main text: par 1-3) This recommendation is fully in line with CERD's recommendation from 2013 saying that: "The Committee welcomes detailed statistics provided by the State party on citizenship, country of birth and mother tongue tuition, etc., and notes that the State party does not compile official statistics on people's ethnic origin, colour or other indicators of their diversity as previously requested by the Committee (art. 2). The Committee recommends that the State party diversify its data collection activities, using various indicators of ethnic diversity on the basis of anonymity and self-identification of persons and groups, to provide an adequate empirical basis for policies to enhance the equal enjoyment by all of the rights enshrined in the Convention and facilitate the monitoring thereof."

Recommendation 2: The many cases of reported negative treatment of Muslims and the forced removal of Muslim children from their families by the Swedish social services should be examined. The government should therefore set up an investigation carried out by a suitable entity which would examine the prevalence of discriminatory practices within the social services and in particular look closely at the prevalence of the removals of children from their families and if this is done within the framework of legal certainty. (Main text: par 10-16)

Recommendation 3: The government through its various branches, such as the Chancellor of Justice, must better ensure that media organisations fulfil their obligation to be socially responsible, fair, accurate, thorough, comprehensive, and balanced and that the right to freedom of expression is balanced by the respect for the rights and reputation of others, and special attention needs to be paid to the commentary fields of Internet media outlets and to social media publishing. Considering the problem with the representation of people with diverse backgrounds on the editorial and management positions of public service broadcast media bodies as well as the news media outlets, an action plan comprised of desired goals to expand the representation should be developed. One way of reaching this goal should be that Sweden Television (SVT) should lift its discriminatory ban on headscarves for hostesses. (Main text: par 29-34)

Recommendation 4: Establish an independent agency that investigates police and prosecutor cases when crime is suspected to have been carried out by the police. The proposal for such an independent investigation process has already received the support of the Swedish Bar Association and the Chancellor of Justice. (Main text: 43-46)

Recommendation 5: The government's initiatives in the area regarding hate crimes is welcomed. With that said, hate crime breach is not a crime category today, so it is usually not reported as the main breach in the notifications. The legal certainty is jeopardized as the recognition of the nature of the crime requires a courtesy and expertise with the police. Further initiatives in this area should include that the state party needs to give BRÅ the assignment to gather data that shows the intersections between different forms of hate crime categories and that this data also should be presented in relation to gender. Also, the government needs to allocate funds so that civil society organizations, who might have a greater trust capital than the police for instance among certain minorities, can initiate national call centres monitoring hate crime offenses, given that hate crimes are believed to be underreported. (Main text: par 51-69)

Recommendation 6: Considering the expansive legislation in the area of the criminal justice system with regards to new and invasive anti-terror legislation, the Swedish state should establish an independent truth commission to investigate the effects of the old legislation and the increased monitoring that is part of the so-called war on terrorism measures. This commission should also have the purpose to investigate individual cases, assign responsibilities and provide appropriate recommendations to the competent authorities. (Main text: par 38, 71-72, 152-155) CERD has previously reported its concern regarding the reported discrepancy between the number of arrests and the number of convictions under the Penal Code for Terrorist Offenses, which gives rise to concerns about unjustified arrests due to racial profiling. The committee recalled its General Recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and activities of the Criminal System, and recommended that the State Party take measures to evaluate the impact of the Criminal Prohibition Act, including minority groups, and ensure that there are procedures to prevent possible racial profiling by police and discrimination in justice system.

Recommendation 7: The anti-terror 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, as well as the referrals from the Swedish Bar Association, and the Civil Rights Defenders. (Main text: par 129-133)

Recommendation 8: As a matter of great urgency, the government should continue to allocate resources for Muslim safety. The government should take notice of the greater demographic size of the Swedish Muslim community as well as its wishes, when determining the size and the form of the funding and organizations should not be limited to being members in a faith communities when applying for such resources. (Main text: par 74-76)

Recommendation 9: The Equality Ombudsman (DO) should take more discrimination cases to court. For example, between 2013-16 around 7,800 citizens made a notification of discrimination but only between 10-15 per cent of the cases were investigated by DO, the majority of notifications were terminated by a standard letter stating that it is DO which choose the notifications that should be investigated and only 46 of all these 7,800 cases were filed and 26 cases ended in settlements. Financial assistance for individuals and associations to bring litigation in discrimination cases should also be introduced to make it possible for more actors to bring litigation in discrimination cases. The penalty compensation to victims of discrimination should be raised to such levels so that they can actually fulfil the purpose of deterring companies, authorities, organisations and other actors from discriminating. (Main text: par 134-137)

Recommendation 10: Although the government has presented an action plan against racism it needs to be pointed out that the action plan lacks real reforms that can change people's living conditions with regards to economic segregation - most of the actions presented concern more knowledge dissemination about racism. The effects of racism on religious and racial minority groups are also different from each other and thus the actions articulated need to be more precise. A national action plan against Islamophobia should, as was promised, also be formulated and presented. (Main text: par 139)

Recommendation 11: The initiation of the Centre for Interdisciplinary Research on Racism (CemFor) at Uppsala University is a positive initiative which will help produce more knowledge about racism, although it is not the national centre for research on racism that was promised in the government's statement in 2014. The whole field of knowledge production on racism should be open for anti-racist stakeholders and Muslim organisations to take part in and especially when it comes to knowledge production related to the communities' living conditions. (Main text: par 141-143)

Recommendation 12: The government should publicly acknowledge that there is a growing problem with racist agitation in Sweden - now more than ever, in the mainstream, and that the Muslim population in Sweden is a clear target for this racist agitation. The government should use its leadership, as has been previously suggested, in such a way that the dangerous development is prevented rather than exacerbate it (Main text, par 144-150, 152-155).

Recommendation 13: With the alarming development of the state's reconfiguration towards its Muslim population, keeping in mind the case of Sweden's Young Muslims being denied organizational grants, there is a need for the establishment of a standing examining authority or commission for racial equality, as was suggested in the state's inquiry on integration and social cohesion from 2006 (Integrationspolitiska maktutredningen which was led by Masoud Kamali). The authority's main area of expertise would include reviewing decisions from primarily public institutions such as the Authority of Youth and Civil Affairs, recommend measures needed to be taken as well as be a support for NGOs in cases related to applying for organizational grants (Main text: 146-149).

Recommendation 14: At a minimum, positive action measures with regard to the discrimination grounds ethnicity and religion in the realm of working life should be allowed by law to the same extent that it is currently allowed with regard to the discrimination grounds age and gender. In particular, positive action measures should be practiced in regard to government agencies so that Muslims and other minority groups become adequately represented.



# Introduction

In 2013, The Swedish Muslims in Cooperation Network, consisting of a diverse set of Muslim organizations from the civil society sector of Sweden, submitted its shadow report to the UN Committee on Racial Discrimination (CERD). The network's initiative to address the UN at its own accord sparked from the Swedish state's continuous inability to seriously address the issue of Islamophobia and racism against Swedish Muslims in an adequate manner, regardless of government composition.

As highlighted in the report to CERD in 2013, the idea of integration related to migrants and minorities of Sweden, rather than the importance of effectively combating the growing inequality and deprivation as a result of structural discrimination, continues to dominate the Swedish government's narrative.

In 2014, a new Red-Green government consisting of the Social Democrats and the Green Party came into power and has since then promoted itself as a government combating racism and structural discrimination. Simultaneously, a growing discourse concerning the importance of safeguarding 'Swedish' values and democratic values, which was initially formulated for, and directed towards newly arrived migrants, and previously more related to the rhetorics of the Far Right party the Sweden Democrats, has during the past three years got a firm foothold among many politicians and policy makers. The current government has in many ways adopted this discourse both in its narrative and in its policies, and which in its turn has led to an intensification of Islamophobic populist proposals described in the former report.

There is hence a strong growing public opinion that Swedish Muslims are a threat to 'Swedish' values and ideas, or even to the idea of 'Swedishness' itself. This opinion is becoming stronger and more influential, and its adherents are clearly not just limited to the ranks of the Swedish Democrats.

The above mentioned discourse has gained a stronger foothold during the past years while at the same time the social, economical and political situation for the Swedish Muslim population has deteriorated and the possibilities for Swedish Muslims to voice their concerns to relevant public authorities have been circumvented and all this taken together has left The Swedish Muslims in Cooperation Network no other choice but to write and submit this second alternative report.

## **Demography of Swedish Muslims**

Official Swedish statistics is based on a unique and individual social security number which contains the birth date and the sex of the person in question and everyone living in Sweden on a legal basis regardless of citizenship and migration status is registered in one population register which is handled by the Tax Agency. This population register forms the basis for all official statistics in Sweden and the analysing, compiling and publishing of statistics is handled by the authority Sweden Statistics (SCB).

The category of Muslims and the religion of Islam is not existing in today's Sweden neither on an official, on a legal nor on a statistical level: There is no mention of Muslims and of Islam in the Swedish law and only a few authorities such as the Commission for Government Support for Faith Communities (SST), the Swedish National Council for Crime Prevention (BRÅ), the Swedish Agency for Youth and Civil Society (MUCF), the Equality Ombudsman (DO), the Swedish Civil Contingencies Agency (MSB) and the Living History Forum (FLH) have published specific reports on Muslims and on Islam in Sweden and are operationalising and making use of the category of Muslims in relation to for example economic support to Muslim faith communities, civil society funding to combat Islamophobia and the collecting of data on Islamophobic hate crimes.

Concerning official statistics specifically, Sweden has not collected any data on religious affiliation since the national census of 1930 wherein the category of "Mohammedans" was included and when the total number of 15 "Mohammedans" or Muslims living in Sweden was reported (SCB 1930). Out of the 15 Muslims in 1930s' Sweden 14 were men and 1 was a woman and 5 lived in the City of Stockholm and 2 respectively in the City of Gothenburg and in the City of Malmö while the rest were spread out in municipalities such as Helsingborg, Västerås and Örebro.

No one knows about the total number of Muslims in today's Sweden and the estimate that has been put forward and that seems to have gained the widest reach also internationally says that there are between 400,000-450,000 inhabitants in Sweden who have a Muslim background (see for example Larsson 2014). Given this deplorable fact of having no official statistics at all in today's Sweden on religion, on religious minorities and on Swedish Muslims one of the

authors of this report has tried to at least estimate the total number of inhabitants of Sweden having at least a culturally Muslim background according to the proportion of Muslims in the countries of origin and as of December 2016, which is the most updated official population statistics in Sweden (Hübinette 2017). Accordingly as for example 35 percent of all inhabitants in Tanzania are Muslims according to Tanzanian statistics 35 percent of all inhabitants of Sweden with a Tanzanian background have been counted as being Muslims while all country groups in Sweden coming from countries where less than 5 percent are Muslims have been excluded as well as thousands of majority Swedish converts whose number is not known at all and all immigrants from former Yugoslavia and from the former Soviet Union and all immigrants from both North and South America and from Europe except for some Balkan countries.

The proportion of inhabitants in Sweden having a culturally Muslim background according to this estimation might have stood at 10,2 percent as of December 2016 and this percentage is certainly steadily increasing at the moment and will continue to do so in the near future due to continuous immigration, natural reproduction and other demographic changes. In absolute numbers according to this estimation 1,022,850 inhabitants of Sweden from in total 88 different countries of origin might have had a cultural Muslim background in December 2016 and out of whom many have an origin in and from Iraq, Syria, Iran, Turkey, Somalia, Lebanon, Eritrea, Afghanistan, Morocco, Pakistan, Gambia and Egypt and whether they are born there themselves or born in Sweden with parents from these countries.

This estimate means that Sweden probably is the Western country outside of the Balkans harbouring the highest percentage of inhabitants with a cultural Muslim background as 10,2 percent is probably higher than the proportions in for example Canada, France, the UK, Belgium, Germany and the Netherlands – all of them Western countries that also harbour substantial Muslim minorities. However, it has to be stated and said that this number says neither anything about the total proportion and the total absolute number of practicing Muslims in Sweden, the total proportion and the total absolute number of Muslims organised in faith communities nor the total proportion and the total absolute number of Sunni and Shia Muslims respectively and so on as it is solely an estimation. Finally, at the end of 2017, Pew Research Center (2017) estimated that 8,1% of the total Swedish population have a cultural Muslim background and which was the third highest percentage in the EU after Bulgaria (11,1%) and France (8,8%).

## **Commentary on Sweden's 22<sup>nd</sup> and 23<sup>rd</sup> report to CERD**

When the UN Committee for the Elimination of Racial Discrimination submitted its review report on Sweden in 2014, Sweden received criticism on a number of areas as well as recommendations to combat the problems with anti-Muslim racism that was outlined in different societal spheres.

When the new coalition government took office in 2014, the Prime Minister declared in the government statement, that there is no place for antisemitism, anti-Roma racism, Islamophobia and afrophobia. The current government however, seems to have adopted the legacy of its predecessor, in its understanding of the mechanisms of racism and discrimination, as well as the necessary actions needed with regards to these issues. This is reflected in the Swedish government's 22<sup>nd</sup> and 23<sup>rd</sup> periodic report to CERD which once again stands out in its usage of a language and an analysis that, first of all, does not offer a fair assessment of how the situation for Swedish Muslims looks like. This means that many of the UN's recommendations regarding the necessary measures to combat the growing anti-Muslim racism, are absent in the Swedish government's report.

Although Swedish Muslims still constitute the vast majority of the population in the most economically vulnerable areas, are largely excluded from the labor market as a result of racial and religious discrimination, and continue to be a substantial segment of the total Swedish population which is economically deprived, the root cause of the problem which is a growing anti-Muslim racism, is barely addressed by the government. The term Islamophobia is mentioned a total of about 5 times in the Swedish government's report and almost exclusively in general terms and in connection with other forms of racisms and the situation of Swedish Muslims is therefore not addressed specifically at all.

The need for social and economic programs that can help Swedish Muslims and other racialized minorities in Swedish society to catch up which was called for in The Swedish Muslims in Cooperation Network's previous report, is nowhere reflected in the government's report. The only concrete measure that the government presents with regards to Islamophobia, is that it has ambitions of facilitating and streamlining knowledge gathering and other kinds of communication between the government and the civil society regarding this issue. On the whole, the government is in other words once again focused on mapping a certain knowledge area rather than on introducing concrete measures. This indicates that the

government still lacks the political will to resolve and, as it is stated in the Convention, “to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations”.

## **The state’s reconfiguration towards its Muslim population: An alarming development**

The anti-Muslim racism has throughout recent years been reaffirmed in various forms, as is outlined in this report, but a specific area of concern that needs to be addressed more specifically is the Swedish state’s reconfiguration towards the Muslim population in Sweden. This reconfiguration towards the Muslim population in Sweden has been made possible by the discourse of ‘Swedish values’ which has been widely established and adopted among politicians and policy makers. This discourse is most explicit in relation to newly arrived migrants from Muslim dominated countries and to the Muslim population in the Swedish suburbs. The essentialist idea of cultural differences with regards to in particular gender equality has been the most prominent and recurring argument in the debate about and discourse surrounding ‘Swedish values’. More specifically, arguments about migrants from predominantly Muslim countries and the Swedish Muslim population as bearers of cultural values signified by gender inequality have been the focal point in the debate.

In retrospect, the normalization of anti-Muslim racism with regards to this discourse can be traced back to the appointment of the first Swedish Muslim minister Mehmet Kaplan in the newly formed Red-Green government in 2014. At this point, populist notions of Sweden being ‘Islamized’, which thus far had been the Sweden Democrats’ rhetoric, started to get voiced in the public debate by representatives from many mainstream political parties. The claim that Kaplan as a minister had a secret Islamist agenda came to dominate the media two years later and lead to Kaplan’s official resignation from the government in 2016.

After Kaplan's resignation, the anti-Muslim campaign was directed towards the Green Party and its Muslim representatives. The populist notion of a coming Muslim take-over of Sweden was even voiced by some researchers at the Swedish Defense University (Forsberg och Dickson, 2016).

The normalization of these unsubstantiated claims of infiltration of the political sphere and of accusations of ‘extremism’, would soon be proven to be palatable even for government

agencies. The first public example came with The Swedish Agency for Youth and Civil Society's decision to deny Sweden's Young Muslims an organizational grant. In 2017, the authority accused individuals in the organization for "not respecting democratic ideas" without any references to concrete examples (TT, 2017). In the end, the authority was not able to say which individuals it referred to and on what grounds they allegedly 'do not respect democratic ideas' (Förvaltningsrätten dom mål nr 192-17 2017).

Not long after this debacle, the Swedish Civil Contingencies Agency (MSB) published and released a highly criticized report in 2017 accusing several Muslim organizations and representatives of being agents of the Egypt-based organization the Muslim Brotherhood, and of being responsible for establishing 'parallel societies' in the minority dominated suburbs (Wernersson and Ottander, 2017).

What has also been especially noteworthy alongside the aforementioned events during this time period has been how several different politicians - under the guise of wanting to uphold and enforce the respect for 'Swedish values' - have been able to target the Muslim population without any significant political consequences. Claims that have been made include pointing out the headscarf as the ultimate sign of oppression, regulating on a national level how Muslims should greet, claiming that the suburbs are a safe-haven for 'extremists' and making statements which point out and blame Muslims in general as the sole source of anti-Semitism in today's Sweden. This alarming development of making the Swedish Muslim population a target for populist arguments to gain votes is expected to intensify during the election year of 2018.

## Article 1: Racial discrimination

1. There is no official statistics whatsoever in today's Sweden concerning religion and Muslims. However, the use of the equality data method to collect data on religious minorities based on self-identification and anonymity is sometimes but very seldom used in occasional questionnaires and where the informants and the respondents for example are asked to state her or his religious affiliation or cultural religious background. It must be said though that this is extremely rare and one of a few examples when a question on religion was included is a report from the Living History Forum (Severin 2014) which asked school pupils about their religious background while another questionnaire from the SOM Institute (2012) has asked about "being a Muslim" and "celebrating the end of Ramadan (Eid-al-Fitr)" in one of its questionnaire based studies (Bromander 2012).
2. Here it also has to be mentioned that in Sweden there is a strong reluctance if not an outright hostility to ask about and to measuring and collecting data on anything that has to do with religion, ethnicity, language and race as well as to the equality data itself, and this deplorable fact which is based on a mixture of misinformation and a lack of knowledge of what equality data actually is including its *raison d'être*, purpose and methodology makes it even more difficult to conduct research on Muslims in Sweden and to advocate statistics on religion even if there is no legal hindrance according to Swedish or EU law to practice and implement equality data and to ask about religious affiliation and religious background in questionnaires (Al-Zubaidi 2012).
3. The only official category that is used in today's Sweden except for just focusing on those who are born abroad is the term inhabitants with a foreign background (*utländsk bakgrund*) which means those inhabitants who are born abroad plus those who are born in Sweden with two foreign-born parents while those inhabitants who are born in Sweden with two parents who are born in Sweden are categorised as inhabitants with a Swedish background (*svensk bakgrund*). There is therefore no comprehensive, regular and systematic collection of data on racial discrimination targeting Swedish Muslims as is the case in other countries practicing equality data and making use of statistical categories concerning religious affiliation such as Muslims.

## Article 2: The government's efforts to combat racial discrimination

**(1a) 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**

4. In the Swedish Muslims in Cooperation Network's alternative report from 2013 the issue of the Swedish social services' forced removal of children from their parents or custodians was raised. As the general societal level of suspicion against Muslims as being bad at parenting continues to prevail this is a regular and urgent issue that is often brought up within the Swedish Muslim community and civil society.
5. There is little research and a lack of statistics which makes it difficult to understand and get an overview of the whole scope of the issue at hand. Eliassi (2014; 2017) has through qualitative in-depth interviews with 20 social workers studied the framework which social workers within the social services use to explain the social problems of their migrant clients residing in economically deprived and marginalized suburbs in Stockholm, Malmö and Östersund (Eliassi, 2014: 558-560).
6. Eliassi (2014; 2017) problematizes the Swedish social services and finds that this public authority is characterized by what he calls a 'colorblind universalism'. According to Eliassi this can be understood within the scope of the knowledge production in the field of social work research, which is permeated with colonial stereotypes, thus labelling Muslim migrants as "culturally backward", "traditional", "irrational", and "authoritarian". The Swedish welfare agencies are imbued with the images that these discourses provide, images that come to life in the meetings with their non-European and Muslim clients. Although this should be seen within the scope of the wider societal discussion on migration/integration in Sweden, Eliassi (2014) underlines that these reductive cultural explanation models tend to overshadow issues such as poverty, unemployment, bad housing conditions, social isolation, and racial discrimination. Moreover, the notion of a rigid binary system when trying to make sense of societal problems risk reinforcing the subordination of Muslims and impede their possibilities to



equal participation in society (Eliassi, 2014:567-569).

7. Eliassi further argues that there exists a discourse of culturalization within the social services, where migrant clients' actions are seen through the lens of their perceived cultural identity (Eliassi, 2014: 560ff). With regards to Muslim clients, the culturalist discourse for instance more or less rule out Muslims as suitable parents and Muslim parenting is attached to ideas of stringency (Eliassi, 2014:564).
8. Furthermore, a dichotomy of difference is prevalent in the discussions regarding Swedish and Muslim expressions of femininities and masculinities. As a result, two different explanation models are deployed depending on who is assumed to have resorted to, for instance, violence against women. Muslim men are assumed to be driven by cultural and religious schemes whereas the violence of white Swedish men is explained to be caused by "weak" and "powerless" personal characteristics (Eliassi, 564-567).
9. Another concerning finding in Eliassi's (2014) study is that the majority of social workers interviewed not only deemed anti-racist social work as irrelevant to their praxis but also placed it outside of the field of social services itself (Eliassi, 2014:559).
10. As for the statistics possible to come across, everything suggests that the number of Muslim children within the child protection system in Sweden is huge, alarming and most probably and unfortunately also on the increase.
11. Every year close to 30,000 children are in one way or another objects of and clients within the child care and child protection system in Sweden meaning that they are sometimes also placed and are living outside of their parents' households including in foster families, in temporary support families and also at institutions of various kinds. The most extreme child care facility is the so-called residential care homes for children and youth (hem för barn och ungdom) which are sometimes also called §-12 homes and which are in practice closed institutions and where around 2,000 children are placed and locked in annually. According to statistics around 65% or two out of three of all children in the child care and child protection system have a foreign background today as well as 83% of all children placed at the residential care homes. These percentages should be compared to the total proportion of children and youth with a foreign background which

stands at around 35% meaning that the overrepresentation is very high (Socialstyrelsen 2015; Statens institutionsstyrelse 2014). Although it is difficult to find specific data on the geographical and regional origin on these children it is highly probable that most of them derive from Africa and Asia and the MENA region and probably have a cultural Muslim background. All this means that the overrepresentation of having contact with the child care and child protection system among Muslim children in Sweden is probably extreme.

12. Finally it should be noted that individual citizens including Swedish Muslims have submitted complaints against the Swedish social services to the Equality Ombudsman much more often than against other authorities and social welfare institutions (Bursell, 2016:65).
13. The Equality Ombudsman has initiated an effort to map the nature of discrimination in the social services. The effort is part of a more extensive work that the Ombudsman has initiated to chart discriminatory rules, practices and behaviors in social services (Abdullah, 2017).
14. A first summary of the effort from the Equality Ombudsman shows that two thirds of all notifications of discrimination in social services concern the discrimination grounds ethnicity and disability. In addition to paying attention to the notifications that the authority receives in the authority's efforts ahead, knowledge will also be gained from civil society organizations (Abdullah, 2017).
15. Civil society organizations have organized demonstrations in different parts of the country to protest against the social services compulsory care of children in Lycksele, Eskilstuna, Trollhättan and Stockholm, among other cities (Lindahl, 2015; Österberg, 2017)
16. The seizure of children remains an area of concern, considering that this practice is one of the biggest state interventions in the lives of citizens and must be surrounded by the highest possible legal certainty. According to the National Board of Health, adults who have been taken in compulsory care as children risk being affected even in adulthood.

They are more often affected by sleep problems, risk injuring themselves, use more drugs, die more often prematurely, and have trouble to support themselves.

## Article 3: On apartheid and racial segregation

17. The issue of racial segregation within the residential sector has been in the forefront as a political question and as a policy area in Sweden since the 1990s when the OECD started to point out and warn Sweden that its three big city and metropolitan regions of Greater Stockholm, Greater Göteborg and Greater Malmö and many of its mid-sized cities were becoming rapidly segregated and segmented along ethno-racial lines when statistically dividing the Swedish population between those having a majority Swedish background together with those having a background in the Nordic countries and in most of the rest of Europe and those having a non-European background and particularly those deriving from Africa, Asia and Latin America as well as together with those coming from South-Eastern Europe and the Balkans respectively (see for example OECD 1998 and 2006).
  
18. Since the mid-1990s, a governmental urban policy aiming at combating the dramatically increasing housing segregation has been in place as the extreme Swedish residential segregation pattern is seen as a threat to both future economic growth and future social sustainability in urban Sweden and there are many indications that the level of residential segregation is more extreme in Sweden than anywhere else in the Western world as there are no poor residential areas at all anymore whose population is dominated by inhabitants with a majority Swedish background together with those having a background in the Nordic countries and in the rest of Europe while there at the same are no residential areas at all yet that are not poor and whose population is dominated by inhabitants having an origin in Africa, Asia, Latin America and the Balkans and among whom a substantial part has a cultural Muslim background (Andersson, Bråmås & Holmqvist 2010; Socialstyrelsen 2010).
  
19. Since its initiation in the 1990s, the focus of the Swedish urban policy for ameliorating residential segregation as well as social exclusion, structural discrimination, and high unemployment and poverty rates that come with residential segregation has been on the urban areas which are dominated by migrants and their descendants and who have their origin in the non-Western world and who live in the so-called Million Programme areas (miljonprogramsområden) which were built between 1965-75 and which are dominated by high-rise buildings and rental apartments (Andersson, Magnusson Turner & Holmqvist 2010). These urban areas are often referred to as suburbs (förorter), immigrant

areas (invandrarområden), alienation areas (utanförskapsområden) or exposed areas (utsatta områden) and this labelling has resulted in a massive stigmatisation and demonisation of the areas in question and even more of their inhabitants of whom the vast majority today have an origin in particular in Africa and Asia and including the MENA region and of whom the majority are most certainly Muslims and whether they are practicing Muslims or have a cultural Muslim background (Davidsson 2010).

20. In 1996 there were three urban areas which were categorised as being extremely segregated, poor and marginalised and since then that number has grown exponentially and explosively to at least around 130 urban areas and 61 areas have been specifically categorised by the police as being exposed to and vulnerable to particularly high levels of poverty, unemployment, low education levels, criminality and social unrest and in many of these areas between 85-95% of all inhabitants have a foreign background and particularly an origin from Africa or Asia (Polisen 2017; Sanandaji 2014).
21. The number of urban areas which are both extremely segregated and heavily stigmatised and demonised will probably grow even more in the future and almost all of them are so-called Million Programme areas.
22. Perhaps the most problematic, disturbing and frightening aspect of Sweden's residential segregation when it comes to patterns and tendencies is that the three metropolitan regions and many of the mid-sized cities of Sweden are statistically the most segregated urban areas in the Western world of today and can possibly only be compared to some of the most racially segregated metropolitan areas in the US and in certain Central and Eastern European countries.
23. This is because of the fact that there is a more or less perfect match between a Million Programme area consisting of high-rise buildings with rental apartments, an area which is heavily dominated by inhabitants with a background from Africa and Asia especially of whom most are probably Muslims and an area which is poor and marginalised according to all statistical measurements. While on the other hand this is not the case in other Western countries including the US where there are still urban areas dominated by the majority population which are poor, whereas there are also urban areas dominated by a minority population which are not poor (Östh, Clark & Malmberg 2014).

24. Due to Sweden's strong rights of the child policies, there are official statistics and data when it comes to child poverty (barnfattigdom) showing that only 3-4% of all child households (barnhushåll) with a majority Swedish background are poor and marginalised compared to child households with second generation children and here follows a selected list of countries of origin which mainly indicate a Muslim background (Gustafsson & Österberg 2016):

**25. Poor households 2008-10 with children born in Sweden whose parents are born in**

Somalia	59%
Iraq	55%
Lebanon	51%
Syria	49%
Turkey	42%
Eritrea	33%
Iran	33%
Bosnia	18%

26. An even higher proportion of foreign born immigrant children compared to second generation children are growing up in poor households and with marginalised parents – 50% compared to 40% among second generation children households and among children born in countries like Somalia, Iraq, Lebanon, Syria and Turkey the proportion is most probably even higher than 50% (Rädda barnen 2015). Besides, huge proportions of child households with a background from Africa and Asia and the MENA region are living in overcrowded households which principally mean rental apartments in the so-called Million Programme areas and the same category of children are also for example suffering from much higher degrees of incidences of overweight and bad dental health compared to majority Swedish children (Hyresgästföreningen 2016).

**27. Proportion of children living in overcrowded households 2014:**

Born in Sweden	10%
Born abroad	35%
Born in Sweden with two parents born abroad (second generation households)	40%

28. All in all, if only focusing on children, youth and young adults in Sweden who are most probably Muslims and have a cultural Muslim background in relation to social welfare indicators the risk and overrepresentation rates of being poor and of growing up with marginalised parents in overcrowded apartments and of risking to develop both a bad physical and a bad mental health are extreme to say the least and although it is difficult to compare the situation of marginalised minority children, youth and young adults in other Western countries like the US, the UK or France given the still high standard of the Swedish social welfare system the situation for minority children and young adults in Sweden is deeply worrying.

## Article 4: Condemnation of all propaganda and hate organizations which attempt to justify or promote racial hatred and discrimination in any form

29. The crucial importance of the media for our understanding of the world is confirmed in a public inquiry report titled *Medias' Us and Them – Medias' significance for structural discrimination* [Mediernas Vi och Dem – Mediernas betydelse för strukturell diskriminering]. One of the most important conclusions of this report is that the media presents the world into two groups according to the logics of "us and them". This in turn, forms the base for the whole news evaluation and news reporting system (Camauër & Nohrstedt, 2006).
30. Several media researchers have concluded that a negative and stereotypical image is presented of Islam and of Muslims in the media. The most recurring image is the one in which Islam and Muslims in general are associated with violence, terrorism and the oppression of women (see Brune 1998; Brune, 2006:41; Hvitfelt, 1998; Johansson, 2006:171). The "Swedish" in its turn stands for modernity, freedom and equality, while the "Muslim" stands for the traditional, the oppressive, the violent and the patriarchal (Brune 2006).
31. The reporting on Muslim women in the media is usually related to oppression, the headscarf or the full-veil. Muslim women's organizations have been critical of how the media use images of random women wearing the veil when reporting about terrorism and oppression. The organisations Muslim Women's Association (Muslimska Kvinnoföreningen), Muslim Women's Network (Muslimska kvinnonätverket) and Dunya's women's and girls' shelter (Dunyas kvinno- och tjejjour) mean that the images of Muslim women in the media coverage relating to violence, oppression, Islamism and fundamentalism, cement ideas of the headscarf and the veil as a problem. One article calling for the eradication of all religions was for example coupled with an image of a woman wearing the headscarf and with her forehead on the ground. An opinion ed titled "Islamism is gaining a foothold in Hjällbo" is for example illustrated with an image of a



woman wearing the headscarf and carrying grocery bags.

32. The problem of using images of random Muslim women in the media has been highlighted in a study of representations of Muslims and Islam in Swedish news media. There were few articles in the examined material, only 3 out of 503 articles, relating directly to Muslim women but pictures of women wearing the headscarf were on the other hand used in 33 articles in the study (Ghersetti & Levin, 2002).
33. A debate about women wearing the veil in a public advertisement erupted during the course of 2015. Many people and especially non-Muslims disliked the ad arguing that the veil is “a symbol of oppression”. This critique which has strong Islamophobic undertones inspired the founder of the blog Nuance: Muslim (Nyans: Muslim) to compile op-ed articles relating to the headscarf and the veil in the three largest newspapers in Sweden during the years between 2008-2015. During the course of those years 72 articles relating to the veil have been published and out of which 69 articles were written by women as well as men who do not wear the headscarf or the veil themselves. Furthermore, 43 articles opposed and were against the veil or the headscarf while 29 articles defended the right to wear the headscarf or the veil and only 3 articles were written by women who wear the veil or the headscarf (Ibid).
34. On the other hand, when Muslim women and girls are portrayed as individuals with their agency it mostly occurs by the way of a contrast to what is expected. In other words, the image of “the strong Muslim woman” and the image of the Muslim woman as an individual with agency often comes across as something remarkable and surprising (Axner, 2015).
35. In the state’s public inquiry ‘Power, integration and structural discrimination’, it was pointed out more than 10 years ago that the media provides an excessively negative image on people with a foreign background, on migration, on the suburbs and on the non-European countries from which these people are presumed to have migrated from. One critique that is particularly underscored is the unilateralism and exaggeration of the media's narratives in the mentioned subjects, and how this contributes to increased segregation and everyday racism (Kamali, 2006).

36. Another aspect of the function of the media that is problematized is the underrepresentation of employees with a foreign background in the media. The Swedish media is described as being characterized as "practically ethnically cleansed" and "populated by WASP [White Anglo-Saxon Protestants]", with the exception of some departments of Sweden's Radio (SR) and Swedish Television (SVT) (Ibid:38).
37. More than ten years later, the issue of underrepresentation and diversity in the media is pretty much the same. The lack of representation is remarkable, considering that the public broadcaster SVT for instance, has during the past decade been vocal about its diversity efforts and its mission to reflect the whole society. On the public broadcaster's homepage the ambition is said to "depict Sweden as it appears today, in all its diversity". The sincerness of this ambition has been questioned by current and former employees on SVT, who point out that despite this vocal ambition to better the representation reoccurring, SVT continuous to remain homogeneous, especially in relation to the groups who are profiled and reflected in the national broadcasters' programs (Kovacevic et al, 2017).

## 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;**

38. On November 19, 2015, a 23-year-old asylum seeker residing in Boliden became the target of the biggest terrorist hunt in Swedish history. The security level was raised in the country and the military was prepared to intervene when given the green light. The man was pointed out as a member of a terrorist organization and his name and picture was published by all major news media outlets. During this national manhunt, he was in his apartment, and his address was registered at the Swedish Migration Board. The man was detained for three days but then released from all suspicions, and the then Security Police (Säpo) boss Anders Thornberg defended the process with reference to that the authority had to act on “credible data” about a planned attack in Stockholm that they had received. The man was, following a legal process, compensated by 12,000 SEK in damages by the state (Schclarek Mulinari, 2017:25).
39. There is still little knowledge in Sweden concerning the scope of unequal and unjust treatment in the judiciary system in relation to representatives from ethnic, racial and religious minorities in Sweden. However, the scarce knowledge that exists is more related to the mechanisms of discrimination rather than the actual existence of discrimination in the judiciary system. In other words, there is little research on the discrimination of ethnic, racial and religious minorities in the Swedish justice system and the whole picture is incomplete (Sarnecki 2006:5).
40. In general, the research that exists shows that discrimination, especially against Muslims, is widespread in the judiciary system as stakeholders and actors within the judicial system are influenced by informal stereotypes about Islam and Muslims (Martens, Shannon & Törnqvist 2008; Pettersson 2006).

41. Furthermore, there are indications that Muslim men in particular have poorer prospects for an objective treatment within the judicial system. Especially when it comes to crime cases related to women, the stereotype that Muslim men are harbouring degrading views on women and thus makes them more inclined than other men to perform such crimes, is said to be highly prevalent (Martens, Shannon & Törnqvist, 2008:34; du Rees 2006). Additionally, there are widespread ideas that Muslims can never admit to a committed crime or that they always lie or tell stories that are not true (Martens, Shannon & Törnqvist, 2008). The consequences of these images and stereotypes are among others that suspected Muslims run a higher risk than others to be sentenced unfairly and more harshly (Ibid). Several submitted complaints to the Equality Ombudsman also concern cases where the notifiers perceive themselves as innocent or having gotten a disproportionately severe sentence (Ibid).
42. In many of the analyzed complaints submitted to the Equality Ombudsman, the notifiers also express disappointment related to what they perceive as a nonchalant treatment of their case and that they have not been taken seriously as well as experiences of being ignored and/or that their case has received a lower priority (Bursell 2016:73-75).

**(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;**

43. Concerning the problem of violent treatment coming from the side of the police, one key issue that has been central for many years is the difficulty to investigate the police's use of force, as investigations into the police's use of force are not independent. Instead they are carried out by an internal investigative body administered by the police authority itself meaning that the police in practice investigates itself (Civil Rights Defenders, 2015).
44. For example a video clip of two unaccompanied refugee boys who were stopped by security guards at the Central Station in Malmö went viral in February 2015. What seems to have started as a mere dialogue escalated when one of the guards physically grabbed the smallest of the boys. The boy, born in 2005, and according to the police report only nine years old, was thrown down on the floor and sat on by the guard. The recording

shows how the security guard sat astride the boy's chest and pressed his gloved hand over his mouth and nose. In the video one can clearly see the boy gasping for breath and shouting out a prayer in Arabic as he was probably thinking that he was about to die (Grant & Åberg 2015).

45. The issue of the Swedish police and racial profiling has been particularly relevant since the intensification of the search for undocumented migrants which has intensified from the year of 2013. It has been estimated though that in 91 out of 100 cases the police stopped someone who had a permit to be in Sweden. Details on which minority groups that have been stopped by the police more often than others are difficult to determine though as no official data is collected at all with regards to the ethnic and racial background of the people that are stopped and controlled by the police (Schclarek Mulinari, 2017; Zamacona 2012).
46. In 2016, news about the police harassing young adolescents with a foreign background in Stockholm emerged. One of those who had been affected by the harassment decided to share his experiences and told about being stopped and searched by the police several times a week when he was on his way to buy milk, to see a friend or on his way home from the subway. The young adolescent described that the police apparently can stop those with a foreign background and be asked who they are, where they are heading, and let the police search their bag and their phone without providing any explanation for the grounds of the search (Stifgur, 2016).
47. Another area of concern is related to the treatment of detained migrants. Specific figures related to the nationality of the detainees are however hard to come across. It is on the other hand possible to look at the distribution of positive decisions and negative decisions for the ten quantitatively most important citizenship groups in 2015. For instance, citizens of Albania and Serbia were in almost all cases not found in need of protection, and applicants from Kosovo and Ukraine also had a very low protection rate (EMN Policy Report 2015). Other nationalities with low percentage cases who were found not to be in need of protection included applicants from Afghanistan, Iraq and Somalia (Ibid). One cautious conclusion is that the aforementioned nationalities are those who are risking receiving expulsion orders, and if they do not comply, they will become targets for the police's outreach expulsion activity, and thus they risk being detained and

deported.

48. In the anthology 'Flyktingfångelser. En antologi om Migrationsverkets förvar' ['Refugee Prisons. An anthology of the Migration Board's detention centers'], released in 2016, detainees' stories about the time they had been locked up at the Migration Board's detention centers are portrayed. In the texts, they write and witness about fear, uncertainty, stress, suicide attempts, powerlessness and abuses of power among others. The stories relayed in the anthology also revolve around the expectation to suddenly be put on the plane to the Balkans, North Africa, the Middle East and various destinations in other EU countries (Andersson, Hermansson, Myritz & Stenqvist, 2016).
49. The detainees' anxiety, stress and fear to face long-term detention or additional negative consequences in the contact with the detention staff, police and lawyers also emerge in the thesis 'Life in Immigration Detention Centers' from 2016. Also, the detainees describe feelings of unsafety and that the detention center is characterized by a lack of privacy (Puthoopparambil, 2016). Moreover what is also highlighted is the absence of mental health care professionals at the detention centers, which is underscored as an important and necessary service for the detainees to manage a highly stressful situation (Ibid).
50. What also emerges in the thesis is that Sweden does not use alternatives to detention to the same extent as other European countries. This observation coincides with the finding which emerged in the Red Cross study from 2012, where decisions and judgments regarding detention by the Migration Board, the police and the migration courts were examined. The results showed that the authorities "often do not test whether the disadvantages that the coercive measures entail for the individual is in proportion to what society can win in the form of smoother expulsions and deportations" (Puthoopparambil, 2016).
51. Since 1976 the National Crime Prevention Council (Brottsförebyggande rådet – BRÅ) has been responsible for producing data about and disseminating knowledge related to crime and crime prevention work. The National Crime Prevention Council also publishes an annual report on hate crime statistics. The statistics presented in the report is not a reflection of the actual number of hate crimes committed but a presentation of the

number of incidents reported to the police and which have been categorised as containing a 'motive of hatred' during the previous year. Apart from the year 2009, the number of Islamophobic hate crimes has increased and reached a culmination of 558 reported crimes in 2015 (BRÅ, 2015:86).

52. In 2013 for example, 5,510 police reported hate crime incidents were identified of which 330 were categorised as containing an Islamophobic motive (BRÅ, 2013:77). This is an increase of 7 percent compared with the amount of reported and identified incidents from the previous year (2012) (BRÅ, 2013:78). The most common types of crime were unlawful threat (46 percent), hate speech (24 percent), violent crime (10 percent) and defamation (9 percent) (BRÅ, 2013:78-79).
53. In the hate speech related cases just under one third of the incidents were directed at the victim without any physical contact while more than one third of the reports concerned offenses committed on the Internet (BRÅ, 2013:79). Most of the reported incidents related to violent crime (abuse, manslaughter, violence against an official etc) occurred in a public place and almost a fifth of the crimes had taken place on public transport (comparing all motives, the proportion of reported hate crimes committed on public transport is more common when it comes to Islamophobic hate crimes compared to hate crimes with other motives) (BRÅ, 2013:80-81). The most common sites for an Islamophobic hate crime to take place were public places (18 percent) and on the internet (17 percent). In 64 percent of the reported cases the offender was unfamiliar to the victim (BRÅ, 2013:81).
54. The personal clearance, that is, that a person can be linked to the crime by means of injunctions, punishment or foreclosure was a mere 3 percent in 2013. In 65 percent of the reported cases the investigation was terminated because the reported event was not considered to constitute a crime, the crime could not be proven or the offender was under 15 years old. At the time when the report was finalized, 33 percent of the reported incidents were still under investigation (BRÅ, 2013:82).
55. In 2014 about 6,270 hate crimes were reported to the police (BRÅ, 2014:80). The total number of hate crimes identified with an Islamophobic motive amounted to 492 cases (Ibid). Of the reported hate crime incidents, 40 percent of the cases were identified as

consisting of unlawful threats or harassment, 31 percent consisted of hate speech, violent crime amounted to 12 percent while defamation amounted to 7 percent of the reported incidents (BRÅ, 2014:80-81).

56. Public places were the most common crime scenes for both unlawful threats/harassment and for the reported violent crimes. Also, the victim's home (or a place close by the home) was also a common crime scene for unlawful threats/harassment whereas public transportation was a more common scene in the reported cases related to violent crimes (BRÅ 2014:80-83). As for the reported hate speech cases, the most common site for the reported crimes was the Internet. Likewise, the Internet, followed by school and in or in close proximity to the victim's own home, was the most common crime scene in the reported defamation cases (BRÅ 2014:83). The most common sites for Islamophobic hate crimes in the police reports in 2014 were the Internet (21 percent) and public spaces (17 percent). In the National Prevention Council's report from 2014 it is reported that the number of identified Islamophobic hate crimes committed on the internet has doubled since 2010, increasing from 10 percent to 21 percent in 2014 (BRÅ 2014:84). As with previous year, in 64 percent of the identified Islamophobic hate crime reports, the perpetrator was unfamiliar to the victim BRÅ 2014:85).
57. The personal clearance, that is, that a person can be linked to the crime by means of injunctions, punishment or foreclosure was 1 percent. The amount of cases that were directly written off, i.e. dismissed without initiating an investigation, amounted to 34 percent, whereas the amount of cases that were dropped after an investigation was initiated, amounted to 58 percent (BRÅ 2014:85-86).
58. By 2015, nearly 6,980 police reports were identified containing hate crime motives, and which was 11 percent more than 2014. As for the crimes identified containing Islamophobic motives, the number amounted to 558 incidents (BRÅ 2015:86). The most common nature of hate crimes with Islamophobic motives in 2015 consisted of unlawful threat (44 percent), followed by hate speech (18 percent) and lastly damage and defamation (14 and 12 percent respectively).
59. The most common crime scene for unlawful threats/harassment was as during previous years public places followed by or in close proximity to the victim's home. Also,



telephone or instant messages was a common channel through which unlawful threats/harassment were communicated (BRÅ, 2015:88).

60. In the reported hate speech cases the most common crime scene was the Internet. As for reported incidents concerning damage (for example, broken windows or engraved words and symbols with Islamophobic messages etc), the most common places were public transportation, as well as prayer venues and mosques (BRÅ, 2015:89). Public places and the Internet followed by workplaces were common areas of crime in the reported defamation incidents (Ibid). The most common crimes for the reported Islamophobic incidents in the police reports in 2015 were public places (16 percent), the Internet (15 percent) and public transportation (11 percent) (Ibid). The perpetrator was unfamiliar to the victim in 60 percent of the reported cases.
61. The personal clearance, that is, that a person can be linked to the crime by means of injunctions, punishment or foreclosure, stood only at 4 percent. Nearly half (47 percent) of the cases were dropped after an investigation. Almost the same proportion of cases, i.e. 43 percent of the cases, were dismissed without even initiating an investigation (BRÅ, 2015:91).
62. Besides the issue of the personal clearance, hate crimes are likely to be among the most *underreported* offences. The reason for unreported cases vary and may be due to several factors. According to BRÅ's annual report, it could be a result of that the person does not define that the person suffered a hate crime. Additional reasons may be that one sees the crime as mild, but it may also be that the targeted person harbors feelings of shame for having been exposed, or that the victim believes that reporting will not lead to the preferred outcome in terms of a criminal conviction. Another listed explanation for underreporting is that the presented statistics do not necessarily reflect the amount of reported cases of hate crimes due to administrative shortcomings by the police or investigators at BRÅ (BRÅ 2015:24-25).
63. In 2014 the investigator for the government commission concerning hate crimes noted the problem of underreporting regarding hate crimes in Sweden. The investigator commented on the existence of a culture of silence or normalization process, which affects people's ability to live and work freely in society (Polisen,

utvecklingsavdelningen, 2015).

64. For now, the hate crime statistics is rigidly divided into different forms of 'racisms'. Considering that a few of the largest Muslim minority groups in Sweden also derive from Africa, the question of the intersection of Islamophobia and afrophobia has been raised within the Muslim civil society. The intersection of Islamophobia and afrophobia is currently invisible due to how the hate crime statistics is collected.
65. Another pressing issue is the lack of statistics related to the gender dimension of hate crimes. Although existing research related to experiences of racism and harassment indicate that there is a gender dimension that is important to keep in mind, the statistics on the reported Islamophobic hate crimes presented by BRÅ are unfortunately not broken down according to gender.
66. Gender specific data is however disseminated in relation to the 'anti-religious' hate crimes category, presented in the national victimization surveys. Between 2011 and 2013, 62% of those who reported experiences of anti-religious hate crimes were women and 38% were men (Westerberg, 2015). The gender distribution of anti-religious hate crimes between 2013-2015 was relatively even: 51 percent of those who reported that they had been victims of anti-religious hate crimes were women and 49 percent were men (BRÅ, 2016:8). There are strong reasons to believe that Muslim women constitute a significant portion of these numbers (Westerberg, 2015).
67. Muslim women are identified as visible targets for verbal as well as physical abuse from people in the public space who almost always are complete strangers to them. That women are targets for Islamophobia and both verbal abuse and physical violence as well as discrimination is exemplified mostly in qualitative studies (Englund, 2006; Listerborn, 2010; Sixtensson, 2009). Muslim women also relay stories about being harassed and attacked in social media which is used as a platform to share and document experiences of racism and discrimination (Strömbom, 2014). Experiences of discrimination, intimidation, harassment and physical abuse in public spaces are common when it comes to hate crimes directed against Muslim women (Listerbom, 2010; Sixtensson, 2009).

68. In the Swedish Agency for Support to Faith Communities' (SST) report (Larsson & Stjernholm, 2014), Muslim faith organisations express that Islamophobic acts and threats are very common, and particularly against women wearing the veil. The Muslim organisations testify that young women are contacting them to get theological guidance on matters concerning the veil. Many of the women's questions revolve around if there are interpretations of Islam that justify not wearing the hijab as many of them find it too difficult to be a visible Muslim woman in today's Sweden.
69. Moreover, the ENAR shadow report on racism based on interviews with 45 women, reveals stories of verbal and physical abuse (Abdullahi, 2016). The nature of the verbal and physical abuse varies from being called "terrorist" and "Muslim whore" to having one's headscarf removed by force. The most common place for abuse are public areas such as the mall, on the bus/tram and at the supermarket. The women in the report reveal that their daily strategies involve having to adapt their movements in order to ensure their own safety.
70. Finally in October 2015 Sweden was subjected to the worst Far Right terrorist attack since 1940. On 22 October Anton Lundin Pettersson went into a school in Kronogården with a mask and a sword. Detectives in charge of the case, explained that the images from the surveillance cameras showed how Anton Lundin Pettersson chased pupils of color in the corridors. Three people lost their lives, one of them being a 15 year old boy with parents from Somalia. In a letter found in Pettersson's apartment, the police revealed that Pettersson stated that he was dissatisfied with the migration policies pursued and that the sick and the elderly must stand aside for migrants.

**(vii) The right to freedom of thought, conscience and religion;**

71. The context of the war on terror continues to produce a climate wherein Swedish Muslims' right to freedom of thought, conscience and religion continues to be circumvented by the associated surveillance system of the War on Terror.
72. Even though the effects of the War on Terror and the associated rigid surveillance system has had its toll on individuals as well as on organisations in the Muslim civil

society, the security services' daily practices in relation to Swedish Muslims are a concern, as is outlined in a recent report from Civil Rights Defenders. Several informants describe what could best be understood as 'self-policing'; being very careful about what one says or does on the internet, in public contexts, in the workplace as well as in the mosque. As the experiences presented in the report illustrate, if one is a Muslim, it is enough to be in the same place as a supervised person to become a suspect (Schlarek Mulinari, 2017:25-26).

73. In the year long process of compiling this report, Muslim representatives testify to the growing fear of being identified as Muslim. Organizations are weary of using Muslim sounding names in their organizational names, as there is a worry that this will put them in a more difficult position to both seek and be allowed financial grants (seminar with financial contributors - March 2017; March 2018).
74. The Muslim faith communities of Sweden consist of a total of approximately 200 local congregations (Ahmed, 2014:7). Throughout the years, the congregations have observed that that mosque visitors and mosques have been injured, threatened and have become the targets of vandalization as well as of attacks in the form of shootings and fires (Ahmed, 2014:11).
75. Considering the gravity of the events and the experiences of threats, vandalization and violence and the government's lack of action, in 2013 six Muslim faith communities established an internal declaration of intent entailing cooperation with regards to an improved crisis preparedness among Muslim organizations and associations in Sweden. As a means to improve the security and ensure safety for the congregations' visitors, the cooperation resulted in the first report in Sweden to examine crisis preparedness and security related questions in the country's mosques (Ahmed, 2014:13). In total 110 out of the 147 mosques and congregations answered the questionnaire (Ahmed, 2014:16).
76. The questionnaire showed that nearly half of the mosques had been subjected to damage in the form of vandalism such as broken windows, damaged doors and racist graffiti. Approximately the same number stated that they were subjected to threats of violence, harm, murder and arson attacks (Ahmed, 2014:33). About 40 percent of the leaders also

reported that they had been personally threatened (Ahmed, 2014:34)

77. Other areas of concern underlined in the report is that the majority of mosques have a problem with overcrowding, and sanitation problems as well as adjustment needs for common parts of the premises. Furthermore about one-third of the mosques do not have emergency exits and the ones with emergency exits have shortcomings in the signaling of them. The concerns imply the need for better premises and/or an expansion and refurbishment of existing premises (Ahmed, 2014:23-32).
78. There are about 4,000 independent schools in Sweden. Of these, the total amount of confessional schools amount to 66 in total. The vast majority, 54, have some form of Christian profile, and eleven are Muslim and one Jewish (Skolvärlden, 2017).
79. Sweden has had its share of debates regarding confessional schools and more specifically the debates have revolved around the Muslim confessional schools. In the public debate, confessional schools are often referred to as “religious schools” in Sweden, even though the latter do not exist as such. The law allows only confessional schools, where all things that are worship-related can be offered to the students in addition to the required teaching. Furthermore, despite the Swedish School Inspectorate already having the mandate to close down schools that do not follow the curriculum, the demand for closing down the so-called ‘religious’ schools is regularly recurring in the public debate. This demand is almost only raised in relation to Muslim confessional schools which have on numerous occasions been the target for debates.
80. To understand how the debate regarding confessional schools with a Muslim profile can manifest itself, a television program screened a story about boys and girls being separated on the school bus in a certain school in Stockholm, and this serves as a good example to illustrate the depth of the Islamophobic media rhetoric and its consequences.
81. When the story first broke out through the TV4’s programme Kalla Fakta, one of the biggest television stations in Sweden, there was a massive response on different news outlets’ opinion editorial pages as well as on the debate pages. It was quickly discovered through a press conference held by the principal and vice principal of the school, that the division on the school bus was not a religiously sanctioned gender segregation, had not

been known or sanctioned by the school management. Rather, the measure was used by one of the recreational leaders to deal with the disorder by some of the boys. As a means to rectify this, the boys who were deemed to cause this disorder used the front door to enter the bus while the girls used the other door of the bus to enter. Despite the school leadership explaining the underlying causes of the division and speaking up against the media narrative of a forced gender segregation, the incorrect narrative stated in the program, which different politicians (including the prime minister and the minister of education) and debaters referred to on the opinion-ed and debate pages, continued to spread (Lärarnas tidning, 2017).

82. Some debaters were even able to compare students' requests for gender-divided physical education lessons with racial segregation in the United States under the Jim Crow system (Kalla Fakta, 2017). The comparison, and the lack of response in relation to how unfitting the comparison was, could be seen as a reflection of the overall arrogance that exists in Sweden about the effects of the brutality of the state sanctioned race segregation under Jim Crow laws in the United States, that debaters reference in order to enhance their islamophobic arguments.
83. A disturbing incident that followed the debate about the Muslim confessional school was that the racist organization Soldiers of Odin visited the school, set up stickers and filmed the school children. Despite the school as well as parents expressing their concerns regarding safety, the response of the police was remarkably relaxed and a restrained interest was expressed regarding the threat that the presence of the Far Right racist organisation posed (TT, 2017; DN 2017; P4 Stockholm 2017).
84. The previous autumn a debate regarding divided physical education for boys and girls in the above mentioned school surfaced and thus became, as it usually is with matters concerning Islam and Muslims in Sweden, a national affair. It is however unclear how common gender-divided physical education classes are in schools. Neither the School Inspectorate, the Swedish National Agency for Education nor the Swedish Association of Independent Schools have any statistics that can relay a statistical overview of the practice.

85. The magazine *Skolvärlden* has written about other schools, where gender division during the physical education lessons occur. One example given in the magazine is a public school in Bjärred, which has barely been mentioned, nor become a national example such as the Muslim confessional school.
86. It is also relevant to mention the fact that a decision from the School Inspectorate has found that nothing indicates that the education is not equivalent for the different sexes in the case. Also, as a result of the national debate on the matter, the school's principal summoned a press conference. The message he gave at the press conference was clear: the school had done nothing wrong in the matter and the decision for the gender divided physical education classes were based on student influence and the student's request (Thorén, 2017).
87. A year later following this debate, there have been proposals from highly ranked social democratic politicians such as Olle Burell (S) who suggested that the municipalities should have the right to deny confessional schools from renting the municipality's premises (Burell, 2018). Two months after Burell's proposal, the Minister of Civil Affairs, Ardalan Shekarabi (S), announced that a ban of confessional schools (also referred to as 'religious schools in Swedish), would be one of the Social democrats' election promises (Shekarabi, 2018). The politicians are yet to explain how this ban and the proposals mentioned would be possible without breaching EU law and the European Convention granting parent's the right to choose educational options based on religious beliefs for their children.

**(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**

88. The Swedish labour market has since at least a decade in a row been characterized by espousing the biggest and widest difference in Europe, in the Western world and in the industrialised world in terms of having an employment or not between native-born and foreign-born inhabitants.
89. This difference applies to both those with a lower education and those with a higher education and it principally and increasingly concerns those living in Sweden who have a

background from Africa and Asia including the Middle East and North Africa, the so-called MENA region, and who to a very high degree most probably at least have a cultural Muslim background (SCB 2017).

90. A similar but less pronounced pattern also applies to those born in Sweden who have one or two parents born in Africa and Asia as certain segments of the so-called second generation also have problems to establish themselves on the labour market and especially if they have a lower educational background (Gustafsson & Österberg 2017).
91. To a certain extent and degree, this gap can be explained by differences in educational levels as more majority Swedish young adults have a college education compared to the educational level among the inhabitants who are born in or who derive from Africa and Asia. However, at the same time the gap is also discernible when those with a similar university education level are compared to each other. In other words, it is partly about different educational levels and class backgrounds but this disparity also involves factors such as race, ethnicity, religion and language, which can sometimes go beyond the class factor, and there are also major gender differences in having a job or not, especially among those born in Africa and Asia, where men are more often employed than women while the tendency among those born in Sweden with parents from Africa and as Asia is on the other hand the opposite.
92. To make matters worse, Sweden is not just the OECD country with the largest gap in the unemployment rate between foreign-born and native-born, but also perhaps the worst OECD country in terms of the educational over-qualification rate among migrants and their descendants. Again this principally concerns those with an origin in Africa and Asia including the MENA region who tend to be employed in professions and in positions which they are overqualified for to a much greater extent than both majority Swedes and immigrants and their children and descendants from Nordic, European and Western countries. There is also a large income gap between employees with a background from Africa and Asia compared to the majority population and which is also bigger than the pay gap between men and women (Katz & Österberg 2013).



93. Born abroad between 25-49 year who immigrated to Sweden before the age of 16 and who have a Swedish university education in 2005 (Katz & Österberg 2013):

<b>Birth country/region (women)</b>	<b>Wage gap</b>	<b>Overqualified</b>
MENA region	-9,5%	40%
Second generation	-8,5%	35%
<b>Birth country/region (men)</b>		
MENA region	-15,5%	47%
Second generation	-14,5%	45%

76. The Swedish economy and labour market is perhaps the strongest in Europe and perhaps in the whole Western world and in practice full employment is today the situation among the country's native-born majority population including young adults.

77. On top of that a substantial proportion of majority Swedes over 65 years old are also continuing to work while at the same time there is an ever growing shortage of labour and thus a growing number of vacancies which cannot be filled (Arbetsförmedlingen 2017).

78. Furthermore, the unemployment rate continues to decrease among the majority population while it on the other hand increases among the minority inhabitants despite the prevailing economic boom and shortage of labour, and again this mainly and principally concerns the country's inhabitants with a background from Africa and Asia and the MENA region who account for half of all the unemployed jobseekers in the country.

79. As of June 2017 not more than 2-2,5% of the native-born majority Swedes are unemployed compared with around 25% of all foreign-born inhabitants and around 33% of the country's inhabitants born in Africa and Asia and moreover high percentages of

the inhabitants with a background from Africa and Asia stand more or less outside the labour market and are not even active job seekers and are therefore not included within the official labour market statistics.

80. As employment in Sweden in practice can mean working only a couple of hours per week on a part-time basis to be counted as employed in the official labour market statistics and as having a full-time, tenured, stable and continuous job is what really counts on the Swedish labour market, the Swedish Labour Policy Council has published a report which looks in detail at the inhabitants with a background from Africa and Asia including the MENA region and making use of this measurement (Arbetsmarknadsekonomiska rådet 2017).

81. According to this report in 2015 the total labour participation rate among native-born inhabitants stood at 84% excluding those who are on sick leave and who receive a parental benefit and this percentage might actually be the highest in the world while among those born in Africa it stood at 53% and at 59% among those born in Asia. However, when only counting those who are fully employed and working full-time this concerned as many as 61% of all native-born inhabitants but only 26% and 34% respectively when it came to those born in Africa and Asia, and which in itself is the biggest gap between those groups in Europe and perhaps also in the West as a whole.

82. As the number of years spent in Sweden also matters and is thus an important variable, the report has also divided the inhabitants born in Africa and Asia according to this aspect as well as according to sex but not even those who have lived and worked in Sweden during more than 10 years and in many cases during decades are reaching the same high employment levels as the native-born majority Swedes.

83. In employment 2015 both sexes 20-64 years and regardless of time spent in Sweden:

Born in Sweden: men 84%, women 83%
Born in Africa: men 53%, women 45%
Born in Asia: men 59%, women 54%

84. Fully employed and tenured 2015 both sexes 20-64 years and regardless of time spent in Sweden:

Born in Sweden: men 61%, women 51%
Born in Africa: men 26%, women 17%
Born in Asia: men 34%, women 27%

85. Employment rate 2015 women 20-64 years

Born in Sweden	83%
Born in Africa who have lived in Sweden during less than 5 years	18%
Born in Africa who have lived in Sweden during more than 10 years	70%
Born in Asia who have lived in Sweden during less than 5 years	31%
Born in Asia who have lived in Sweden during more than 10 years	68%

86. Employment 2015 men 20-64 years

Born in Sweden	85%
Born in Africa who have lived in Sweden during less than 5 years	42%
Born in Africa who have lived in Sweden during more than 10 years	74%
Born in Asia who have lived in Sweden during less than 5 years	49%
Born in Asia who have lived in Sweden during more than 10 years	70%

87. Fully employed and tenured 2015 women 20-64 years

Born in Sweden	51%
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Born in Africa who have lived in Sweden during less than 5 years	3%
Born in Africa who have lived in Sweden during more than 10 years	34%
Born in Asia who have lived in Sweden during less than 5 years	6%
Born in Asia who have lived in Sweden during more than 10 years	35%

88. Fully employed and tenured 2015 men 20-64 years

Born in Sweden	69%
Born in Africa who have lived in Sweden during less than 5 years	13%
Born in Africa who have lived in Sweden during more than 10 years	48%
Born in Asia who have lived in Sweden during less than 5 years	21%
Born in Asia who have lived in Sweden during more than 10 years	48%

89. In short, the above labor market statistics suggest that there are huge gaps between the majority population and the minority inhabitants. When trying to make sense of these differences it is not unusual in the Swedish context to come across a range of factors that could possibly explain the pattern of alarming differences and growing gaps on the labor market between the majority and the minority population. With that being said, as a variety of labor market studies suggest, it seems unlikely that the differences could be so huge without the existence of extensive racial discrimination.

90. Studies show, for example, that it is roughly twice as difficult for a person with an Arabic or African sounding name to receive a positive response from an employer to a job application compared to a person with a so-called Swedish sounding name (Carlsson och Rooth 2007). The likelihood of being contacted to participate in a job interview for a person named Ali, Hassan or Mohammed is in other words much lower than for a person named Erik (Agerström et al. 2012). The results clearly show that employers have stronger negative implicit attitudes towards Arabs and Muslims compared to people born in Sweden with Swedish sounding names as well as implicit perceptions that Muslims

with an Arabic background would be less productive than those having Swedish sounding names. Furthermore, it appears that men with Arabic sounding names, despite two years of extra work experience, do not have a higher probability of being called to an interview (Carlsson och Rooth 2007).

91. The problem highlighted in these studies are further confirmed in reports dealing with strategies that people who experience discrimination deploy. One conclusion in these reports is that name change is a strategy for people to avoid being seen as Muslims and instead to be perceived as being more "Swedish" to increase their chances to get employed (Khosravi 2012 s. 75-77).
  
92. In a questionnaire sent to the leading bank Skandinaviska Enskilda Banken (SEB) and to a panel consisting of 1,300 small and medium-sized enterprises, the respondents were asked about which qualities they choose and prefer as well as which qualities they opt out of a prospective employee. One of the questions that the respondents were asked was "How do you relate to employees wearing clothes with visual religious attributes (such as a headscarf, turban)?" The majority, 40% of the respondents, thought that it was unthinkable that an employee would wear clothes with visual religious attributes, 32% responded that they prefer not to enable employees to wear clothes with visual religious attributes, while 28% chose not to give a comment to the question (Diskrimineringsombudsmannen, 2017).
  
93. The opposition against visual religious attributes has also been a recurrent subject in different news articles (Risenfors, 2016; Åslund & Larsson, 2016). Muslim women wearing the headscarf and the potential opposition they might face at a workplace was brought under scrutiny in a news story by Sweden's largest newspaper Aftonbladet. The reporter responsible for the news story called assistance officers for elder people at 20 randomly selected municipalities asking whether there was a possibility of not being cared for by staff members wearing the headscarf. Aftonbladet revealed that in 16 out of 20 municipalities, caretakers/clients could be 'spared' employees who wear the headscarf. One of the municipalities, Gnesta, responded that the social services try to cater to the needs of the clients to the greatest extent possible (Mohlin, 2015).

94. Concerning research related to labour market discrimination, the Equality Ombudsman's report "Chain of Events - An analysis of reports of discrimination against Muslims and supposed Muslims" stands out as it consists of an analysis of experiences of discrimination among Swedish Muslims (Bursell, 2016). Of the 217 reported incidents, 64 concern discrimination in the working life area (Bursell, 2016:47). In the complaints analyzed the experiences of discrimination are often related to the process of recruitment (Bursell, 2016:48-50) and to being discouraged/worked against in connection with the provision of permanent employment vacancies (Bursell, 2016:50-53) and to incidents related to the termination of employment (Bursell, 2016:54-57). In the report, several incidents that are related to the notifiers' workplaces, experiences of harassment like threats, bullying and other offensive treatment that can be linked to the fact that the notifiers are Muslims or are believed to be Muslims emerge and are evident (Bursell, 2016:57-59).
95. An indication of discrimination in Sweden is that the significantly poorer performance in the labor market applies not only to the foreign-born population but also to their Swedish-born children, the so-called second generation. A study of data from 1998 showed that one person born in Sweden whose two parents were born outside of Europe had almost three times the probability of being unemployed and earning an average 25 percent lower salary compared with a comparable person with two Swedish-born parents (Ekberg and Rooth, 2003). Another and more recent study has indicated not just that applicants with a "foreign sounding" name has lesser chances of being hired than applicants with "Swedish sounding" names but also that when it comes to job applicants bearing "Arabic sounding" names recruiters focus more on the applicants' norms and values and social competence and if they "fit" with the majority population's norms and values rather than on the professional competence of the applicants with Arabic names (Wolgast, 2017).
96. Finally, in the European Union Agency for Fundamental Rights' (2017) report on European Muslims 36% of the Swedish Muslims with a sub-Saharan African background who participated in the study said that they had experienced discrimination within the last year and 45% within the last five years while 19% and 25% respectively said the same among the Swedish Muslims with a Turkish background. 17% of the 543 Swedish Muslims who took part in the study said that they had been discriminated due to skin

color and which was the highest percentage in the EU after Greece (25%) and Italy (21%).

97. Among specific cases that have surfaced the past years related to the ground of religious discrimination include job-seekers being denied employment with reference to for instance, neutrality policy, headscarves, handshaking stances or specific hygiene routines within the health/medical sector.

98. A woman sent in an inquiry that she was looking for work at a hotel. At a meeting with the recruiting manager, it was made clear to the woman that she would not be able to get work as a cleaner if she wore the headscarf. The reason given was that the hotel's dress code did not permit 'headgear' for employees who would come in contact with the hotel's guests. The Equality Ombudsman chose to sue the hotel for indirect discrimination associated with the job applicant's ethnic affiliation to the Labour Court. The Equality Ombudsman requested that the hotel pay SEK 50 000 in compensation for discrimination to the woman. Because the hotel admitted that they discriminated against the woman the parties reached a settlement, in which the hotel paid 50 000 in compensation for discrimination to the woman (DO, ANM 2013/235).

99. The Equality Ombudsman has sued an interpreter who interrupted an ongoing job interview when it became known that the job seeking woman did not greet by hand. The company referenced a neutrality policy, but according to the Equality Ombudsman, the woman has been discriminated against (DO, ANM 2017/638).

**(iv) The right to public health, medical care, social security and social services;**

100. Although Swedish society has also gone through a whole series of deregulation and privatisation reforms of social welfare services like the rest of the Western world, Sweden is still considered to be one of the world's most equal societies. Its health, child care, elderly care and social welfare system is still seen as one of the most developed and advanced in the world.

101. In spite of this fact on the other hand the OECD has recently and repeatedly pointed out that Sweden is the country in the industrialised world wherein the gap between the

rich and the poor has grown the fastest during the last decade and this growing inequality is mainly driven by an ever increasing disparity between the majority Swedish population and the minority population which mainly derives from Africa and Asia including the MENA region and who are most likely to a very large extent cultural Muslims (see for example OECD 2011).

102. In 1991 for example foreign-born inhabitants exhibited an economic standard which was equal to 90% of the economic standard of the native-born majority population but in 2015 this proportion had decreased to 77% and if only counting those with a background from Africa and Asia including the MENA region the percentage is probably close to 55-60% (SCB 2017b). Even among those who have lived in Sweden for more than 10 years the poverty rate is high: In 2015 45% and 37% of all inhabitants born in Africa and Asia had a low economic standard and among those who had lived in Sweden for more than 10 years the number stood at around 30% (SCB 2017c).
103. There are however no official statistics at all on social welfare indicators in relation to Swedish Muslims and reports and statistical reviews are seldom dividing between geographical origin nor even specifying for example those who are born in or have an origin from the non-European world as social welfare indicators are potentially seen as being heavily stigmatizing if they are differentiated according to for example continent of origin. One of very few examples is a government report which reveals that only around 3% of all majority Swedes receive and are dependent on social allowance while almost 25% of all inhabitants born outside of Europe are doing that and which in practice most probably means that the percentage is even higher among those who are for example born in the MENA region (Eriksson 2011).
104. When it comes to health status it is not only difficult to find studies differentiating between continents and regions as health status is intimately linked to class and most health status research in Sweden is focused on socio-economic factors and disparities. With that said, when both class and ethnicity are taken into account it seems that ethnic minority status is actually the strongest risk factor followed by gender and class when it comes to developing both a lower psychological and physical health status (Warmala, Ahnquist & Månsdotter 2009).



105. Furthermore, continuing with health status, foreign-born women are at a higher risk of dying of childbirth compared to native-born women although few women die of childbirth complications in general in today's Sweden while on the other hand foreign-born inhabitants seem to live as long as native-born inhabitants although this is not the case for those who live in marginalised urban areas and probably not the case for those who are born in for example Africa and Asia but again it is difficult to say how much that can be explained by class or by ethnicity (SCB 2016).
106. What is more clear and more disturbing is that the mortality rate among the so-called second generation is staggering compared to equivalent age cohorts among majority Swedes: Among those who are born in Sweden and whose parents are born abroad and who are between 20-64 years old the mortality rate is 20% higher among second generation women while it is as high as 35% higher among second generation men and it is probable that this overrepresentation is even more pronounced among those who have an origin from Africa and Asia and from the MENA region and who are most probably of a Muslim background (SCB 2010, 2016).
107. The majority of inhabitants in Sweden who are either born in Africa and Asia, including the MENA region, or who are born in Sweden with parents from Africa and Asia and the MENA region, are still young. For example 90% of those who immigrate from these regions are below 45 years old, which means it is hardly possible to find data on elderly care and on the health status among older minority inhabitants who are probably Muslims. On the other hand, there are some data on minority children as well as on minority parents and minority child households in relation to child care, child protection and to child poverty and overcrowded households, and which altogether present a gloomy picture.
108. Although Swedish healthcare generally holds high quality, the Equality Ombudsman outlines that this public service is not equal and is a sphere where the problem of discrimination occurs (Diskrimineringsombudsmannen, 2012). The healthcare and medical sector is, besides the Social services, the institution which Swedish Muslims or presumed Muslims report most to the Equality Ombudsman. The reports on discrimination in the health care and medical sector, including dental care, come mainly from individuals who relay experiences of having been denied care, discouraged and/or

not been taken seriously, or have felt hostility from healthcare providers (Bursell, 2016:65). Considering the dependency and trust relationship that patients have towards healthcare providers, the reports outlined in the Equality Ombudsman's report is extraordinarily serious.

109. Hässleholms district court considered that it was discrimination when a doctor in Skåne refused to carry out a medical examination after the female patient would not shake his hand. The district court ordered the physician's company Polop AB to pay 75,000 SEK in discrimination compensation to the woman. The care company appealed against the verdict from Hässleholm District Court to the Court of Appeal. On 2 June 2015, the Court of First Instance gave Skåne and Blekinge a preliminary ruling. The Court of Appeal over Skåne and Blekinge cleared the doctor from discrimination. The Court of Appeal said that the Ombudsman could not show that the doctors refusal to carry out the medical examination was associated with the woman's decision to not shake the doctors hand. Thus, the court decided that the Ombudsman has no ability to demonstrate discrimination related to religion or other beliefs. The Ombudsman appealed to the Court of Appeal's judgment because it considers that the court of appeal has used the so-called evidence rule in an incorrect way and that clarification is needed on how the rule should be used. The Ombudsman also requested that the court hear a preliminary ruling from the European Court of Justice regarding the interpretation of the testimony. In addition, the Ombudsman considered that the Supreme Court should address the need for clarification regarding the relationship between the protection of freedom of religion under the European Convention and the protection of discrimination against discrimination on the grounds of religion. The Supreme Court denied the Ombudsman the permit for a preliminary hearing on the matter and thus the verdict gained legal force (DO, ANM 2013/1805).

**(v) The right to education and training;**

110. As with all other sectors in Swedish society there are no official statistics and no specific data on how Swedish Muslim children, youth and young adults perform and fare in school and within the field of education when it comes to their scores, performances and highest educational levels and it is very rare that pupils and students are divided according to anything else than having a Swedish or a foreign background

and recently there is also a heavy focus on newly arrived newcomers and particularly unaccompanied refugee children (see for example Skolverket 2017). All this means that seldom and rarely are all pupils and students who have a background from for example Africa and Asia and the MENA region included in statistical overviews and if any differentiations are made at all on a geographical basis it is normally and mainly about those who are foreign-born even if the majority of all children and youth in today's Sweden who have a foreign background are born in the country and belong to the so-called second generation and is thus more numerous than those who have immigrated themselves.

111. Education is compulsory for all children resident in Sweden and aged 7–16 and the compulsory elementary or comprehensive schools (*grundskola*) that are providing this education is run by the municipalities and is overseen by the Swedish National Agency for Education. After the age of 16 everyone who has completed compulsory school with complete grades is entitled to a three-year upper-secondary school education (*gymnasium*). Although the upper-secondary school education is not compulsory, it is in reality needed in order to get a stable and proper employment as a young adult, and therefore almost all parents want their children to continue to and to enter upper-secondary school and those who do not are principally those who have failed the last year of the secondary school (*högstadium*). Students who have completed the upper-secondary school system according to the grade requirements are thereafter allowed to enter and attend universities and university colleges (*högskola*) or pursue a higher vocational education targeted for specific sections of the labour market and together this kind of higher education is called post-high school education (*postgymnasial utbildning*). However not everyone who is eligible for university studies goes to a university and not everyone who studies at a university comes out with full examination results but at the same time more and more workplaces nowadays also require a post-high school education. The total labour participation rate among those who only go through compulsory school, as well as those who only go through upper-secondary school, has also decreased substantially since the 1980s and from 80% to no more than 35% and from 80–90% to around 55% respectively or even lower than that as these percentages continue to decrease (le Grand, Szulkin & Tåhlin 2005).

112. From pre-school to upper-secondary school, there are both municipal (kommunal skola) and independent private schools (friskola) to choose among for the parents and which are in both cases funded by taxes. Since the deregulation of the Swedish school system in 1992, parents can choose which school they want their children to enter and attend and as funding is based on the number of pupils a school has the schools therefore compete for pupils on a school market. Before 1992 and the introduction of free choice for parents (fria skolvalet) practically all children in Sweden were placed automatically in schools that were geographically located in their vicinity and regardless of both social and ethnic background. After 1992 however an extreme level of segregation, selection and segmentation of pupils, students and schools has developed in Sweden and which some claim might well be among the most extreme level in the Western world and today the more or less unexceptional rule is that the best performing and the most popular schools are more or less totally dominated by majority Swedish pupils while the least performing and the less popular schools are more or less totally dominated by minority pupils with especially a background from Africa and Asia and most probably by children and youth with a Muslim background (Bunar & Kallstenius 2007).

113. So as the Swedish compulsory school covering 9 years is nowadays hardly enough to have gone through as the highest educational level and even if having complete grades after the last year of the secondary school and as most jobs more or less require a completed exam from high school and on top of that an increasing number of workplaces also put a stronger emphasis on having at least some post-high school education and preferably a degree from a university college one way of measuring educational outcomes and differences with a focus on pupils and students with a presumably Muslim background is to look at how a certain age cohort has fared and performed according to origin. Today over 90% of all secondary school pupils with a Swedish background and of all high school students with a Swedish background manage to go through and pass these two school system levels according to the requirements and furthermore well over more than half of all young adults with a Swedish background have a completed university college and post-high school education examination while when it comes to children and youth who are foreign-born only about 60% manage to go through the compulsory and the secondary school

although these percentages fluctuate year by year (see for example SCB 2011).

114. Concerning having or having not completed a high school education there are also substantial differences depending on geographical origin and on how long the children have lived in Sweden and by taking account of both birth region and the number of years spent in Sweden when it comes to the inhabitants in Sweden who were born in 1985 these are the proportions who had not fulfilled and completed a high school education before the age of 21 and out of whom most probably the majority has a Muslim background (SCB 2016).

115. Girls and boys with a Swedish background born in 1985 who had not completed a high school education before the age of 21:

Girls	3-4%
Boys	5-6%

116. Girls and boys born in 1985 in the MENA region who had lived in Sweden for more than 6 years and who had not completed a high school education before the age of 21:

Girls	17%
Boys	26%

117. Girls and boys born in 1985 in the MENA region who had lived in Sweden for less than 5 years and who had not completed a high school education before the age of 21:

Girls	32%
Boys	46%

118. Girls and boys born in 1985 in sub-Saharan Africa who had lived in Sweden for more than 6 years and who had not completed a high school education before the age of 21:

Girls	23%
Boys	35%

119. Girls and boys born in 1985 in sub-Saharan Africa who had lived in Sweden for less than 5 years and who had not completed a high school education before the age of 21:

Girls	33%
Boys	42%

120. These huge disparities and differences in having passed through and completed both the elementary or comprehensive school system and the high school system between majority and minority Swedish children and youth eventually result in an underrepresentation of young adults with a background from Asia and Africa in particular who enter and complete a post-high school education and a university college exam and which in its turn result in huge proportions of young adults with a presumably Muslim background who have huge difficulties to enter the labour market and to get a job and particularly a tenured full-time job.

121. The educational sphere also emerges as an area of concern in the Equality Ombudsman's report on submitted complaints received by the authority. Some of the issues raised in the analyzed material from children and adolescents to the Equality Ombudsman include depreciation, harassment, bullying, suspicion and lack of respect for one's religious beliefs (from the side of both teachers and schoolmates). Many notifiers report that there is a lack of sufficient action taken to combat and remedy their described experiences of discrimination (Bursell, 2016:41).

122. When it comes to notifiers who are in college/university or adult education the experiences of discrimination that are raised in the analyzed material are related to unfair assessment of the notifiers' performances (Bursell, 2016:37-38), to teachers that are derogatory and to experiences of inadequate consideration of religious practices

(Bursell, 2016:34-35).

123. Adult notifiers have also reported a higher degree of experiencing unfair assessment of results, performances and admission papers in the education system (Bursell, 2016:37-38) and many notifiers have also expressed strong feelings of being unwanted students (Bursell, 2016:42).
124. The complaints concerning children, youth and adolescents are more often related to them or their parents being treated with suspicion by school staff (Bursell, 2016). Another pattern in their reports is that the teachers' participation in harassment and other forms of discrimination increases with the age of the notifier. Unlike previous research related to young people's experiences of discrimination in the educational system, what sticks out in the analyzed material is that so many adults are reported to have harassed children and adolescents (Bursell, 2016:42).
125. Muslim children and Muslim adolescents' experiences of having to deal with Islamophobic stereotypes in the school environment have been noted in previous studies as well as by several anti-discrimination bodies (Otterbeck och Bevelander, 2006; Ring och Morgentau, 2004). One of the latest examples which has been noted through media channels entails for instance a story of a group of students who created a Facebook group called "Hundreds of ways to kill Muslims" at the Minerva school in Umeå just a year ago. Muslim pupils are reported to have felt unsafe leading them to report this to the school's principal. The pupils explained that they felt that they were not taken seriously as the principal's response compared the situation to his own experiences of being stopped once in the security check at the airport. The students reported this among other incidents to the Equality Ombudsman as well as to the School Inspection Board (Lindfors, 2017).
126. In 2013, The Equality Ombudsman made an assessment to investigate a student's report about harassment at a school. According to the student's report, the teacher had taken pleasure in a mocking her in front of her schoolmates and questioned her choice to wear headscarf. The teacher also asked questions that insinuated that the young woman would soon be married off by her parents. The Equality Ombudsman, after its investigation, concluded that it was a case of harassment that was related to religion,

ethnicity and gender. The City Mission's school admitted the harassment and thus the parties chose to conclude a settlement (DO 2014, ANM 2014/583).

127. During 2013 and in early 2014 a woman studying to become a dentist had a number of meetings with representatives of the Karolinska Institute (KI), including the infection control officer, clinic manager, clinic coordinator and director of studies. She expressed that she, for religious reasons, could not wear short-sleeved work clothes and that she instead was prepared to carry disposable cover for the arms in clinical practice. Karolinska Institutet (KI) decided not to make any departure from their requirement, that the dental students in the dentistry program at Karolinska Institutet have to wear short-sleeved suit when working near the patient in the dental work. The woman made a complaint to the Equality Ombudsman. The Ombudsman investigated the incident and believed that it should be possible to adapt the clothing rules. The Equality Ombudsman stressed that KI's stance meant that students with certain religious beliefs will be affected in an overly restrictive manner and that KI thereby is guilty of indirect discrimination. The Equality Ombudsman sued KI and asked for compensation of 60,000kr for discrimination to the woman. The Stockholm District Court found that KI had subjected the woman to indirect discrimination related to religion. According to the District Court, KI had not been able to prove that the risk of spreading contagious bacteria etc., would increase in the use of disposable long-armed sleeves compared with the disposable gloves the students routinely use (DO 2016, ANM 2014/1987).
128. Even though the above case is welcomed, considering that the issue of disposable long-sleeved covers in the dental practice has been debated, and before this court-ruling, has meant that individual educational establishments can make their own interpretation, an interpretation that often leads to the disadvantage of Muslim women, the issue remains with regards to the labor market, as it has been illustrated.

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

129. In December 2014 the government decided to appoint a special investigator to review the need for legislative changes in criminal law to further 'prevent and combat terrorism'. The purpose of the special investigations, as is outlined in the government's public inquiry, is to 'comply with the UN Security Council Resolution 2178, from 2014



(SOU 2015:63). The fact that the meaning of the resolution and the obligation to actually comply with its suggestions and FATF's recommendations to the letter is a contested issue, is, if even mentioned, downplayed in the state's public inquiry. According to the Faculty of Law at Uppsala University, one of the referral bodies, the investigation has exaggerated the meaning of the resolution and the FATF's recommendations (Juridiska Fakultetsnämnden, 2015, p. 1). The Faculty of Law at Uppsala also emphasizes that the Security Council's competence to adopt legislative resolutions that are binding for member states is controversial and does not belong to the Security Council's actual tasks (ibid).

130. As pointed out in the former report, under the pretense of preventing the financing of terrorism and serious crimes, Swedish Muslims have faced difficulties to transfer money to other countries. Despite Swedish Muslims' experiences of this problem, the state took the initiative to strengthen legislation in this area, without any consideration of how such legislation would further restrict Swedish Muslims right of access to a service, such as financial transactions, intended for use by the general public. The government's proposal for special criminal liability for travel for terrorist purposes was debated in parliament February 10, 2016. The proposal faced hard criticism from referral bodies such as the Bar Association, the Red Cross and Civil Rights Defenders, Faculty of Law in Uppsala, the Swedish Department of International Law Commission (Advokatsamfundet, 2015; Röda Korset, 2015; Civil Rights Defenders 2015; Juridiska fakultetsnämnden 2015, Svenska avdelningen av Internationella Juristkommissionen), just to mention a few.

131. A common denominator in the criticism voiced by the referral bodies is that the suggested amendments are built on the existing anti terrorism act, which the referral bodies mean is problematic as it is, considering that it does not comply with the requirements of clarity and predictability of the principle of legality. Furthermore, the referral bodies underscored that the issue of boundaries and ambiguity, more specifically related to definitions regarding the concept of terrorism as well as the scope of the criminal offense, would have a number of consequences for the fundamental freedoms and human rights. The general conclusion from the mentioned referral bodies was that the investigation's suggestion to criminalize what could easily be considered 'everyday acts', such as gifts between relatives or contributions to humanitarian

projects, without clearly defining which recipients are considered illegitimate, and this regardless of whether the transactions can, directly or indirectly, be associated with a terrorist act, has no support in the Swedish legislation traditions and is difficult to reconcile with the fundamental principle of legality (ibid).

132. Civil Rights Defenders stressed that groups such as Swedish Muslims in general and young Swedish Muslim men in particular, both on an individual as well as organizational level would risk becoming targets, especially considering the lack of an anti-discriminatory perspective in the investigation (Civil Rights Defenders, 2015, p. 3).
133. Muslim organizations arranged a press conference to address the government's proposal and pointed out that although the legal uncertainty of this proposal will most likely affect Muslim population in Sweden disproportionately, only one Muslim organization was asked as a referral body. Moreover, the organizations withheld a firm stance that this proposal meant that the government would enable the criminalization of Swedish Muslims by making normal religious practices, such as providing financial support to relatives and other Muslims in need, as a potential terrorist offence (Muslimska Mänskliga Rättighetskommittén, 2016).

## Article 6: The right to effective legal remedies

134. The former government's slogan when it launched the new Discrimination Act (2008:567) which came into effect from 2009 was that "it should cost to discriminate", a stance which has remained with the amendments in January 2013 and 2015. Despite the law having no upper limit to what discrimination may cost and stating that the price tag for discrimination may be higher than the low claims for ordinary crimes that Sweden is known for, the price tag for discrimination in and outside working life is at about the same level as before.
135. Another problematic aspect is the limited scope and gaps in the protection due to the fact that the existing laws and regulations against discrimination do not protect against all status-based discrimination and do not cover discrimination in all areas of public life.
136. The Equality Ombudsman has no power to invoke international standards, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms which is part of Swedish law, nor does the Equality Ombudsman have jurisdiction in the field of discrimination in certain government agencies, such as concerning the police, the prosecution system, and the prosecutors and the courts when exercising public power, as this kind of discrimination is not governed by the Discrimination Act. Also, the need for legal aid can effectively limit access to remedies for the victim of discrimination.
137. In the previous shadow report the lack of other actors beside the Equality Ombudsman, who are capable of bringing litigation, was raised. Since the focus of the Equality Ombudsman, primarily, is to deal with cases of principal importance that might affect case law and legal norms, the need for setting up a fund, where financial assistance for individuals and associations to bring litigation in discrimination cases, still stands. Also, the call for more resources for the anti discrimination offices is still relevant and necessary, in order to increase the possibilities to bring litigation in discrimination cases and thus strengthen the legal aid system, especially, for those who lack the ability to do this on their own.

## Article 7: Political leadership

138. The Human Rights Rights Project, owned by Ibn Rushd Studieförbundet and the Network Swedish Muslims in Cooperation, compiled a questionnaire sent to all parliamentary parties, including Feminist Initiative (with the exception of the Sweden Democrats) ahead of the national election 2014. The purpose of the survey was to know how the political parties relate to Islamophobia and discrimination affecting Swedish Muslims. The parties received five questions, all based on the alternative UN report presented to the Committee for the elimination of racial discrimination. A summary of the results shows that Feminist Initiative, was the one progressive party. Feminist Initiative took a positive stance for the introduction of equality data, announced it actively support the work of increasing representation of people with different backgrounds in different positions in public service so that public service can carry out its mission, conveyed the need to investigate how social services current policies and practices affect different groups based on gender, ethnicity, religion, sexual orientation and other grounds for discrimination so that problems and risk areas can be identified and measures taken against structural discrimination in social services, proposed that security measures for the mosques are needed, and lastly, saw the establishment of a truth commission related to the war on terrorism and its effects as a necessity (Ibn Rushd, 2014).
139. In the beginning of 2015, after a series of continuous vandalizations, death threats and arson attacks against mosques around the country, civil society organizations arranged manifestations against the upturn of Islamophobic violence. In the manifestation held in Stockholm, the Minister of Democracy Alice Bah Kuhnke, made a promise of a national strategy against Islamophobia (Mokhtari, 2015). The national strategy against Islamophobia is still awaited.
140. In 2015, 51 organizations, some of them a part of the Network Swedish Muslims in Cooperation, demanded that the government and all political parties develop comprehensive action plan to combat racism (AB Debatt, 2015a).

141. As a response the responsible Minister, Alice Bah Kuhnke, concluded that “racism is one of the major problems of our time”, while outlining the government’s efforts to allocate resources to Equality Ombudsman among other governmental authorities. The minister also reported that a national action plan against racism was underway and would be presented in 2016 (AB Debatt, 2015b).
142. The signatories called for more resources to governmental institutions and civil society organizations as well as active measures in the workplace to combat racism, stressing that the allocation of resources of 20 million SEK over a period of 4 years, was simply not enough. Hence, the signatories necessitated that anti-racism is made into an equally important question as gender equality in the public sector and the workplace is far from enough. The coalition stressed that an ambitious action plan against racism, if it was to meet the United Nations guidelines for how such action plans should be developed, would mean that it would take form in close cooperation with civil society and experts, rather than being solely written by government representatives. The dialogues with civil society that the Minister referred to in her response was not deemed enough in this regard, according to the coalition (AB Debatt, 2015c).
143. Once the national action plan against racism was finally presented in 2016, the government’s stance also became apparent. The efforts to combat hate crime was apparent while the efforts to combat racism and discrimination lacked any radical reforms needed, considering that Bah Kuhnke, had declared that racism was the major societal problem of our time, when first announcing the coming of the national action plan against racism.
144. All the while, the discourse of safeguarding ‘democratic ideas’ has throughout the past year also gained momentum in the political sphere and among government authorities.
145. This year was marked by the release of the report ‘The Muslim Brotherhood in Sweden’, released by the Swedish Civil Contingencies Agency (MSB). In the report, the authors claim that Muslim organizations, including the Muslim Education Association Ibn Rushd, the largest youth association for Swedish Muslims Sweden’s Young Muslims (SUM) and the aid organization Islamic Relief are agents of the Egypt-based organization the Muslim Brotherhood. Subsequently, the report has been strongly

criticized by researchers, many of them prominent within the research field on Islam and Muslims. The criticism voiced underlines that the report has serious errors such as a lack of a transparent methodology, a lack of source references, references to right-wing and Islamophobic think-tanks and the writers' own opinion articles as factual evidence, among other things. During the debate that followed the release of the report, MSB highlighted that the authors are responsible for the report's contents as well as conclusions. However, despite the criticism putting the credibility of the report into question, the report is still available in the MSB Knowledge Database.

146. Also during the course of this year, the Swedish Ministry of Youth and Civil Society Affairs (MUCF) decided to refuse Sweden's Young Muslims' (SUM) application for organizational economic support for 2017. In the initial decision document, the authority accused individuals in the organization for “not respecting democratic ideas” without any reference to examples of what this meant more specifically. The authority has not been able to say which individuals it refers to and on what grounds they allegedly ‘do not respect democratic ideas’.
147. Shortly after the news about MUCF’s decision to refuse organizational aid to Sweden's Young Muslims (SUM), the academic association the Antiracist Academy (ARA) issued a press release voicing their deep concern that MUCF's decision was based on arbitrary evidence with a political agenda to discredit Muslims in general and SUM in particular, and masking it with concepts such as “democratic values” and “gender equality”. The Antiracist Academy also expressed concern that MUCF uses the aforementioned concepts to restrict, exclude and press vulnerable groups, such as Muslims, who already live under threat of political violence, discrimination, and segregation both economically, politically and symbolically.
148. The National Forum for Voluntary Organizations (Forum för frivilligt socialt arbete) called the decision by the authority to refuse SUM organizational economic aid “a violation of the Administrative Act”, and communicated that they believed that this was serious, both for the affected organization but also for Muslim organizations in general and in the long run for all civil society organizations. As regards to the report released by MSB, wherein SUM is mentioned, the National Forum for Voluntary Organizations

described it as “tendentious”.

149. In 2017, the administrative law court decided, following an appeal from SUM, that the authority’s decision to deny SUM financial grant was baseless and incorrect. In summary, there is no reason to question that SUM "in its activities respects the ideas of democracy", according to court, raising questions not only about the ease in which the authority could make such serious allegations, but also how citizens, can be ensured that MUCF is not exposed to political and ideological governance as a result of the current islamophobic political debate. Another important question that the authority’s actions raises is how it can ensure that the consequences of this sort of baseless decisions do not lead to vulnerable racial and religious minorities being deterred from organizing themselves with regards to equality issues (Förvaltningsrätten, dom-mål 192-17).
150. The above mentioned development should also be seen in the light of the exclusion of Swedish Muslims in the political arena, which has been an area of concern during recent years, where visible Muslim politicians, as Masoud Kamali has pointed out, have been made into targets and stigmatized and excluded from democratic activities in Sweden (Kamali, 2016).
151. The state’s public inquiry ‘Power, integration and structural discrimination’ already established in 2006 the importance of people who carry a variety of religious and other minority life experiences are given the opportunity to participate in decision-making processes in Sweden to counteract marginalization (Kamali, 2006). According to r Kamali, this proposal was received in 2006 with an enormous skepticism of the political establishment that saw its power privileges threatened. Today Kamali sees an escalation of this logic where people with Muslim background are excluded from the normal political processes (Kamali, 2016).
152. The political climate in the age of the global war on terrorism, has affected the preventive work of municipalities, resulting in a securitization of social problems such as segregation, poverty , school failure and marginalization among young people. Issues of Swedish Muslims social, economic and political marginalisation is often

conflated with questions of combating violent extremism (Andersson & Mattson, 2017:71).

153. As a result of the media pressure surrounding violent extremism, local politicians have demanded that action plans be drawn up quickly in the municipalities. Under such circumstances, it is likely that the quality of the process has suffered and been counterproductive (Andersson & Mattson, 2017:66).
  
154. Teachers, social workers, recreational leaders or others who come in contact with ‘risk groups’, are in most action plans outlined as ‘the first line’ responsible to contact the appointed local coordinator in the case of a suspected case of ‘radicalization’. The information transmitted will subsequently be passed from the local coordinator to the police and possibly to the security police. The suggestion of this action chain, which has previously been criticized by the Muslim civil society for creating a climate of suspicion, is pointed out to be close to what is often termed as ‘political opinion registration’ (Andersson & Mattson, 2017:66).
  
155. Despite the lack of support in existing legislation and research, the content of the action plans have made an impact on care and democracy-enhancing activities such as school, social services and leisure activities, due to a dominant political discourse, framing Muslims as suspects. The risk is overwhelming that individuals' constitutional rights are violated in this process (Andersson & Mattson, 2017:71f).



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