

Sweden
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

The authors of the report are Heidi Pikkarainen, Masters in Political Science, and Björn Brodin, Masters in Political Science. Both are independent researchers on National Minority Rights.

Roma are recognised as one of five national minorities and there are approximately 50,000 Roma living in Sweden.

There are no quantitative data available on Roma conditions in Sweden due to the Swedish Personal Data Act that prohibits the collection of statistics concerning ethnic origin other than related information concerning citizenship and country of birth.

Roma are particularly vulnerable to discrimination in Sweden. Discrimination within the housing market stands out as a major problem. However, a major difficulty here is the lack of knowledge and academic research on the overall conditions for Roma women and men in Sweden. There is also a lack of knowledge about particular groups of Roma, such as women, children and persons with disabilities, and their conditions on the housing market.

It is mainly the Equality Ombudsman that has paid attention to discrimination of Roma and their situation in the housing market. The implementation of the Race Equality Directive 2000/43/EC is an important step that has given the Ombudsman useful tools in the work against discrimination. Since 2003, the Discrimination Act provides protection against discrimination within the housing market. This gives the Ombudsman the possibility to take cases of discrimination within the housing market to court.

On 1 January 2009, a new comprehensive law against discrimination came into effect. The law established a new supervisory body, the *Diskrimineringsombudsmannen* [Equality Ombudsman].

According to Sweden's national housing policy, everyone has an equal right to housing. The municipalities' are responsible for the housing supply that is regulated in the Housing Supply Act (2000:1383). This Act concerns the duties of municipalities in relation to the residents of each municipality. However, the Act does not give the residents any individual right that can be determined by the courts. Roma are often referred to segregated and socially disadvantaged residential areas and their possibilities of choosing housing based on their own needs are very limited.

The dominant type of housing for Roma in Sweden is rental housing. There are no data available that show the percentage of different types of Roma housing since the Swedish Personal Data Act (1998:204) prohibits the collection of personal data that reveals race or ethnic origin.

The structural discrimination in Swedish society and the exclusion of Roma from the labour market affects the opportunities of Roma in relation to housing, with many Roma being dependent on social welfare allowances. Many landlords do not count social welfare allowances as a source of income, with this kind of rental criteria disadvantaging Roma.

Roma have a limited access to private housing. This is linked to the difficulties of Roma in obtaining permanent employment and sufficient salaries. Banks are more likely to lend money to, from their perspective, loyal customers than to others. This may result in banks not viewing Roma as important customers, which in turn disadvantages them.

The housing situation for Roma in Sweden has been criticised by several international bodies such as the Council of Europe and the European Commission against Racism and Intolerance (ECRI). The Council of Europe states that Roma are a disadvantaged group in the housing market, that homelessness is common, and that this disadvantage and the situation of the Roma in Sweden in general is due to discrimination. The ECRI also confirmed that people from minorities, such as Roma, almost exclusively populate some residential areas. Both the ECRI and the Council of Europe recommend that Sweden undertake measures to combat housing segregation by improving housing in the segregated areas and considering desegregation measures. They also conclude that particularly Roma still face discrimination in the area of housing and that it is important that Sweden take further measures to ensure Roma the right to live a life without discrimination.

In conclusion, the human right to adequate housing without discrimination is not currently guaranteed for all in Sweden, particularly the Roma.

1. Desk research

1.1. Legal and policy framework

1.1.1. Protection of the right to adequate housing in national legislation

Sweden has introduced the right to housing into its constitution. Chapter 1 Section 2 of the Swedish constitution states that public institutions ‘shall secure the right to housing¹ and ‘combat discrimination of individuals².‘ Housing, which is usually designated as a socioeconomic right or welfare right, has a different status in Sweden than traditional civil and political rights and freedoms, despite its constitutional protection. In the preparatory work and comments to the Constitution, this right is described as a programme regulation, a goal for public institutions that private individuals cannot demand, for example, by going to court.³

In the National Action Plan for Human Rights, 2006-2009, which was presented to Parliament in March 2006, the government confirms that the right to housing is a fundamental right. The Action Plan contains significant self-critical comments about the situation in Sweden as well as commitments aimed at improving the protection of minorities in Sweden. The government confirms that the remarks and observations by international bodies concerning Sweden’s implementation of the right to housing, primarily pertains to discrimination on the housing market and questions regarding homelessness and housing segregation. The Action Plan also states that:

‘There is a risk that without closer consideration it will be taken for granted that the economic and social situation in Sweden is a guarantee for the rights to be met. It is particularly important to ensure that the realisation of economic, social and cultural rights is not carried out in a discriminatory way or puts one sector of the population in a disadvantaged position in relation to another. Such

¹ Swedish constitution Regeringsformen 1:2.
http://www.riksdagen.se/templates/R_PageExtended_6074.aspx

² Swedish constitution Regeringsformen 1:2.
http://www.riksdagen.se/templates/R_PageExtended_6074.aspx

³ Nord, Lars (2001) *Juridik och politik – om juristers syn på sociala rättigheters grundlagsställning*, *Mänskliga rättigheter – aktuella forskningsfrågor*, Nr 5 i serien Studia Theologica Holmiensia, Uppsala and Homberg, Erik, Stjernqvist, Nils, Isberg, Magnus, Eliason, Marianne, Regner, Göran (2006) *Grundlagarna: regeringsformen, successionsordningen, riksdagsordningens kommentaren* Nordstedt juridik, Stockholm.

*a distinction is unjust and causes exclusion which can negatively affect the whole of society.*⁴

Before 2003, the legal tools available to combat discrimination were limited. While the law that set out the mandate of the Ombudsman did allow the authority to investigate even the housing market, the civil legislation did not specifically provide protection against discrimination in the housing market. However, the Penal Code did. Since 1971, it has contained a provision that criminalises discrimination on the grounds of ethnicity.⁵ Because it is a criminal matter and the evidentiary requirements are very high, especially since the prosecutor has to prove intent, the law has rarely been applied. In July 2003, a new, greatly improved, piece of civil legislation entered into force that also covered discrimination in the area of housing.⁶ The Ombudsman against Ethnic Discrimination (DO) thereby obtained the possibility of taking individual cases of discrimination on the housing market to court.

On 4 June 2008, the Swedish Parliament adopted a comprehensive new law against discrimination. With regard to discrimination, the protection in the law, and the right not to be discriminated against, is tied to the individual and allows the awarding of damages if this right is violated. The grounds covered in the law are gender, ethnicity, religion, disability, sexual orientation, transgender discrimination and age. The ban on discrimination concerning age is limited to working life. The new law means that the previous seven civil laws that covered discrimination on the various grounds were merged and that some gaps in the protection were closed. However, there are still significant gaps in the new law. Both in terms of limitations in the protection against discrimination and concerning the requirement of active measures related to the various grounds. Furthermore, inaccessibility outside working life is not considered to be a form of disability discrimination. Protections against discrimination on two new grounds have been added in the new law – age and transgender. The requirement concerning the production of annual gender equality plans by employers with ten or more employees was changed to once every three years by employers with 25 or more employees. The law went into effect on 1 January 2009.⁷ The law also established a new supervisory body entitled the *Diskrimineringsombudsmannen* [Equality Ombudsman (DO)].⁸

The right to housing is ensured for individuals without discrimination through the Discrimination Act of 1 January 2009 (2008:567). This states that discrimination is prohibited in the provision of goods, services and housing. Here, housing refers to all kinds of housing such as rented flats, sublets, lodgers, tenant ownership apartments and home ownership. The protection against

⁴ Regeringens skrivelse 2005/06:95, *En nationell handlingsplan för de mänskliga rättigheterna 2006-2009*, Riksdagens tryckeriexpedition, Stockholm.

⁵ Brottsbalken, kap 16 § 9 www.notisum.se/rnp/SLS/LAG/19620700.htm

⁶ Lag (2003:307) om förbud mot diskriminering. www.notisum.se/rnp/sls/LAG/20030307.htm

⁷ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM

⁸ Riksdagen (2008) *Beslut i korthet*.

discrimination covers situations and issues that affect both occupants and those seeking housing.⁹

Sweden's 290 municipalities provide public services and are responsible for the majority of public services through decentralised decision-making, i.e. municipal autonomy.¹⁰ There are three groups that have a statutory right to housing in Sweden. The municipalities are responsible for the housing situation of the disabled and the elderly, and the state is responsible for that of asylum-seekers. Pursuant to the Social Services Act (2001:453, SoL),¹¹ the municipalities shall promote the individual's right to housing through their social welfare boards. Consequently, the social services have no obligation to provide housing for all, but shall rather help individuals find housing and help those who have a home to keep it. In general, the Social Services Act regulates the municipalities' responsibility for all residents having their fundamental needs met. For example, if a person is incapable of paying his or her rent, by law, the municipality is required to help financially under certain circumstances.¹²

The municipalities' responsibility also concerns planning for the supply of housing and creating conditions for everyone to live in good housing. The municipalities' responsibility for the housing supply is regulated in the Housing Supply Act (2000:1383).¹³ This act treats the municipalities' obligation in relation to the municipality's residents, but does not give the residents any individual right that can be demanded through legal proceedings. The term 'good housing' includes both that, the housing must be of an adequate standard and that it must be located in good surroundings.¹⁴ An adequate standard also means not being forced to live in an overcrowded situation. There is no law in Sweden dealing with overcrowding. According to the definition applied by the National Board of Health and Welfare, a flat is not considered to be overcrowded if a single person has a bedroom in addition to a living room and a kitchen or kitchenette. It is assumed that two children should be able to share a bedroom. However, taking into account an increasing age and need for personal integrity, it is pointed out that children should not have to share a bedroom. Adults who are not cohabitants should not be required to share a bedroom.¹⁵

⁹ Regeringens proposition 2002/03:65 *Ett utvidgat skydd mot diskriminering*, Stockholm.

¹⁰ For further information about Sweden's municipalities, see the website of the Swedish Association of Local Authorities and regions, <http://www.skl.se>

¹¹ Socialtjänstlag (2001:453) www.notisum.se/rnp/sls/LAG/20010453.htm

¹² Departementsskrivelse 2006:9 *Rättvisa och jämlika villkor på bostadsmarknaden*, Stockholm, 2006.

¹³ Lag (2000:1383) om kommunernas bostadsförsörjningsansvar. www.notisum.se/rnp/sls/lag/20001383.HTM

¹⁴ Boverket, National Board of Housing, Building and Planning (2008) *Bostadsmarknaden år 2007-2008 – Med slutsatser av Bostadsmarknadsenkäten*, Karlskrona.

¹⁵ Socialstyrelsen National Board of Health and Welfare (2003) *SOSFS 2003:5 (S) Allmänna råd*.

The law also gives the municipalities a responsibility to ensure that the local provision of housing functions satisfactorily and requires the establishment of municipal housing agencies if such a need exists.¹⁶ However, according to a 2007 study by the National Board of Housing, Building and Planning, only nine of Sweden's 290 municipalities have a municipal housing agency.¹⁷

Sweden does not have any specific protection against forced evictions. The Discrimination Act (2008:567) protects against forced eviction due to ethnicity.¹⁸ The *Jordabalken* [Code on Real Property] states that there are two procedures of notice of removal that can result in eviction. One is when a lease comes to an end. If a tenant refuses to move, the landlord can submit the question to a special tribunal, the *Hyresnämnden* [rent tribunal], which can try the question.¹⁹ The other procedure is when the lease is forfeited or cancelled meaning that a tenant has lost his or her right to the lease and that the landlord can end the lease prematurely. The most common reason for eviction is that tenants have not paid the rent on time. Other common reasons for evictions are disturbances.²⁰ In cases of eviction, the municipalities are responsible for the provision of alternative accommodation in accordance with the Housing Supply Act (2000:1383).

There are no national, regional or local territorial planning regulations or laws that deal with or affect the specific housing situation of Roma in Sweden. In addition to the factors above the municipalities have a monopoly on territorial planning which can make it hard to make national or regional policy goals heard at the local implementation stage. No specific information is available concerning the effects of local planning regulations on Roma housing.

No specific measures exist in terms of security laws with regard to the housing of Roma.

1.1.2. Specific protection in national legislation

There is no specific protection in Swedish legislation addressing the housing conditions of Roma.

¹⁶ Departementsskrivelse 2006:9 *Rättvisa och jämlika villkor på bostadsmarknaden*, Stockholm, 2006.

¹⁷ Boverket, National Board of Housing, Building and Planning (2008) *Bostadsmarknaden år 2007-2008 – Med slutsatser av Bostadsmarknadsenkäten*, Karlskrona.

¹⁸ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM; DO Omed 2005/1209.

¹⁹ *Jordabalken*, JB (1970:994) 12:4 and 49–52 §§, www.notisum.se/rnp/SLS/lag/19700994.htm

²⁰ For more examples see SOU 2005:88 *Vräkning och hemlöshet - drabbar också barn - Utredningen om vräkning och hemlöshet bland barnfamiljer*, Stockholm.

1.1.3. Legislative or administrative decisions regarding 'ethnic' data collection.

Sweden does not maintain official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.²¹ This means that all maintenance of official and/or unofficial statistics concerning ethnic origin is prohibited in Sweden.

Given these regulations concerning official statistics you cannot identify the number of Roma in Sweden. This includes Roma born in Sweden or abroad.

The result of Sweden's position concerning the maintenance of ethnic statistics means that determining the ethnic composition of the population is very difficult due to a lack of available quantitative official or unofficial statistical data. As a result, there is no statistical research data available concerning the housing situation of Roma. This means that there is no available data on housing conditions, housing tenure, segregated settings, household type and size, forced evictions etc of Roma. There is also a lack of official, unofficial and/or statistical research data that demonstrates the impact of housing conditions on the right to education, the right to employment or the right to the highest attainable level of health.

Because of historical and past experiences of discrimination many Roma have little or no trust or confidence in authorities and consequently Roma very strongly oppose the use of ethnic registration - fearing that forced ethnic registration again can result in harassment and persecution.²²

1.1.4. General public policy on housing

There is no action plan or strategy specifically targeting the Roma housing situation at a national, regional and local level.

In the Swedish context, housing policy has been an essential government issue since WWII. It has played a large role within general social welfare policy (the standard of housing), economic policy (a motor for growth, since housing construction requires labour) and as part of labour market policies (the employment situation of construction workers).

Housing policy in general is carried out on two levels. Legislation and financing conditions are state issues. However, in principle, housing is the responsibility

²¹ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

²² Mail correspondence with an official of the Equality Ombudsman Office, 30-03-2009

of the municipalities. According to the Swedish Constitution, the municipalities have a strong right to self-government and to a large degree receive their financing through municipal taxes that are locally determined.²³ Their policies and actions are at times quite heavily influenced by central government policy requirements and the conditions stated for some of the state to municipality funding.

In the development of the Swedish welfare state in the 1930s, housing policy was mainly focused on the production of good housing for all. The State introduced various social reforms in order to ensure that security and equality would permeate society. Through the construction of good housing, a healthy lifestyle for the citizens and positive economic and social development were to be guaranteed. In the 1950s and 1960s, Sweden was faced with a housing crisis that led to the State designing a housing financing system with a view to encouraging large-scale construction. As a part of this, the 'million homes programmes' were carried out from 1965 to 1974. In ten years, a million flats were built in Sweden. At the end of the 1970s, better economic conditions and a system of subsidies also led to more single-family and terraced houses being built. This increase of home ownership led to residents with average incomes moving from the million-homes-programme buildings into single-family homes. This resulted in many flats being empty in the programme areas; recently arrived immigrants and other groups without many opportunities in the housing market, including marginalised ethnic minorities such as Roma, were encouraged to move into these buildings. Although one of the goals of the national housing policy, at least in theory, was to avoid housing segregation, a distinctly divided society arose. In recent years, much of the housing has been increasingly characterised by certain types of housing and city districts that are primarily occupied by the majority population while other areas and types of tenancy are primarily occupied by ethnic minorities.²⁴

Housing policy has had a strong general character. The goal has been, and still is, good housing for all. The policy has not been to point out certain target groups. The standpoint of the Swedish welfare system as a whole has been that if the situation is bettered for all, it is also bettered for those that are worse off. Within housing policy, this came to mean that most of the policy measures were directed towards all kinds of households, irrespective of tenure and income.

The subsidy system was mainly directed towards production of housing. It has thus been supply-oriented and has had the explicit goal of being neutral in relation to forms of tenure and ownership. As a consequence property subsidies (i.e. interest subsidies) were available for virtually all new production and renovation (see below regarding later changes). As for owner-occupiers, interest subsidies were linked to the rules concerning tax deductions (the right to deduct

²³ Swedish constitution Regeringsformen 1:1.
http://www.riksdagen.se/templates/R_PageExtended_6074.aspx

²⁴ Molina, Irene, Den rasifierade staden, in Magnusson, Lena (ed.), Den delade staden, Umeå, 2001.

part of the interest expenditures) so that the total effect should be neutral in relation to the other types of tenure.

The rent setting system (replacing rent control) was also made an important component of housing policy, the goal being to secure reasonable housing costs and security of tenure for all tenants, not only in the non-profit municipal rental sector, but also in the private rental sector. Housing policy however, has not been totally general. There have been certain selective, demand-oriented subsidies: the housing allowances.

All households, regardless of tenure form (rental, co-operative and owner-occupied) are eligible for housing allowances. If their incomes are below a certain level, the following groups are eligible: households with children, households without children if the applicant is between 18 and 29 years of age and pensioners. The level of allowance depends on the income of the individuals in the households, the housing costs and the number of children.

During the 90s, the level of the subsidies for production reduced substantially. For owner-occupiers they were removed completely, for new production and renovation. However, the right to deduct interest expenditure remained, since this right, from a theoretical tax point of view, is not considered to be a subsidy, but rather a part of the existing uniform and coherent system of capital taxation. For the other tenure forms the level of the interest subsidies/ interest grants were reduced. The level was set, at least theoretically speaking, at a level that would equal the effects of the tax subsidies for the owner-occupiers. The interest subsidies for renovation were restricted as to the kinds of work that could be taken into account.

What has been described above are the general (historical) outlines of housing policy as such. At times certain measures (often temporary) have existed/exist connected to the field of housing. The aims of these have not always originated within housing policy but within other policy fields, i.e. labour market policy, social welfare policy, energy policy, environmental policy or educational policy.

By the end of the 1980s/beginning of the 1990s, Sweden had reached a very high average housing standard. There was even a surplus with more dwellings than households and a growing rate of vacancies. By this time the costs for the state had become extremely high, together with an increasing state budget deficit. This situation, in combination with a generally more market-oriented political climate led to far-reaching changes in housing policy (some of which have already been mentioned above).

In the beginning of the 1990s, the political question of housing policy was toned down. There has been no specific Ministry of Housing since 1991. Housing standards had become high. Housing politics were directed towards cutting subsidies, deregulation of planning and housing allocation and towards a greater

use of market forces. The simultaneous effects of a tax reform (higher disposable incomes which were to a large extent to be financed by the housing sector through higher taxes and lower tax deductions), economic recession (with extremely high unemployment by Swedish standards), low inflation and high real interest rates, led to a steep rise in housing costs (especially within the rental sector), a large number of vacant rental flats, extremely low levels of housing construction (especially rental dwellings), a low level of maintenance and upgrading/renovation a sharpening of regional inequalities and a deepening of residential segregation in the three metropolitan cities.

Towards the end of the nineties housing policy returned as an important political question. A major problem was the rising shortage of housing (especially rental dwellings) in the expanding regions, with the danger of impeding economic growth, both regionally and nationally. In 1998, the Vice Minister of Finance became the acting Minister of Housing. A number of state commissions on different housing questions were also appointed during the following years. As of 2006, housing questions have been placed in the Ministry of Finance.

Boverket [The National Board of Housing, Building and Planning] is the national agency for planning the management of land and water resources, urban development, building and housing. The National Board of Housing, Building and Planning monitors the functioning of the housing legislative system in accordance with the Planning and Building Act and related legislation, proposing regulatory changes when needed.

1.1.5. Positive action measures

There is no specific positive action in Sweden addressing the housing condition of Roma.

In general, positive action with respect to ethnicity is not allowed in Sweden except concerning certain labour market policies.²⁵

1.1.6. Housing components of gender equality legislation and policy

According to the Discrimination Act the prohibition of discrimination associated with sex does not prevent women and men being treated differently with regards to housing if there is a legitimate purpose and the means that are used are appropriate and necessary to achieve that purpose.²⁶

²⁵ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM

²⁶ Diskrimineringslagen (2008:567) 2:12 www.notisum.se/rnp/sls/lag/20080567.HTM

This exception aims to allow women's and girls' shelters in Sweden and thereby permit shelters that offer sheltered housing to women and their children against male violence. There are some 160 women's and girls' shelters in Sweden.²⁷ It is uncommon for Roma women to contact sheltered housing when they are subjected to male violence. The main reason for this is Roma women's low level of trust in the majority society and the lack of knowledge concerning the living conditions of Roma women.²⁸

1.1.7. Housing components of disability legislation and policy

Sweden does not have a law specifically establishing the rights of all people with disabilities. Instead, certain laws contain clauses that apply specifically to disabled people.

The Planning and Building Act²⁹ regulates the removal of easily eliminated obstacles. Based on this law the National Board of Housing, Building and Planning have issued regulations and general recommendations concerning the removal of easily eliminated obstacles to accessibility in premises to which the public has access and concerning accessibility for people with limited mobility or orientation capacity in public spaces and in areas concerning structures other than buildings.³⁰

The Act concerning Support and Service for Persons with Certain Functional Impairments (LSS)³¹ was introduced in 1994. This is a rights law supplementing other legislation. Its aim is to give disabled people the right to personal assistance. For people with extensive disabilities, this represented something of a revolution. The assistance they received opened up opportunities that had not previously been available to them, such as deciding matters in their own everyday lives, managing their studies, a job and a home. People not covered by the law can seek assistance from their municipal authority under the Social Services Act.

Individuals with disabilities who cannot claim their right according to the Act concerning Support and Service for Persons with Certain Functional

²⁷ <http://www.roks.se/about-roks/about-roks> & <http://www.kvinnojour.com>

²⁸ Email correspondence with a Roma activist, (2009-05-27).

²⁹ Plan- och bygglag (1987:10) www.notisum.se/rnp/sls/lag/19870010.HTM

³⁰ National Board of Housing, Building and Planning (2004) *Accessibility and usability in public spaces*. and National Board of Housing, Building and Planning (2003) *Removal of easily eliminated obstacles - code of statutes*.

³¹ Lag (1993:387) om stöd och service till vissa funktionshindrade
www.notisum.se/rnp/sls/LAG/19930387.htm

Impairments (LSS) are obliged to the Social Services Act.³² Individuals can, according to this act, seek support based on their individual need.

Individuals with a permanent disability that requires an adaption of the residence can apply for a housing adaptation grant. The grant is governed by the Swedish Act on Housing Adaptation Grants (1992:1574) and other legislation.³³

1.1.8. The impact of legislation and especially of the Race Equality Directive on the housing situation of Roma

The Race Equality Directive 2000/43/EC was transposed into the Swedish law through the Prohibition of Discrimination Act (2003:307). This law introduced protection against discrimination in the housing market. The opportunities to counteract ethnic discrimination within the housing market were very limited up until 2003. The new legislation, which came into force in 2003, allowed the Ombudsman to bring cases to court concerning discrimination in the housing market. During these years, the Ombudsman has brought nine cases to court concerning ethnic discrimination within the housing market, three of which concerned Roma.

The official of the Equality Ombudsman said:

The implementation of the Race Equality Directive 2000/43/EC is an important step that has given the Ombudsman useful tools in the work against discrimination. The settlements and the cases brought to court by the Ombudsman show a legal trend in the right direction. However, the condition of Roma in the housing market indicates that additional measures are required to achieve complete and effective equality. In article five of the Race Equality Directive, positive actions are recommended as tools to prevent discrimination and to ensure everyone's equal rights and opportunities. The Swedish national legislation on discrimination protects the individual against discrimination in the housing market – but can only be used when an individual has already been subjected to discrimination and she or he is ready to file a complaint. There are no legal obligations for housing companies to undertake measures that prevent discrimination and ensure equal rights and opportunities in the housing market. In a situation where discrimination of individuals is in fact caused by structural problems in society, which is the case of Roma and the housing market, the current law is insufficient both in terms of the determining discrimination in individual cases and in promoting equal rights and opportunities.³⁴

³² Socialtjänstlag (2001:453) www.notisum.se/rnp/sls/LAG/20010453.htm

³³ Lag (1992:1574) om bostadsanpassningsbidrag m. m. www.notisum.se/rnp/SLS/lag/19921574.HTM

³⁴ Email correspondence an official of the Equality Ombudsman Office (2009-03-29).

According to a Roma activist, the Swedish national legislation against discrimination in the housing market is a good tool for ensuring everyone's equal opportunity, but she emphasises the fact that:

'Additional measures have to be taken and it can be questioned whether Sweden fulfils the obligation to protect the Human Rights of Roma.'

The fact is that despite the implementation of the Race Equality Directive 2000/43/EC, the housing situation for Roma in Sweden has not improved.

1.1.9. The impact of general public policies on the housing situation of Roma

As already mentioned, the general public policies on housing policy have had a strong general character. The goal has been, and still is, good housing for all. The policy has been not to point out certain target groups such as the Roma. The concept the equal rights for all people presupposes that all people also have equal opportunities in reality. The policies do not undertake measures to achieve equal rights and equal opportunities in practice, which affects the right to housing of Roma. A lack of special measures affects ethnic minorities like Roma who have been subjected to systematic discrimination in the housing market over generations, leading to a lack of access to housing, insecure housing conditions and/or clear deficiencies in their housing.

1.2. Quantitative data on the housing situation of Roma

1.2.1. Number of Roma in the country

Roma are recognised as one of five national minorities and the Swedish Government estimates that in Sweden about half a million individuals belong to the national minorities. All groups of Roma and all those individuals who identify themselves as Roma are recognised as belonging to the national minority of Roma.³⁵ Due to the recognition in law, the term used in Sweden is Roma. Hence, this Thematic Study includes all Roma groups such as Travellers, Cale, Kelderasha, Lovara, Arlie, Ghurbeti and other groups within the term Roma. There are no significant differences regarding discrimination and the situation in the housing market between different Roma groups. Estimates of

³⁵ Regeringens proposition 2008/09:158 *Från erkännande till egenmakt – regeringens strategi för de nationella minoriteterna*, Stockholm.

the populations of the national minorities were developed in connection with the 1997 Government inquiry on Swedish ratification of the European Council's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The estimates were based on information obtained from various sources including the national minority organisations and state agencies. According to a Governmental bill on national minorities from 1999 there are approximately 50,000 Roma living in Sweden.³⁶ According to Roma sources, this is considered a realistic estimate.³⁷

1.2.2. Data on the housing conditions

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main regulation according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.³⁸ This means that all, official and unofficial collection of statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on the housing conditions of Roma.

1.2.3. Data on the housing tenure of Roma

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.³⁹ This means that all collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research. Among other things, due to the law there are no data on the housing tenure of Roma.

There is some research data on segregation based on citizenship and country of birth.⁴⁰ Many Roma in Sweden are born in Sweden, which is why this research does not say anything specific about the housing conditions of Roma.

³⁶ Regeringens proposition 1998/99:143 *Nationella minoriteter i Sverige*, Stockholm.

³⁷ Email correspondence with a Roma activist (27-05-2009).

³⁸ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

³⁹ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

⁴⁰ See for example DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*.

1.2.4. Number of Roma living in regulated encampments

There are no regulated encampments in Sweden.

1.2.5. Number of Roma living in unregulated encampments

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴¹ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on Roma living in unregulated encampments.

1.2.6. Number of Roma living in segregated settings

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴² This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on Roma living in segregated settings.

1.2.7. Data on household type and size

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴³ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

⁴¹ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

⁴² Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

⁴³ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

As a result, there are no data on Roma household types and sizes.

1.2.8. Data on forced eviction

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴⁴ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on forced evictions.

1.2.9. Data on access of Roma to public utilities

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴⁵ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on access to public utilities by Roma.

1.2.10. Data on available halting site

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴⁶ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

As a result, there are no data on available halting sites.

⁴⁴ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

⁴⁵ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

⁴⁶ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM

1.2.11. Quantitative data regarding the impact of housing conditions of Roma on the rights to education, employment and the highest attainable level of health.

Sweden does not keep official statistics concerning ethnic origin other than citizenship and country of birth. The main rule according to the Swedish Personal Data Act (1998:204) states that '[...] the maintenance of personal data that reveals race or ethnic origin is prohibited'.⁴⁷ This means that any collection of official and unofficial statistics concerning ethnic origin is prohibited in Sweden, which explains the lack of quantitative academic and civil society research.

There are no statistical data that demonstrate the impact of housing conditions of Roma on the rights to education, employment and the highest attainable level of health.

1.3. Qualitative information on the housing situation of Roma

There is very little awareness in Swedish majority society of the situation of Roma, particularly concerning their living conditions in the housing market. One of the civil society respondents stated:

*Roma are very strongly affected by discrimination and it's not a new phenomenon. There is a general lack of awareness of the underlying causes of the Roma housing conditions, of the role of the state throughout history and how these factors are linked to the situation of today. In order to understand the general negative assumptions about Roma, the need for historical awareness is obvious, but the general awareness is limited.*⁴⁸

There is a general lack of knowledge and academic research on the situation of Roma in Sweden. Few studies have been made concerning discrimination of Roma from a historical viewpoint.⁴⁹ It is above all the Ombudsman against

⁴⁷ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM.

⁴⁸ Telephone interview with a Roma activist (2009-05-28).

⁴⁹ See for example Etzler, Allan (1944). *Zigenarna och deras avkomlingar i Sverige: historia och språk*. Uppsala, Jansson, Karl-Axel & Ingemar Schmid (2005). *Ett fördrivet folk: antologi om förtryck och diskriminering av romer/zigenare/resande*. Stockholm: Forum för levande historia., Lindgren, Lars & B. Lindwall (1992). "Resande-anor", i Migration, utvandrare och invandrare i gångna tider (red.): Släkthistoriskt Forum, Årsbok., Montesino Parra, Norma (2002). *Zigenarfrågan: intervention och romantik*. Lund: Socialhögskolan, Lunds Universitet, Tillhagen, Carl-Herman (1965). *Zigenarna i Sverige*. Stockholm: Natur och kultur. Se also Palosuo, Laura (2008) *En inventering av forskningen om romer i Sverige - Ett uppdrag från Delegationen för romska frågor at www.romadelegationen.se*

Ethnic Discrimination, which has paid special attention to the discrimination of Roma and the right to housing.⁵⁰

The academic research concerning discrimination within the housing market mainly focuses on the relationship between Swedes and Immigrants. Some research also focuses on how the lack of a housing policy affects the integration of immigrants.⁵¹ The stigmatisation of residential areas in Sweden has for example been analysed by an Associate Professor in Social and Economic Geography. She emphasises that it is not the lack of Swedes in itself that is problematic, but the poor maintenance, marginalisation, social insecurity and poor conditions that living in a so-called 'immigrant-dense' area brings with it that constitutes the real problem. This has a daily impact on living conditions and the residents' opportunities to develop their lives in the direction they desire.⁵²

The housing conditions for Roma in Sweden have been criticised by several international bodies. In April 2004, the Council of Europe's Commissioner for Human Rights visited Sweden. In his report, he concluded that Roma are a disadvantaged group in the housing market, that homelessness in this group is common, and that this disadvantage here and in other areas of society is due to discrimination.⁵³ The European Commission Against Racism and Intolerance (ECRI) has also confirmed this. ECRI's second report on Sweden (2002) confirmed that people with a foreign background almost exclusively populate some residential areas. ECRI's recommendation to Sweden in the third report from 2004 is to combat de facto housing segregation by improving housing in the segregated areas and considering desegregation of these areas.⁵⁴ The

⁵⁰ See for example DO (2004) *Discrimination against Romanies in Sweden - A report on the DO project in the years of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies*. Stockholm and DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*.

⁵¹ See for example following literature: Andersson, R. (2001b) *Att styra och följa utvecklingen i storstadsregioner – reflektioner om strategier, instrument och indikatorer.*, *Det slutna folkhemmet – om etniska klyftor och blågul självbild*. Agoras årsbok 2002. Stockholm: Agora, Bråmås, Å. (2004a) *Utvecklingen av boendesegregationen i mellanstora städer under 1990-talet*. Bilaga till Rapport Integration 2003. Norrköping: Integrationsverket., Ericsson, U. Molina, I. och Ristilampi, P. (2002) *Miljonprogram och media: föreställningar om människor och förorter*. Stockholm: Integrationsverket (2002a) *På rätt väg? Slutrapport från den nationella utvärderingen av storstadssatsningen*. Norrköping: Integrationsverket, Integrationsverket (2002b) *Förort i Fokus – interventioner för miljoner*. Integrationsverkets rapportserie. Norrköping: Integrationsverket, Integrationsverket (2002c) *Rapport Integration 2001*. Norrköping: Integrationsverket. SOU 2006:73, *Den segregerade integrationen – om social sammanhållning och dess hinder*, Stockholm 2006, SOU 2005:56, *Det blågula glashuset – strukturell diskriminering i Sverige*, Stockholm 2005.

⁵² Molina, Irene (2001) *Den rasifierade staden*, i Magnusson, Lena (red) *Den delade staden*, Umeå.

⁵³ Gil-Robles Alvaro (2004) *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Sweden 21-23 April*, Strasbourg .

⁵⁴ European Commissioner against Racism and Intolerance (ECRI) (2005) *2nd report, adopted on 17 December 2004*, Strasbourg.

Council of Europe also concludes that particularly Roma still face discrimination in the area of housing. The Council's Advisory Committee emphasizes the importance of further measures that will help to ensure the right of Roma to a life without discrimination.⁵⁵

In 2003, the Ombudsman against Ethnic Discrimination among the Roma conducted a survey. It showed that nearly 30 per cent of those questioned had been denied the opportunity to buy or rent housing due to their ethnicity during the previous five years. Half of those questioned also said that they had been subjected to insults and harassment by non-Roma neighbours during the previous two years.⁵⁶

1.3.1. Quality of housing available to Roma

There are no national, regional or local housing and accommodation policies especially related to Roma. According to the general policies, everybody has an equal right to housing, but some policies inadvertently affect the opportunities that Roma have in regard to housing. The unfavourable position of Roma on the housing market is, according to the Ombudsman, linked to the fact that they are excluded from the labour market. This is a result of the long term and pervasive discrimination. The exclusion from the labour market means that many Roma have to apply to the social service in order to obtain a social welfare allowance. Many landlords use employment as a selection criteria in renting out housing. Some landlords do not count social welfare allowance as an income, and applicants who cannot show a clean financial record have difficulties finding a dwelling. This means that even when criteria are applied equally to all, they seem to disadvantage Roma.⁵⁷

The representative of the National Roma Youth Association confirmed that discrimination in housing is affected by the exclusion Roma from the labour market and criteria of landlords in renting out housing.⁵⁸

The conditions on the labour market clearly risk negatively affecting the possibilities of minorities on the housing market if work and type of employment are used as selection criteria in the renting out of housing. It is of interest to note that the rental criteria risk affecting ethnic groups in society differently even if they are applied equally to all.

⁵⁵ Council of Europe (2007) *Advisory Committee on the Framework Convention for the Protection of National Minorities, Second opinion on Sweden, adopted on 8 November 2007.*

⁵⁶ Forsbergs, Anna and Lakatos, Agnes (2003) *Romernas upplevelse av diskriminering i Sverige.* Socialhögskolan.

⁵⁷ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

⁵⁸ Telephone interview with an official of the National Roma Youth Association (26-03-2009).

In autumn 2007, the Ombudsman visited an area in Sundsvall (Nacksta), where the majority of the tenants are Roma. The situation in Nacksta illustrates how Roma experience their housing situation. The area was constructed during the 1970s and contains three-story buildings. Shopping centres, service institutions and public transport were built adjacent to the area. In the 1980s and 1990s, parts of Nacksta were described as high crime areas. In time, Nacksta also became a residential area with a high proportion of ethnic minorities. Extensive renovation and renewal were carried out in the 1990s in which resources were invested to improve the conditions in Nacksta. These efforts led to some change, but problems appear to have shifted to or remained in a part of Nacksta. The municipal housing company, Mitthem, sold off parts of the property in Nacksta at the end of the millennium. In the Ombudsman's view, it appears as if those properties that were sold were the properties where the social problems in the area remained. Close to the area was a refugee facility and many there were referred to these buildings. In 2004, the properties were sold again and bought by a private company that had several bankruptcies on its record. Both the municipality and the Swedish Migration Board rent flats in the properties and they in turn let them out to asylum-seekers and others who have difficulty in acquiring housing on their own. The residents expressed to the Ombudsman a clear view that the problems and deterioration of the properties began in connection with the current landlords purchase of the buildings. During the DO's visits, it became clear that these particular properties differ significantly from the properties in the rest of the area, which are still owned by the municipal housing company. The Ombudsman's report confirms that the outdoor environment was mismanaged. The playground in the area was dilapidated, as were the lawns and outdoor lighting. Freight containers, in which the tenants had to throw their garbage, stood in front of the buildings. Garbage was strewn around the containers on what were once lawns and asphalted surfaces. The properties were also poorly maintained with damage to the exterior and in common spaces. Furthermore, the property owner had set up a large number of security cameras in the common spaces, entrances, stairwells, lifts and laundry rooms. The entrances and stairwells were dirty and littered. The concrete walls of the cellar were broken. Concrete remains and sharp objects lay in piles on the floor. The laundry rooms were in a miserable state. The drains did not work, causing water to collect on the floor. The laundry rooms smelt of sewage and the walls were damaged by moisture.

The tenants who the DO spoke with during the visit said that they were dissatisfied with the maintenance of their homes and how the landlord treated them and their demands to have the faults repaired. It came out that mould in the bathrooms is a major problem and was something that had been complained about to the caretaker. In several cases, the problems were not addressed at all and in other cases, the mould damage was just painted over with new paint. Boards were missing, some windows could not be closed and, in some cases, the outer doors to the flats were broken. In addition, the flats did not have any functional cellar storage space, which meant that the tenants were forced to keep their belongings on their balconies.

Residents in the area told the Ombudsman that they were worried that their children would be hurt playing outdoors or would find their way into the dangerous cellar spaces. According to information from the municipality, it did not consider the environment suitable for children and consequently did not refer families with children to flats in the area. The objective of the security cameras was to increase security and prevent crime, according to the housing company. However, the tenants' experiences indicate that the cameras have the opposite effect, that they create insecurity and violate the tenants' integrity. Some said that they live in a 'prison'. In a decision against another landlord, the Swedish Data Inspection Board has also concluded that security cameras in entrances and stairwells are illegal.⁵⁹

1.3.2. Issues of spatial and social segregation

A report from the Ombudsman against Ethnic Discrimination the Roma in Sundsvall (Nacksta) expressed that they have tried to obtain other housing through other housing companies, but have not succeeded. The general perception seems to be that once housing has been provided in the area, it is impossible to obtain other or better housing. Pursuing housing succession is impossible. The right to adequate housing is perceived as a right that is granted to 'other' residents of Sundsvall.

The Roma clearly articulate that their housing conditions affect the rest of their lives. For example, Roma believe that it is a disadvantage to state where they live on employment applications, since this can lead to negative notions about the applicant. The property stock in the rest of the area is of a significantly better standard. The Roma also expressed to the Ombudsman that they would gladly live somewhere else in Sundsvall, but have not been able to find housing. A large majority, 85-90 per cent, of the tenants belong to ethnic minorities, including Roma.⁶⁰

In the report, the Ombudsman against Ethnic Discrimination states that the situation in Sundsvall is not unique and that there are other such areas in other parts of Sweden. What these areas have in common is not just the misery, but also that the majority of the residents belong to ethnic minorities. The representation of some groups appears particularly high, such as Roma. The residents also commonly share that they did not choose these areas themselves and do not want to live there, but are unable to move. The report shows that personal choice is of limited relevance to understanding the housing conditions of Roma. Nor can socioeconomic factors reasonably explain why people, adults as well as children, live under conditions that are inadequate and hazardous to health. One cause that is clearly and repeatedly presented by the residents in

⁵⁹ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

⁶⁰ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

these areas as a possible explanation involves discrimination tied to their ethnic background.⁶¹

An activist stated:

*Antiziganism is a general norm within the society and a part of the housing market. Roma are directed to segregated areas and they seldom get rental contracts on their own. Even if a Roma person has a regular income, it is impossible to get housing due to structural discrimination within the housing market.*⁶²

1.3.3. Access to private housing

The conditions for obtaining a loan and the desire of banks to lend money are fundamental to the possibilities of most people to buy a co-operative housing apartment or a private house. One study conducted by the National Board of Housing, Building and Planning indicates that banks require borrowers to have a good financial state in the form of a steady income or savings. The banks assess loan applications based on an estimate that shows if an applicant will be able to pay the mortgage and other living expenses and based on how good an investment the purchase is. Consequently, the difficulties for Roma in obtaining permanent employment or a sufficient salary can also create barriers on the private housing market. Besides the formal financial requirements, the National Board of Housing, Building and Planning states in its report that banks are more likely to lend money to, in their mind, well-known, loyal customers than to others. If the bank has a good relationship with the borrower, it can happen that they disregard the formal requirements and grant a loan. The National Board of Housing, Building and Planning also points out that the lack of cultural expertise that may exist may result in banks not viewing ethnic minorities as an important customer base, thereby disadvantaging them.⁶³ The socioeconomic condition of Roma, which is a result of the long-term discrimination in Sweden, affects their access to private housing.

The Institute for Housing and Urban Research has illustrated in a study how real estate brokers think about discrimination and if discrimination can occur in the sale of housing. Some of the interviewed realtors said that discrimination against some ethnic minorities can occur. One realtor in the study referred to a case where a seller said: 'I will sell, but you cannot sell to a gypsy or an immigrant.' They also admit that some sellers choose to sell to a prospective buyer other than the one with the highest bid. According to those interviewed, this can be due for example to the personal chemistry not being right. One

⁶¹ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

⁶² Telephone interview with a Roma activist (28-05-2009).

⁶³ Boverket, National Board of Housing, Building and Planning (2005) *Välkommen till bostadsmarknaden – En lägesrapport om integration.* Karlskrona.

conclusion is that the combination of the buyer's weaker position and the realtor's need to have a good reputation on a market involving considerable competition means that there is a risk that ethnic minorities will not be treated equally.⁶⁴

1.3.4. Access to social housing

The term social housing is not used in Sweden. A more precise term is public housing – in Swedish '*allmännytt*' (literally 'useful for everybody'). The public housing in Sweden has to be distinguished from social housing in other European countries. Public housing is open to everybody and not only for individuals with low incomes. The public housing companies are companies or institutions often run by a municipality in order to offer good dwellings without a profit. The dwellings are mainly flats with a right of tenancy. 1,400,000 tenants live in nearly 850,000 dwellings owned by 300 public housing companies in Sweden.⁶⁵

The dominant type of housing for Roma in Swedish society is rental housing,⁶⁶ but there are no data available that show the percentage of different types of Roma housing since the Swedish Personal Data Act (1998:204) prohibit the collection of personal data that reveals race or ethnic origin.⁶⁷

Housing companies use different systems to rent out the apartments and identify suitable tenants. In its simplest form, it may be a question of property owners letting out available flats to persons who contact the landlord. Large housing companies may use web-based systems where available flats are advertised on a website and where those seeking housing can register their interest. In some cities, there are more centralised systems for the renting out of municipal and private housing companies' flats in the city.⁶⁸

The housing companies' method of choosing tenants from among the applicants is also formalised to varying degrees. Crucial to the possibilities of individuals obtaining housing is of course how high the requirements are as well as how clear they are and how they are applied in practice. The National Board of Housing, Building and Planning lists examples of the requirements that housing companies place on individuals or families to be able to be accepted as tenants.

The requirements are; no overdue rents or other records of non-payment are accepted, permanent or lasting employment (an employer's certificate may be required), those on social welfare are not accepted, the income shall be a

⁶⁴ Bråmås Åsa, Andersson Roger, Solid Dennis (2005) *Bostadsmarknadens institutioner och grindvakter i den segregerade staden*, Norrköping.

⁶⁵ SABO (2008) *Kunskapsområden – Examensarbeten*.

⁶⁶ Email correspondence with an official at the Equality Ombudsman Office (29-03-2009).

⁶⁷ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM.

⁶⁸ See for example www.boplats.se, www.mkbfastighet.se, www.mitthem.se and www.skb.org.

minimum of 3 times the annual rent, the income shall be a minimum of 4 times the annual rent, requirements on household size; requirements on the maximum number of children in the household, sufficient income to be able to pay the rent (certificate required), relevant income level to be able to pay the rent, prior conscientiousness, if there is a record of non-payment there can be the requirement of a guarantor, the tenant must be at least 18 years of age and have decent regular income in the form of gainful employment or unemployment benefits⁶⁹

Depending on which of these criteria are used by landlords and how they are combined, there is a risk that the opportunities of relatively large groups in society are limited on the rental market. The rental criteria currently applied by the public housing sector and private property owners are designed in such a way that socio-economically weaker groups are at risk of being excluded. The combination of the requirement of permanent or lasting employment and that social welfare is not accepted especially affects Roma access to housing.⁷⁰

The National Board of Health and Welfare has indicated that these criteria and their implementation are one of the reasons for homelessness in Sweden since they can be difficult to meet.⁷¹ This is confirmed by the official of the National Roma Youth Association, who says:

*Landlords' requirements of permanent or lasting employment are difficult for Roma to meet. Illiteracy is still widespread and many are unemployed. Many landlords do not count social welfare allowance as an income, and Roma who cannot show a clean financial record have difficulties in finding housing.*⁷²

In the interviews, all the respondents confirmed this situation.⁷³ Roma are often referred to segregated and socially disadvantaged residential areas and their possibilities of choosing housing based on their own needs are very limited.

A Roma activist explains how the municipality housing company in Malmö had a system to identify Roma:

*The housing company, MKB, had a list of names of unwanted tenants. The names were categorised in terms of different sections. Roma names were categorised as Z (Zigenare i.e. gypsy).*⁷⁴

⁶⁹ Boverket, National Board of Housing, Building and Planning (2005) *Välkommen till bostadsmarknaden – En lägesrapport om integration*.

⁷⁰ Email correspondence with an official of the Equality Ombudsman Office (29-03-2009).

⁷¹ Socialstyrelsen National Board of Health and Welfare (2008) *Vräkningsförebyggande arbete – stöd till socialtjänsten och andra aktörer*, Västerås.

⁷² Telephone interview with an official of the National Roma Youth Association (26-03-2009).

⁷³ Telephone interview with an official of The Delegation for Roma Issues (-24-03-2009), Telephone interview with a Roma activist (2009-05-28), Telephone interview with an official of the National Roma Youth Association (26-03-2009), interview with an official of the Equality Ombudsman (22-06-2009), and Interview with a Roma activist (26-03-2009).

⁷⁴ Interview with a Roma Activist, 26-03-2009.

The company's policy affects not only Roma but also other minorities and other 'undesirable' tenants. The municipality housing company has been the subject of several investigations. The Ombudsman against Ethnic Discrimination called the company to talks⁷⁵ and the Swedish Data Inspection Board criticised the company for violation of the Swedish Personal Data Act (1998:204)⁷⁶ which prohibits the collection and maintenance of personal data that reveals race or ethnic origin.⁷⁷

Another activist says:

*Unofficial lists of Roma exist all over Sweden and it is a part of the structure within the housing market. Many landlords identify Roma by their family names and landlords think it is legitimate to deny Roma housing.*⁷⁸

Cases that concern the renting out of housing have been decided by the Supreme Court and are therefore of particular interest in indicating the existence of discrimination. In one case, a woman was not permitted to take over a flat because her common-law husband had black skin.⁷⁹ In another case that came before the Supreme Court in 1985 a Roma family was rejected because the landlord claimed that he wanted to combat segregation. The court found that the penal stipulations of the criminal code's act on illegal discrimination⁸⁰ do not permit landlords to reject applicants from a specific ethnic group on the grounds that they want to avoid a concentration of members of this group in a specific area.⁸¹

The relevancy of this factor in terms of the possibility of choosing housing on equal terms is also supported by the complaints the Ombudsman receives every year and the legal cases the Ombudsman has pursued in court.

Complaints to the Ombudsman against Ethnic Discrimination demonstrate that Roma are viewed as undesirable tenants. In a statement in 2002, the Second Deputy Chairperson of the Municipal Executive Committee of Vänersborg wrote that 'Vänersborg cannot accept more gypsies' and made reference that 'the concentrated housing in an already socially sensitive residential area leads to nearly uncontrollable problems'.⁸² These types of statements have been rather frequent showing how antiziganism in Swedish society could affect

⁷⁵ Email correspondence with an official of the Equality Ombudsman Office (29-03-2009).

⁷⁶ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM.

⁷⁷ The Swedish Data Inspection Board (2005) *Beslut efter tillsyn enligt personuppgiftslagen (1998:204)Dnr 82-2005*.

⁷⁸ Telephone interview with a Roma activist (28-05-2009).

⁷⁹ 94-09-12, New Juridical Archives NJA:1994 s. 511.

⁸⁰ Brottsbalk (1962:700) kap 16 § 9 www.notisum.se/rnp/SLS/LAG/19620700.htm.

⁸¹ 85-03-01, New Juridical Archives NJA:1985 p. 226.

⁸² DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*.

Roma housing conditions and rights. Notices of termination and homelessness due to a person's Roma background are not uncommon.⁸³

The official of the Equality Ombudsman Office highlights that:

*Municipalities in Sweden do have a particular responsibility for the establishment of local co-operation with the aim of developing non-discriminatory housing agencies: a co-operation in which the municipality collaborates with the actors of the housing market on a local level. The housing agencies should be transparent. In addition to clear information on the mediation principles that apply, housing applicants must be given insight into how the allocation and selection occur. Those who have applied for a flat and have been rejected should receive written information on who received the flat and the reasons why. The criteria for applicants must be uniform, relevant and non-discriminatory.*⁸⁴

The Ombudsman found that discrimination within the housing market stands out as a major problem for Roma. Roma are denied a place to live due to their ethnicity and they are often directed to segregated and socially exposed housing areas. Their options of choosing housing are very limited. Landlords often bar the way by certain specific conditions for applicants. Homelessness and evictions are not uncommon. Another problem identified in the report is overcrowding. Young Roma families are often forced to live with older relatives since they do not meet the requirements of landlords. Overcrowding is also brought about by the difficulties of finding sufficiently large flats for the frequently large Roma families. The resistance that Roma encounter often results in provisional solutions and difficulties with neighbours.⁸⁵

As a result of the project, the Ombudsman against Ethnic Discrimination concluded that in order to achieve change it is necessary to have both a structural and an individual perspective on discrimination within the housing market. The Ombudsman also concluded that it is apparent that the discrimination in individual complaints is caused by discriminatory structures on the housing market, but found it difficult to prove discrimination concerning individual complaints. In order to combat discrimination and develop methods

⁸³ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*, DO (2004) *Discrimination against Romanies in Sweden - A report on the DO project in the years of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies*. Telephone interview 26-3-2009 and Interview 26-3-2009

⁸⁴ Interview with an official of the Equality Ombudsman Office, 22-6-2009

⁸⁵ DO (2004) *Discrimination against Romanies in Sweden - A report on the DO project in the years of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies*.

to prove discrimination within the housing market, the Ombudsman initiated a special project concerning the right to housing.⁸⁶

It is not uncommon for property managers to strive for an appropriate composition of various ethnic groups in an individual housing area. According to a sociologist Margaretha Popoola, some landlords try to guide the tenants to special areas so that an ethnic balance will arise or select tenants for areas that are to be 'problem-free'.⁸⁷

In Sweden, the method of situation testing has been used to a limited extent by researchers. One study was carried out by the Swedish Union of Tenants that had one housing applicant with a Swedish-sounding name and one with a foreign-sounding name, contact a large number of private and municipal housing companies by phone. The study that the Union of Tenants presented at the beginning of 2007 showed a clear pattern of discrimination.⁸⁸ The study led to a number of complaints of discrimination to the DO. In all of the complaints, the DO could confirm that there were differences between the phone calls that the two housing applicants had carried out, with regard to treatment, information and the offer of apartments. The DO chose to pursue one instance in which the company tried to steer the person with a foreign sounding name to a certain geographic area and succeeded in achieving a settlement in which the housing company paid SEK 20,000 (€ 2,000) in damages and pledged to undertake preventative measures to combat discrimination.⁸⁹

In 2007, Växjö University also conducted a study of the existence of discrimination in the housing market through the use of situation testing. This study also indicated that ethnic background is a decisive factor in the selection of tenants. In this case, researchers investigated the extent to which individuals with typically Arab/Muslim names were discriminated against when seeking rental housing in Sweden. The study covers all of Sweden and the set-up involved three fictitious persons registering as applicants for available rented flats, one named Erik Johansson, one named Maria Andersson and one named Mohammed Rashid. The flats were advertised by both private persons and companies on Blocket.se. The basis for the analysis comprised notifications of interest from the three persons to 500 private persons and companies. The only aspect that differed in the completed web-based form was the applicant's name and gender. The results of the correspondence to the private rental companies were that Maria received responses to 71 per cent of her inquiries, of which 8 per cent resulted in an offer to view a flat. Erik received a response to 60 per cent of the inquiries, with a viewing offer in 8 per cent of the cases.

⁸⁶ DO (2004) *Discrimination against Romanies in Sweden - A report on the DO project in the years of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies.*

⁸⁷ Popoola, Margareta (2001) *Hyresvärdarnas inflytande över segregationen*, in Magnusson, Lena (ed.) *Den delade staden – segregation och etnicitet i stadsbygden*, Umeå.

⁸⁸ Hyresgästföreningen, Swedish Union of Tenants (2007) *Diskrimineringsbarometern, en undersökning om diskriminering på bostadsmarknaden.*

⁸⁹ DO complaint OMED 2007/159.

Mohammed's response frequency was significantly lower, with only 44 per cent responding and 2 per cent of these leading to a viewing offer. The response frequency and the outcome for the three test persons clearly show that private companies tend to prefer ethnically Swedish women and men ahead of a male applicant with an Arabian/Muslim name. With regard to private persons who were to rent out housing, Maria was permitted to see 20 per cent of the flats, Erik 10 per cent and Mohammed just 4 per cent. Here, the subjective selection, i.e. sorting of people, appears to be even clearer, both with regard to gender and ethnic background.⁹⁰

Both studies conclude that discrimination against ethnic minority groups on the housing market is a major problem. They also show that landlords use unofficial methods in order to choose tenants. The complaints from Roma to the Equality Ombudsman indicate that Roma are also identified by their Roma names. The above-mentioned MKB case also shows the landlords use lists of names in order to exclude Roma in the same way as the situation testing studies demonstrate.

1.3.5. Forced evictions

Eviction due to ethnicity is illegal in accordance with the Discrimination Act. The following case that the DO brought to court illustrates how Roma in Sweden can experience forced evictions. It concerns a pregnant woman with three children who signed a lease in 2005 with a landlord in Jönköping. Some time later, when the family was out of town, the landlord changed the lock on the flat. The district court held that the landlord's actions were due to the woman's ethnic background and awarded her damages of SEK 50,000 (€ 5,000).⁹¹ One consequence of the eviction was that the social service removed her three children to foster care. The reason given was that the mother did not have housing.⁹² Another similar case, which was settled by the DO before a lawsuit was filed, illustrates how discrimination can be manifested within the housing market. It concerns a Roma woman in Sundsvall who in 2005, a few weeks after she had signed a lease, was evicted from her flat. The landlord claimed that his action was that she had disturbed her neighbours. The landlord had also given the woman special rules, which not were given to other residents. The rule stated that the woman's family was not allowed to visit her. The case led to a settlement without a lawsuit and the housing company paid SEK 60,000 (€ 6,000) in damages.⁹³

⁹⁰ Ahmed Ali & Hammarstedt Mats (2007) *Discrimination in the housing market – a field experiment on the internet*, Växjö.

⁹¹ DO Complaint, OMED 2005/1209.

⁹² DO Complaint, ANM 2009/84.

⁹³ DO Complaint, OMED 2005/1040.

1.3.6. Legality and legislation of settlements

There are no Roma settlements in Sweden, which means that the issue is not significant in the Swedish context. .

1.3.7. Movement, encampment and use of private land

This issue is not relevant in the Swedish context.

1.3.8. Access to public utilities

In Sweden, Roma generally have access to public utilities. Roma do not live in settlements or in regulated encampments. However, in some segregated areas, for example Nacksta in Sundsvall, the conditions are poor and the inhabitants have thereby limited access to public utilities like garbage collection.⁹⁴

1.3.9. Access and quality of housing for third country immigrants

There is a lack of research and knowledge about the situation for third country Roma immigrants in Sweden.⁹⁵ Due to the rules in the Swedish Personal Data Act⁹⁶ there are no data on this matter.

An unknown number of Roma from other EU Member States can be found in Sweden. As mentioned above the demands of landlords on rental applicants are very high, and it is hard for many Roma from other EU member states to fulfil these rental criteria. To access housing through the social welfare board you have to be a Swedish resident. This is a reason why many Roma from other Member States are directed to live in camping grounds.⁹⁷

⁹⁴ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

⁹⁵ Email correspondence with an official of the Equality Ombudsman Office (29-03-2009).

⁹⁶ Personuppgiftslag (1998:204) 13 § www.notisum.se/rnp/SLS/lag/19980204.HTM.

⁹⁷ SVT (2008) Uppdrag granskning, www.svt.se, Meros Camping.

1.3.10. Campaigns undertaken by authorities on the right to adequate housing

1.3.10.1. The Ombudsman against Ethnic Discrimination

In 2001, the Swedish government commissioned the Ombudsman against Ethnic Discrimination with the task of paying special attention and intensifying its efforts concerning discrimination against Roma. The commission resulted in a project that was carried out during 2002 and 2003. The findings of the project are presented in the report *Discrimination against Romanies in Sweden – a report on the DO project in the year of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies*.

In 2006, the Ombudsman against Ethnic Discrimination initiated a special project to combat discrimination on the housing market with a focus on three cities, Göteborg, Malmö and Sundsvall. The experiences of this effort are described in *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden* [Discrimination on the Swedish housing market- A report from DO:s special work during 2006-2008 about Discrimination on the housing market (Ombudsman against Ethnic Discrimination report series 2008:3)].

The purpose of the Ombudsman's work against discrimination within the housing market was to increase knowledge about structural and individual discrimination, increase the knowledge about rights and opportunities of individuals for redress and to initiate long-term efforts between various actors on the housing market to combat and prevent discrimination. The work was mainly based on dialogues and human rights training with those who are affected by discrimination - such as Roma. In an initial phase, public hearings regarding discrimination were arranged in co-operation with minorities like Roma, in three cities. The objective was to increase the Ombudsman's and other actors' knowledge of how discrimination is manifested on the housing market. The public hearings were forums for the exchange of knowledge and experiences, where the residents of disadvantaged areas were given the opportunity to share their experiences of discrimination. The Ombudsman's approach was based on a high degree of participation by Roma, other ethnic minorities and other actors in the housing market. The Ombudsman also collaborated with a reference group, which involved the participation of several housing companies, NGO's, concerned municipalities, researchers, representatives from ethnic minorities and from the Government. The Ombudsman states in its report that the reference group made it possible to conduct in depth discussions on housing discrimination in order to formulate

problems and discuss solutions – based on the various actors' input on the issue.⁹⁸

In the report, the Ombudsman against Ethnic Discrimination confirms that Roma are particularly vulnerable to discrimination in Sweden, and discrimination within the housing market clearly stands out as a problem.

1.3.11. Impacts of housing deprivation on the overall situation of Roma and specific groups of Roma (women, children, elderly and persons with disabilities)

Roma are to an extreme degree affected by discrimination in Sweden. The overall situation for Roma affects their housing conditions. It is difficult for Roma to find and choose housing based on their own needs, they are often directed to segregated housing areas, which in turn affects their living conditions. Roma are overrepresented in segregated areas. What segregated areas have in common are a concentration of extreme poverty, educational problems and mass unemployment leading to household dependency on social welfare allowances. According to research about these areas, the unemployment and lack of access to quality education puts Roma in a vulnerable situation without any access to their human rights.

It is obvious that discrimination within the housing market affects the opportunities of Roma in other areas of Swedish society. A home is a fundamental need and a human right. Housing is also a prerequisite for being able to participate in Swedish society on equal terms. Roma families who are evicted or who do not have access to adequate housing obviously affect the children's opportunities to obtain a continuous education. One of the interviewees, the official at the Equality Ombudsman, highlights that children are especially suffering from evictions. Based on the complaints to the Ombudsman, he has concluded that the discrimination in the housing market affects their children's right to an education. He also highlights that Roma women with many children are more likely to be affected by discrimination due to the housing structure in Sweden. Many live in overcrowded apartments.⁹⁹ That Roma in Sweden are forced to live in certain city districts affects the rest of their lives and their possibilities to get a job. For example, many Roma believe that it is a disadvantage to say that they live in a segregated area on employment applications, since it incites negative notions about the applicant.¹⁰⁰ In the study *Integration Report 2003*, the National Integration Office shows that so-called district effects can affect a person's starting point on the labour

⁹⁸ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

⁹⁹ Interview with an official of the Equality Ombudsman Office, 2009-06-23.

¹⁰⁰ DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden.*

market. District effects mean that people who live in an area with a high level of employment where many have a high level of education and high levels of income, are affected by their surroundings in relation to access to good jobs and vice versa. The residential area can accordingly affect one's chances of obtaining the job and income that can lead to meeting the criteria of landlords and being able to obtain a suitable flat.¹⁰¹

The unemployment and the exclusion make it nearly impossible for Roma to enter Swedish society. The housing segregation creates a social distance between the majority society and minority groups like Roma, which affects the entire social structure in a negative way.

This overall situation explains why Roma in general have a lack of confidence in the majority society and in authorities' that are responsible for guaranteeing Roma access to human rights.

1.4. Case Law and complaints relating to the housing of Roma

In Sweden, it is mainly the Equality Ombudsman (DO) that records and deals with complaints concerning discrimination on the housing market.¹⁰²

The Equality Ombudsman is a national authority charged with working to prevent and combat discrimination associated with sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The protection against discrimination includes both direct and indirect discrimination and national legislation, European law and international conventions form the basis of the DO's activities. The national law protects against discrimination in working life, preschools, compulsory schools and in higher education as well as in the social insurance system, health care and all commercial activities such as retail trade and the housing market. The protection also includes a ban on harassment and on giving instructions to discriminate.¹⁰³

A central activity in the DO's work is to receive and investigate complaints of discrimination from private persons. The DO works to achieve redress for the person discriminated against primarily through voluntary agreements. If this is

¹⁰¹ National Integration Office, (2003) *Rapport integration 2003 (Integration Report 2003)*, Norrköping.

¹⁰² In conjunction with the establishment of the new Ombudsman on 1 January 2009, the four previous offices of the anti-discrimination ombudsmen were phased out; these are the Equal Opportunities Ombudsman (gender), the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination due to Sexual Orientation.

¹⁰³ Diskrimineringslagen (2008:567) www.notisum.se/rnp/sls/lag/20080567.HTM.

unsuccessful, the DO is empowered to bring an action in court on behalf of the individual. The authority also exercises supervision over the work of employers, universities and schools to promote equal rights and prevent discrimination. In accordance with the EU directive regarding implementation of the principle of equal treatment of people regardless of racial or ethnic origin, the DO also prepares, reports on and submits recommendations in matters concerning how discrimination can be combated and prevented. Altogether, the DO's various strategies and approaches aim to shape a society based on the principle of the equal value and rights of all and to contribute to social change in this direction.¹⁰⁴

Since 2003, the Ombudsman has received some 235 complaints from the Roma. Approximately 20 per cent of the complaints from Roma concern the right to housing. A majority of the complaints are from Roma women.¹⁰⁵ The Ombudsman will analyze and highlight the gender aspects in a special report on the discrimination of Roma, which will be released in October 2009.¹⁰⁶

A case that the Ombudsman has brought to court concerns a man who applied for an available flat with a private landlord in Ulricehamn in 2006. On the phone, the landlord was positive to the man's application, and a meeting was arranged to sign the lease. When the landlord saw that the applicant was Roma, he said that he felt deceived and refused to rent out the flat. The landlord later claimed that his actions were due to the fact that the man had debts. The DO lost the case in the district court, but appealed the ruling and won in Göta Court of Appeal. The Court stated that even though the man had debts, the reason for not letting the man get the flat was due to the man's ethnicity. The court awarded him damages of SEK 40,000 (€ 4,000).¹⁰⁷

Another case illustrates how Roma can be denied entrance to public camping near Malmö due to their ethnicity. In 2004, 27 Roma arrived at the camping area, but the owner refused them entry and asserted that the camp was fully booked. Other caravans passed the entrance during the discussion between the Roma and the owner of the camping ground. The case led to a settlement and the camping ground paid SEK 200,000 (€ 20,000) in damages.¹⁰⁸

1.5. Identifying good practices

The only good practice targeting the housing situation of Roma is the special effort that the Ombudsman against Ethnic Discrimination carried out in the

¹⁰⁴ www.do.se.

¹⁰⁵ Email correspondence with an official of the Equality Ombudsman Office, (30-03-2009).

¹⁰⁶ Email correspondence with an official of the Equality Ombudsman Office (29-03-2009).

¹⁰⁷ Hovrättens mål (The Göta Court of Appeal), Case nr 3501-08.

¹⁰⁸ DO Complaint, OMED 2004/1007.

years 2006-2008 This is the only practice targeting the Roma housing situation according to all the sources used in this study.

1.5.1. Discrimination on the Swedish housing market – the work of the Ombudsman against Ethnic Discrimination during 2006-2008¹⁰⁹

Title: *Diskriminering på den svenska bostadsmarknaden – en rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden* [Discrimination on the Swedish housing market – the work of the Ombudsman against Ethnic Discrimination during 2006-2008].

Organisation/institution: The work was conducted by the *Ombudsmannen mot etnisk diskriminering* [Ombudsman against Ethnic Discrimination].

Type of organisation/institution: Governmental authority.

Contact information: The Ombudsman against Ethnic Discrimination was merged into The Equality Ombudsman on 1 January 2009. Contact information for the Equality Ombudsman is: Torsgatan 11, PO Box 3686, SE-103 59, Stockholm, Sweden. Tel + 46 8 120 20 700, E-mail: do@do.se

Internet link: www.do.se

Type of initiative: The project aims at knowledge development, self-empowerment and the influence of minority groups over their living conditions by increasing their knowledge of their rights and discrimination efforts, mobilization of ethnic minority groups, rights based knowledge transfer and training methods, research oriented efforts, litigation and reporting.

Total budget and sources of funding: The budget of the project was SEK 500 000 (€ 50 000). Wages are not included. This was financed by the Ombudsman against Ethnic Discrimination.

Rationale: Every year, the Ombudsman against Ethnic Discrimination (DO) received a large number of complaints concerning discrimination within the housing market – that the perception of discrimination and ethnic background is of decisive importance to individuals' opportunities on the housing market is clear. With this project, the DO tried to illustrate and spread knowledge about

¹⁰⁹ The information on the DO's special work, in this chapter, concerning discrimination on the housing market is based on mail correspondence with an official at the Equality Ombudsman (29-03-2009) and DO (2008) *Diskriminering på den svenska bostadsmarknaden – En rapport från DO:s särskilda arbete under åren 2006-2008 kring diskriminering på bostadsmarknaden*.

the problems in the housing market and to contribute to the work on combating discrimination and promoting equal rights and opportunities.

Objective: The objective of the project was to describe and illustrate discrimination in the housing market. What discriminatory actions, systems of rules, procedures and actors exist in the Swedish housing market? The DO's goal was to illustrate discrimination in the housing market on both a structural and an individual level, to increase knowledge about the rights and opportunities of individuals for redress, and to initiate long-term efforts between various actors in the housing market to combat and prevent discrimination. The DO's objective was to contribute special knowledge about discrimination in the housing market by illustrating the experiences of discrimination of both ethnic minorities and actors in the housing market. The DO's work was solution-focused in the sense that it strived to convert the knowledge added into concrete measures to prevent and combat discrimination.

Target groups: The primary target groups are Roma, Muslims, African-Swedes, housing companies, the Swedish Association of Real Estate Brokers, the Swedish Consumer Agency, the Swedish Union of Tenants, Jagvillhabostad.nu, The Swedish Property Federation, SABO, 3 municipalities: Malmö, Sundsvall and Göteborg, researchers and representatives from the Government.

Time frame: 2006-2008

Location: The work focused mainly on the three municipalities: Malmö, Göteborg and Sundsvall.

Brief description of main activities: The DO's special work concerning discrimination in the housing market was based on the concept of mutual knowledge development. This was developed in the Roma project conducted by the DO in the period 2002-2003. With equal opportunities and rights as the overriding objective and with the fundamental concept that ethnic minorities are themselves a key to positive change, the work has aimed to develop the capacity of minorities to engage in counselling and active antidiscrimination work. The purpose is to contribute to improving the conditions for the self-empowerment and influence of the groups over their own living conditions. Here, participation and mutual knowledge development comprise an important force to achieve this positive change. The strategy includes mobilisation, rights-based knowledge transfer and training in methods for self-work, research-oriented efforts and litigation and reporting.

The special work was conducted in co-operation between Roma, Muslims and African-Swedes, and in part through a mutual dialogue between these minorities, the DO and the various actors of the housing market. This co-operation has been a prerequisite for the entire implementation of this endeavour. The aim was to bring the local and central levels together to make it possible to exchange experiences, define the problems and conduct a dialogue

on solutions as well as to involve various actors to combat discrimination on the individual and structural levels.

With this strategy, the DO has worked based on a holistic perspective to gain access to the experiences of housing discrimination of various actors and minorities. The holistic perspective was a part of the method development that was conducted internally at the authority, where various actors' views of the issue and their respective roles and responsibilities for achieving improvement were given a place in a more comprehensive strategy. The DO's different tools and new working methods were applied to the efforts in the internal development process to achieve the best possible impact from the work.

Another part of the strategy – that is directly connected to mutual knowledge development, the holistic perspective and the dialogue between various actors – was formulated in the working hypothesis that effective efforts to achieve equality demand interaction between knowledge (from research and ethnic minority groups), legislation and the mobilisation of ethnic minorities to change discriminatory structures in society.

The starting point was that anti-discrimination efforts in the area of housing, regardless of actor or level, should be based on human rights – the right to housing and the right to not be discriminated against. The Ombudsman concludes that if a restricted legal perspective based solely on national legislation were used, there would be a tangible risk that the focus could end up at the lowest level where only measures required to avoid breaking rules are undertaken by the actors covered by the law. This more passive approach would risk overlooking the underlying principles and norms covered by the international system of human rights, and the idea that anti-discrimination work is about striving for real equality.

The lack of a collective picture of housing discrimination in Sweden played a role in the DO cultivating contacts with the research community early on to be able to shed light on available knowledge and the needs for further research. At the same time, existing research has contributed to adding to the work a structural perspective that can be related to the individual experiences of discrimination as expressed in reports to the DO. Contacts with the research community also resulted in specific subject knowledge and the opportunity to add cutting-edge expertise, which was of great value. A special research endeavour was also carried out on behalf of the DO to generate basic statistics on segregation in Göteborg, Malmö and Sundsvall.

In autumn 2008, a special research conference was arranged in Stockholm with the aim of developing, in an open dialogue, the idea that work against discrimination demands interaction between knowledge (research), legislation and the mobilisation of the groups discriminated against. The aim of the conference was to stimulate debate on how various actors must better collaborate to combat discrimination in society and in the future.

In an initial phase, public hearings regarding discrimination in the housing market were arranged in co-operation with local actors in Göteborg, Malmö and Sundsvall. The DO brought together the general public and relevant actors in areas with few residents of Swedish descent to be able to gather and distribute knowledge about discrimination on site. The public hearings were a meaningful forum for the exchange of knowledge and experiences, where the residents of disadvantaged areas were given the opportunity to share their experiences of discrimination. The objective was to increase the DO's and other actors' knowledge of how discrimination in the housing market is manifested, in order to be able to define problems and develop effective countermeasures. The hearings also entailed an opportunity to involve various actors early on for the long term.

The DO collaborated with a broad reference group to conduct in-depth discussions on housing discrimination. This forum made it possible for the DO to be able to work on the issue representatively and strategically with limited resources. The reference group filled several important functions. It acted as a forum for dialogue that involved the participation of housing companies, the Swedish Property Federation, SABO, the Swedish Association of Real Estate Brokers, the Swedish Consumer Agency, the Swedish Union of Tenants, Jagvillhabostad.nu, concerned municipalities, researchers, ethnic minorities and representatives from the Government. The dialogue made possible an open exchange of knowledge and experiences, problem formulations and discussions on problem solutions – based on the various actors' input on the issues. The composition of the reference group contributed to creating legitimacy. In significant respects, a valuable consensus developed which was confirmed in the reference group with regard to the scope and expression of housing discrimination as well as the roles and responsibilities of the various actors to combat this discrimination.

Work on investigating individual reports of discrimination is a central activity of the Ombudsman. An important part of the special work was to legally prioritise, investigate and pursue cases in court that illustrate various aspects of discrimination in the housing market. Internally at the authority, the special housing project's legal focus stimulated an internal method development in terms of investigating individual cases and analysing structures in the housing market. In the work on investigations, special knowledge was added to the investigative efforts. The legal work primarily aims to provide each affected individual a possibility for redress and to emphasise on behalf of society that discrimination in the housing market is unacceptable. The large number of reports of housing discrimination created a significant basis that made possible a legal analysis of discrimination, the forms and expressions it takes, and the effectiveness of legislation.

The DO's approach was based on a high degree of participation by ethnic minorities and other actors in the housing market in order to succeed. Through an extensive mobilisation – on the national and the local levels – the DO

succeeded in achieving an impact with limited resources. Actors that had seldom had any previous contact with each other were brought together in a dialogue regarding a set of problems that unified their interests in various respects. The mobilisation work was followed up with training programmes and co-operation meetings with the aim of contributing to the creation of conditions for local, independent activities against discrimination in the housing market. Human rights training programmes with a focus on the right to non-discrimination were held in Göteborg, Malmö and Sundsvall. The participants comprised Roma, Swedes of African descent and Muslims, as well as local politicians, tenants' associations and local antidiscrimination organisations. At the same time, the various meetings functioned as a networking platform.

A working hypothesis was that the issue of housing discrimination is multidimensional and that measures to combat discrimination must be undertaken on both the national and the local levels. On the local level, the housing market's structure, with a public and private stock of rental housing and an overriding municipal responsibility for housing, creates an opportunity to work actively against discrimination in one's own city through alliance building. This was the background of the local action groups against housing discrimination initiated by the DO in Göteborg and Malmö in 2008. The authority considered part of its role to launch the concept and create the conditions for an independent dialogue between civil society, politicians and the actors of the housing market. The DO participated in an initial mobilisation of civil society: ethnic minorities, the Swedish Union of Tenants and the local antidiscrimination operations. In the next phase, local training programmes were conducted in both of the cities to provide the civil society actors with communication tools. The overall aim of the local action groups was to initiate and support the development of local networks where actors can jointly work against discrimination in the housing market. The building of local co-operation can also be viewed as an initial step towards developing a model that could be introduced nationwide. Involvement of Roma and Travellers in the design, implementation and assessment: Roma were involved in the design, implementation, the assessment of the project and in formulating solutions.

Any specific focus on Roma women, children, the elderly or persons with disabilities: The project did not put a specific focus on Roma women, children, the elderly or persons with disabilities.

Difficulties and limitations encountered: Structures in Swedish society lead to individuals from ethnic minority groups like Roma being affected by discrimination. The involvement of structures makes it difficult for people to recognize discrimination and for the Ombudsman to prove that discrimination occurred in the individual case. One limitation that the official at the Equality

Ombudsman highlighted is that the Ombudsman cannot change or affect political decisions.¹¹⁰

Any impact assessment or other evaluation: The project has recently ended. There is no evaluation of the project available.

Sustainability: The composition of the reference group has increased the chances that the results of the project will be sustainable. This network is still active.

Possibilities for transferability and mainstreaming: The strategy used in the project, the strategy of mutual knowledge development, has been used and is still used by the Equality Ombudsman in several projects. In general, it can be said that the project has increased the Ombudsman's knowledge about how discrimination is manifested for Roma within the housing situation. This strategy has been evaluated by the Institute for the Study of Human Rights at Göteborg University. The institute concluded that the method is a strategic way of reaching out with limited resources so that more people will gain access to protection against discrimination. The method provides desired effects and is considered to be positive and necessary for the authority to achieve set objectives, confirming the central place of the rights perspective in the authority's work.¹¹¹

1.6. Major national projects targeting the housing situation of Roma

The only major national project targeting the housing situation of Roma is the special effort that the Ombudsman against Ethnic Discrimination carried out in the years 2006-2008 (see chapter 1.5).

¹¹⁰ Interview with an official of the Equality Ombudsman Office, 22-06-2009.

¹¹¹ Institute for the Study of Human Rights (2007) *Extern utvärdering-effekterna av informationsinsatser riktade till grupper särskilt utsatta för diskriminering.*

2. Field research - interviews

2.1. Brief description of the methodology

The interviews were held according to the instruction in the RAXEN Guidelines.

Five interviews were carried out; four of them were telephone interviews and one of them was a personal interview.

The interviewees were as follows:

1. Official at the Delegation for Roma Issues
2. Two Roma activists (one man, one woman)
3. Official at the National Roma Youth Association
4. Official at the Equality Ombudsman

The representative for the Ministry of Integration and Gender Equality was contacted but she clearly stated that she did not want to participate. The representative for the Ministry explained that they lacked sufficient knowledge about the Roma housing situation. The representative for the Ministry referred us instead to the National Board of Housing, Building and Planning.¹¹² We have tried to find a person to interview at the National Board of Housing, Building and Planning without any result.

The representative from civil society, Chair of the International Roma Women's Network, did not have the opportunity to participate in the interview.¹¹³

2.2. Summary of main points

Question 1. The most important features of the housing of Roma in Sweden.

All the respondents answered that the overall discrimination, the degradation associated with the ethnic identity of Roma are a part of everyday life and affects the right to housing of Roma. The female activist highlights this by stating:

¹¹² Mail correspondence with the Ministry of Integration and Gender Equality, 16-03-2009

¹¹³ Telephone call to the International Roma Women Network, 19-03-2009

*Roma are very strongly affected by discrimination and it is not a new phenomenon. There is a general lack of awareness of the underlying causes of the Roma housing conditions, of the role of the state throughout history and how these factors are linked to the situation of today. In order to understand the general negative assumptions about Roma, the need for historical awareness is obvious, but the general awareness is limited.*¹¹⁴

This was also mentioned by the male activist, who said that:

*Roma are often characterised and treated according to general and racist perceptions of Roma as a group.*¹¹⁵

When interviewed about important features of Roma housing and the accommodation situation, one of the interviewees explained that many Roma do not have enough knowledge of their rights, which is why Roma are subjected to accepting the actions of landlords.¹¹⁶ The female activist expressed this by saying:

*Roma are to a large extent unaware of their human rights and how to claim these rights. Roma are in general in a weak socio-economic position, which affects the possibilities of Roma to claim their rights at all.*¹¹⁷

The official of the Delegation for Roma issues explains that in order to understand the discrimination you have to turn your focus to how Roma express their identity:

*Discrimination often depends on how openly the Roma identity is manifested.*¹¹⁸

The key problem agreed by almost all interviewees is the segregation of Roma. The official at the Equality Ombudsman stresses that if Sweden's city maps are marked out based on the question 'who has access to which housing in Sweden today and why', notable ethnic dividing lines appear, and you can see that many Roma are directed to segregated areas.¹¹⁹

Question 2. Factors contributing to these pressing issues?

The key problem, agreed upon by all interviewees, is that housing companies, landlords and tenants have a negative perception of Roma, which contributes to discrimination in the housing market.

¹¹⁴ Telephone interview a Roma activist (28-05-2009).

¹¹⁵ Interview with a Roma Activist, 26-03-2009.

¹¹⁶ Telephone interview with a Roma activist (28-05-2009).

¹¹⁷ Telephone interview with a Roma activist (28-05-2009).

¹¹⁸ Telephone interview with an official of The Delegation for Roma Issues 2009-03-24.

¹¹⁹ Interview with an official of the Equality Ombudsman Office, 22-06-2009.

The representative of the National Roma Youth Association explained:

*Prejudices about Roma exist very strongly in society, even though we live in a modern society. Most people who are part of the majority society have never met persons who are Roma, never talked to Roma. The negative picture from the media contributes to why many tenants do not accept Roma as neighbours.*¹²⁰

He also said:

*Landlords' requirements of permanent or lasting employment are difficult for Roma to meet. Illiteracy is still widespread and many are unemployed. Many landlords do not count social welfare allowance as an income, and Roma who cannot show a clean financial record have difficulties in finding housing.*¹²¹

The female activist said:

*Antiziganism is a general norm within the society and a part of the housing market. Roma are directed to segregated areas and they seldom get rental contracts on their own. Even if a Roma person has a regular income, it is impossible to get housing due to structural discrimination within the housing market.*¹²²

She also said:

*The Swedish national legislation against discrimination in the housing market is a good tool for ensuring everyone equal opportunities. In order to combat structural discrimination additional measures have to be taken. It can be questioned whether Sweden fulfils the obligation to protect the Human Rights of Roma.*¹²³

The official at the Swedish Equality Ombudsman also points out that in order to make any change the need for political awareness and political decisions have to be made.¹²⁴

Question 3. Are there any regional differences?

All the respondents, except one said that discrimination against Roma is manifested in different ways depending on the size of the city. In both large and small cities, Roma have difficulties finding and keeping an apartment. In large cities, the housing shortage contributes to a situation where the landlords have

¹²⁰ Telephone interview with the official of the National Roma Youth Association, 26-03-2009.

¹²¹ Telephone interview with the official of the National Roma Youth Association, 26-03-2009.

¹²² Telephone interview with a Roma activist (28-05-2009).

¹²³ Telephone interview with a Roma activist (28-05-2009).

¹²⁴ Interview with the official at the Equality Ombudsman, 22-06-2009.

an increased opportunity to choose tenants. In small cities, where there is no housing shortage, the landlords more openly object to Roma as tenants. Many landlords react in regard to typical names that are associated with Roma.¹²⁵

The official at the Equality Ombudsman and the female activist said that in small cities Roma are more vulnerable to discrimination. The activist explains:

*In small cities Roma are more visible and thereby more vulnerable to discrimination. When Roma in small cities claim their rights, they become even more visible and more vulnerable to discrimination.*¹²⁶

The representative for The Delegation for Roma Issues said that there are no regional differences.¹²⁷

Question 4. About particular groups of Roma, like women, children, elderly and persons with disabilities, have you identified any particular issues that specifically affect them and are linked to housing?

As to the situation of specific groups of Roma such as women, children, elderly or disabled none of the interviewees could highlight specific issues, apart from the view that appeared in one of the interviews. The official at the Equality Ombudsman clarified that children are especially suffering as a result of evictions, and given the complaints to the Ombudsman, the discrimination in the housing market concerning Roma affects the rights of children to an education. He also highlighted that Roma women with many children are more likely to be affected by discrimination due to the housing structure in Sweden. Many live in overcrowded apartments.¹²⁸

The representative for The Delegation for Roma Issues explained that the cultural differences within the Roma are significant and differ from the majority society, which is more relevant than differences related to gender.¹²⁹

Question 5. Could you describe briefly your institution's work on Roma housing and accommodation issues?

The representative for The Delegation for Roma Issues explains that they do not have a special focus on the Roma situation in the housing market. The Delegation is focused on developing knowledge of the more general situation and will by the end of 2009 present a report, which will highlight the overall situation of Roma.¹³⁰

¹²⁵ Telephone interview the official at the National Roma Youth Association (26-03-2009), interview with a Roma Activist (26-03-2009), interview with the official at the Equality Ombudsman (22-06-2009), and telephone interview with a Roma activist (28-05-2009).

¹²⁶ Telephone interview with a Roma activist (28-05-2009).

¹²⁷ Telephone interview with an official of The Delegation for Roma Issues 2009-03-24.

¹²⁸ Interview with the official at the Equality Ombudsman, 22-06-2009.

¹²⁹ Telephone interview with an official of The Delegation for Roma Issues 24-03-2009.

¹³⁰ Telephone interview with an official of The Delegation for Roma Issues 24-03-2009.

The representatives for the National Roma Youth Association said that the association works to educate landlords and housing companies on how Roma experience their housing situation.¹³¹ The official at the Equality Ombudsman stated that a central activity of the DO's work is to receive and investigate complaints of discrimination from private persons. The DO works to ensure that persons who are discriminated against have access to redress, primarily through voluntary settlement agreements. If this is unsuccessful, the DO has the right to bring an action in court on behalf of the individual. In order to contribute to greater change, the Ombudsman has paid special attention to ethnic discrimination within the housing market, and thereby highlighted how Roma experience housing discrimination. The work has had a legal focus, including investigating the effectiveness of the law, and a focus on developing investigation methods and legal strategies in the area. In 2009, this strategy is to be developed yet further.¹³²

Question 6. Are there any national, regional or local housing and accommodation policies related to Roma housing? What would you say is their actual impact on the situation?

In the general housing policy of Sweden, the issue of Roma is not addressed. This is clearly stated in all of the interviews. Respondents stressed though the necessity of a comprehensive housing policy with a long-term strategy in order to change the housing companies' discriminatory policies and practices against Roma. The male Roma activist mentioned that, the municipal housing company in Malmö had a system for identifying Roma.¹³³ He said:

The housing company, MKB, had a list of names of unwanted tenants. The names were categorised in terms of different sections. Roma names were categorised as Z (Zigenare i.e gypsy).¹³⁴

According to the female Roma activist, these kinds of lists are a part of the housing structure in Sweden:

Unofficial lists of Roma exist all over Sweden and it is a part of the structure within the housing market. Many landlords identify Roma by their family names and landlords think it is legitimate to deny Roma housing.¹³⁵

According to the official at the Equality Ombudsman, the lack of housing policies and transparent mediation policies, contributes to discriminatory structures within the housing market. He explained that:

Municipalities in Sweden do have a particular responsibility for the establishment of local co-operation with the aim of developing non-discriminatory housing agencies; a co-operation in which the municipality

¹³¹ Telephone interview with an official of the National Roma Youth Association, 26-03-2009.

¹³² Interview with an official of the Equality Ombudsman, 22-06-2009.

¹³³ Interview a Roma Activist, 26-03-2009.

¹³⁴ Interview a Roma Activist, 26-03-2009.

¹³⁵ Telephone interview a Roma activist (28-05-2009).

*collaborates with the actors of the housing market on a local level. The housing agencies should be transparent. In addition to clear information on the mediation principles that apply, housing applicants must be given insight into how the allocation and selection occur. Those who have applied for a flat and have been rejected should receive written information on who received the flat and the reasons why. The criteria for applicants must be uniform, relevant and non-discriminatory.*¹³⁶

Question 7. Could you identify any examples of 'good practice' related to Roma housing?

The representative of the civil society stated that the Equality Ombudsman's work has been important in order to increase the knowledge of Roma concerning their human rights. None of the respondents could identify any other good practices concerning the Roma housing situation.

Question 8. Was your organisation involved in any cases of housing discrimination or other violations of the housing rights of Roma?

All the respondents said that they have been involved in cases of discrimination in the housing market, and they have all referred cases to the Equality Ombudsman.

¹³⁶ Interview with an official of the Equality Ombudsman, 22-06-2009

Annex 1 – Statistical data and tables

The information in Annex 1 is from the annual reports of the Ombudsman against Ethnic Discrimination (see <http://www.do.se>).

	2000 - 2009
Number of complaints regarding ethnic discrimination in general, not only housing, received by the Ombudsman.	<p>2000, 575 complaints to the Ombudsman against Ethnic Discrimination, 3 from Roma, 50% Roma men, 50% Roma woman</p> <p>2001, 563 complaints to the Ombudsman against Ethnic Discrimination, 3 from Roma, 50% Roma men, 50% Roma woman</p> <p>2002, 686 complaints to the Ombudsman against Ethnic Discrimination, 20 from Roma, 50% Roma men, 50% Roma woman</p> <p>2003, 763 complaints to the Ombudsman against Ethnic Discrimination, 40 from Roma, 50% Roma men, 50% Roma woman</p> <p>2004, 794 complaints to the Ombudsman against Ethnic Discrimination, 28 from Roma, 25% Roma men, 75% Roma woman</p> <p>2005, 888 complaints to the Ombudsman against Ethnic Discrimination, 31 from Roma, 13% Roma men, 87% Roma woman</p> <p>2006, 757 complaints to the Ombudsman against Ethnic Discrimination, 27 from Roma, 30% Roma men, 70% Roma woman</p> <p>2007, 905 complaints to the Ombudsman against Ethnic Discrimination, 34 from Roma, 26% Roma men, 74% Roma woman</p> <p>2008, 796 complaints to the Ombudsman against Ethnic Discrimination, 50 from Roma, 50% Roma men, 50% Roma woman</p> <p>The total amount of complaints to the Ombudsman against Ethnic Discrimination 2000-2009 is 6727, some 235 from Roma</p>
Number of instances where ethnic discrimination in general, not just in housing, was established by the Ombudsman.	<p>2000 26 settlements</p> <p>2001 32 settlements</p>

	<p>2002 2 court decisions, 29 settlements</p> <p>2003 4 court decisions, 29 settlements</p> <p>2004 4 court decisions, 34 settlements</p> <p>2005 3 court decisions, 31 settlements</p> <p>2006 2 court decisions, 27 settlements</p> <p>2007 6 court decisions, 32 settlements</p> <p>2008 5 court decisions, 24 settlements</p>
<p>Follow up activities of the Ombudsman, once discrimination was established.</p>	<p>2000 5 settlements by the Ombudsman against Ethnic Discrimination 20 settlements by The Unions 1 private settlement</p> <p>2001 10 settlements by the Ombudsman against Ethnic Discrimination 19 settlements by the Unions 3 private settlements</p>

	<p>2002 1 case won in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination 1 case lost in the Swedish Labour Court by the Union 7 settlements by the Ombudsman against Ethnic Discrimination 21 settlements by Unions 1 private settlement,</p> <p>2003 4 cases lost in The Swedish Labour Court by the Ombudsman against Ethnic Discrimination 9 settlements by the Ombudsman against Ethnic Discrimination 14 settlements by the Unions 6 private settlements.</p> <p>2004 1 case lost in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination, 3 cases lost in the Swedish Labour Court by the union 1 settlement by the Ombudsman against Ethnic Discrimination 33 settlements by the Union.</p> <p>2005 2 cases lost in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination 22 settlements by the Ombudsman against Ethnic Discrimination of which 1 concerned Roma 9 settlements by the Unions.</p> <p>2006 2 cases lost in the Swedish Labour Court by the Union 14 settlements by the Ombudsman against Ethnic Discrimination of which 3 concerned Roma 11 settlements by the Unions 2 private settlements</p>
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	<p>2007</p> <p>2 cases lost in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination</p> <p>4 cases won in the District Court and/or Court of Appeal by the Ombudsman against Ethnic Discrimination of which 1 concerned Roma</p> <p>10 settlements by the Ombudsman against Ethnic Discrimination of which 3 concerned Roma</p> <p>20 settlements by the Unions</p> <p>2 private settlements</p> <p>2008</p> <p>3 cases won in the District Court and/or Court of Appeal by the Ombudsman against Ethnic Discrimination of which 3 concerned Roma</p> <p>1 case lost in the Swedish Labour Court by the Ombudsman against Ethnic Discrimination</p> <p>10 settlements by the Ombudsman against Ethnic Discrimination of which 2 concerned Roma</p> <p>13 settlements by the Unions of which 1 concern Roma</p> <p>1 private settlement</p>
Number of sanctions and/or compensation payment in ethnic discrimination cases regarding access to housing.	<p>2 cases settled before the suit by the Ombudsman against Ethnic Discrimination</p> <p>3 cases settled after the suit by the Ombudsman against Ethnic Discrimination, of which 2 concerned Roma</p> <p>3 cases won in the District Court and/or Court of Appeal by the Ombudsman against Ethnic Discrimination of which 1 concerned Roma</p>
Range of sanctions and/or compensation in your country, not only housing.	<p>Range of compensation for Roma in settlements are, 3.000 SEK (€ 300) to 100.000 SEK (€ 10,000)</p> <p>Range of sanctions for Roma in the District Court and/or Court of Appeal are 15.000 SEK (€1,500) to 40.000 SEK (€ 4,000)</p>

Annex 2 – Court, specialised body or tribunal decisions

The information in Annex 2 is from <http://www.do.se>.

Case title	The Ombudsman against Ethnic Discrimination sues a private landlord in the city of Ulricehamn
Decision date	12-02-2008
Reference details (type and title of court/body; in original language and English [official translation, if available])	Göta Hovrätt (Göta Court of Appeal) nr 3501-08 DO Omed 2006/331,
Key facts of the case (max. 500 chars)	A Roma man sought an available flat with a private landlord. On the phone, the landlord was positive to the man's application, and a meeting was arranged to sign the lease. When the landlord saw that the applicant was Roma, he said that he felt deceived and refused to let out the flat.
Main reasoning/argumentation (max. 500 chars)	The landlord claimed in the Court that his actions were due to the fact that the man had debts. The DO lost the case in the District Court, but appealed the ruling and won in Göta Court of Appeal..
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Court stated, that even though the man had debts, the reason for not letting the man get the flat was due to the man's ethnicity
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court awarded the man damages of SEK 40,000.(€ 4,000)

Case title	The Ombudsman against Ethnic Discrimination sues a private landlord in the municipality of Essunga
Decision date	15-12-2008
Reference details (type and title of court/body; in original language and English [official translation, if available])	Settlement after the suit DO Omed 2005/1209
Key facts of the case (max. 500 chars)	A pregnant Roma woman with three children signed a lease with sole proprietorship in Western Sweden. Some time later, when the family was out of town, the landlord found out that the woman was Roma and changed the lock on the flat. This resulted in an eviction.
Main reasoning/argumentation (max. 500 chars)	The eviction was according to the Ombudsman due to the woman's Roma ethnic background. The landlord rejected this and claimed that he changed the lock on the flat because he was misled. He thought that she was from Thailand. When he find out her Roma identity he changed the lock.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The DO won in the Linköping District Court. The district court found that the landlord's actions were due to the woman's ethnic background and awarded her damages of SEK 50,000. The landlord appealed to The Göta Court of Appeal, but the case was settled.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The landlord paid SEK 50 000 (€ 5,000) in damages.

Case title	The Ombudsman against Ethnic Discrimination sues a private housing company in the city of Sundsvall
Decision date	05-05-2008

Reference details (type and title of court/body; in original language and English [official translation, if available])	Settlement before the suit DO Omed 2005/1040
Key facts of the case (max. 500 chars)	A Roma woman in Sundsvall who, a few weeks after she had signed a lease, was evicted from her flat. Before the eviction the landlord had given her special rules that stated that the woman's family was not allowed to visit her.
Main reasoning/argumentation (max. 500 chars)	The landlord claimed that his actions were due to the fact that she had disturbed her neighbours. The Ombudsman claimed that the given rules were not given to other residents and the eviction was due to her Roma ethnicity.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case was settled before the suit
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The housing company paid SEK 60 000 (€ 6,000) in damages.

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