

# Roma and Travellers Survey 2019

## Legislation, policy and practical aspects

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	Questions	Yes/No	Supporting information (provide also relevant links, if appropriate and where possible)
1	<p>Are there <u>practical barriers</u> that hinder Roma and Travellers from using anti-discrimination and/or hate speech/hate crime laws and procedures (e.g. affordability of access to procedures, lack of awareness, lack of effective and Roma and Travellers ‘friendly’ recording structures)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds institutions or other relevant sources, including civil society organisations.</p>	Yes	<p>Relevant supporting information for all questions: In Sweden, there is a national strategy for Roma inclusion in force between 2012 and 2032. The strategy emphasizes that the work for Roma inclusion must be integrated in everyday activities of the public sector and should not be viewed as a one-off project.<sup>1</sup> The strategy complements general policies towards disadvantaged groups and covers four key areas (education, employment, health and housing) and two additional areas: culture/language and civil society (empowerment). The main responsibility for the implementation of the strategy rests on local and regional authorities.<sup>2</sup></p> <p>While there are no formal barriers for Roma and Travellers to use the laws and procedures in question, there are a number of structural barriers that hinder Roma and Travellers in Sweden from accessing their rights.<sup>3</sup> Anti-ziganism is present and while it may not mean any formal barriers, it affects the access to rights in other ways, and gets overarching social consequences.<sup>4</sup> Lack of awareness of rights as well as limited knowledge</p>

<sup>1</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2011) A coordinated and long-term strategy for Roma inclusion 2012–2023 (*En samordnad och långsiktig strategi för romsk inkludering 2012-2032*), [available here](#)

<sup>2</sup> The strategy focuses on Swedish Roma population and does not include vulnerable EU-citizens (*utsatta EU-medborgare*). This group does not have long-term residence permits in Sweden. They are commonly Bulgarian and Romanian Roma spending repeated three months periods in Sweden. The present study does not include data focusing on this group.

<sup>3</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2019) Roma Inclusion – annual report 2018 (*Romsk inkludering - årsrapport 2018*), [available here](#)

<sup>4</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*) (2012) Roma Rights (*Romers rättigheter*), [available here](#)

<p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>	<p>about where to turn for support or how to address day-to-day discrimination and/or hate speech are also key factors discouraging many Roma and Travellers from using anti-discrimination and hate speech laws and procedures.<sup>5</sup> If the Equality Ombudsman (<i>Diskrimineringsombudsmannen</i>) does not choose to represent the injured party, the costs of processing is in general too high for persons with limited income. Thus, it is not only a limited knowledge of the possibilities to seek justice and how to go about it, which makes it less likely that an individual (in this case of Roma or Traveller origin) try to access justice in the first place. The costs involved in bringing a case to court (especially if the plaintiff loses the case) is also a practical obstacle.<sup>6</sup> Another barrier commonly mentioned concerns the lengthy processes, as well as a lack of trust towards authorities in general.<sup>7</sup> After the Police's register of persons with Roma descent in Skåne in Sweden 2013, the trust that had been rebuilding between the Roma communities and the Police was lost once again.<sup>8</sup> Many Roma and Travellers do not trust the Equality Ombudsman and do not find the authority's approach to treat the discrimination of Roma and Travellers together with all other forms of ethnic discrimination as helpful.<sup>9</sup> This mistrust also manifests itself in relation to the 16 local anti-</p>
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<sup>5</sup> Sweden, data collected in writing through e-mail correspondence with Roma representative employed at a municipal centre focused on Roma inclusion and Roma rights, 6 December 2019

<sup>6</sup> Sweden, interview with lawyer at an independent law firm, 11 April 2019 (in relation to the FRA report on business and human rights)

<sup>7</sup> Sweden, Ministry of Employment (*Arbetsmarknadsdepartementet*) (2014) The dark and unknown history – White paper on exploitations and violations against Roma during the 20th century (*Den mörka och okända historien - Vitbok om övergrepp och kränkningar av romer under 1900-talet*), memorandum, 25 March 2014, [available here](#)

<sup>8</sup> Sweden, data collected in writing through e-mail correspondence with Civil Rights Defenders, 21 January 2020

<sup>9</sup> Interview with representative of the Equality Ombudsman, (*Diskrimineringsombudsmannen*) in relation to Emerga Institute's assignment for the Commission against anti-ziganism (*Kommittén mot antiziganism*)

			<p>discrimination agencies around the country, which also might assist Roma and Traveller persons to get redress.<sup>10</sup> This is also confirmed in several interviews with Roma representatives working with Roma inclusion in Sweden.<sup>11</sup></p> <p>In relation to hate crime, there are no special barriers in relation to Roma.</p>
2	<p>Is there legislation (beyond generic legislation on discrimination and/or hate speech/crime) <u>specifically aimed</u> at or used to protect Roma and Travellers against discrimination and/or hate speech/crime, including for example dedicated criminal law provisions, or special structures and procedures focusing on Roma and Travellers (e.g. a specialised structure to deal exclusively with Roma and Travellers' cases)?</p>	No	<p>Besides the generic Discrimination Act<sup>12</sup>, dealing with all forms of discrimination and all seven discrimination grounds, there is specific legislation regulating the rights of minorities, the Act on National Minorities and Minority Languages (<i>Lag 2009:724 om nationella minoriteter och minoritetsspråk</i>).<sup>13</sup> Roma is one of the five national minorities with special rights in Sweden. Several amendments aimed at strengthening the rights of the national minorities and the correspondent duties of different authorities have recently been made. The amendments, which entered into force on 1 January 2019,<sup>14</sup> mainly focused on the protection of the minority languages and the rights for persons from the national minorities to use their languages in contact with various authorities. They aim to give the national minorities extended rights to</p>

<sup>10</sup> Sweden, Equality Ombudsman, (*Diskrimineringsombudsmannen*) (2012) Roma Rights (*Romers rättigheter*), [available here](#)

<sup>11</sup> Sweden, data collected in writing through e-mail correspondence with a Roma representative employed at a municipal centre focused on Roma inclusion and Roma women's rights, 17 December 2019; data collected in telephone interview with a Roma representative and activist focused on Roma inclusion and rights, 17 December 2019, data collected in writing through e-mail correspondence with a development manager at the County Administrative Board, focused on Roma inclusion, 11 December 2019

<sup>12</sup> Sweden, Discrimination Act (*Diskrimineringslag [2008:567]*), 5 June 2008, [available here](#)

<sup>13</sup> Sweden, Act on National Minorities and Minority Languages, (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*) 11 June 2009, [available here](#)

<sup>14</sup> Sweden, Act on National Minorities and Minority Languages, (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), sections 1, 3, 5, 7, 10, 17, 18, 18a, 18b and 18c, 1 January 2019, [available here](#)

<p>Please indicate such provisions, structures or procedures and clarify whether and which particular groups of Roma and Travellers are explicitly covered. Please provide links to legislation or other relevant sources.</p> <p>Indicative length: two short paragraphs</p>	<p>information and influence about these rights. Furthermore, these amendments strengthen children and young persons' right to participation and influence. The amendments which entered into force on 1 January 2020, stipulate that all regions and cities/municipalities must formulate goals and guidelines for their work with the national minorities.<sup>15</sup> At the same time, the duties of national, regional and local authorities to consult (<i>samråda</i>) with the national minorities in issues which concern them were strengthened. Furthermore, all authorities must inform minorities of their language and cultural rights and the authorities' duties in relation to these rights. This also applies to issues with special importance for the elderly. When persons from the national minorities apply for different kinds of support, which they need because of their advanced age, the local authorities have the explicit duty to inform the applicants of their right to receive the desired support/services from staff that speak the minority language in question. However, the duty to offer such support/services only applies if the municipality has access to personnel with this language competence. There are no stipulations which specifically concerns Roma and Travellers in relation to discrimination and/or hate speech.</p> <p>The background to the substantial amendments of the Act on National Minorities and Minority Languages is a comprehensive public inquiry on minority politics that was presented in 2017.<sup>16</sup> The inquiry established that the introduction of the Act on National Minorities and Minority Languages in 2009 had not had the impact both the government and the national</p>
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<sup>15</sup> Sweden, Act on National Minorities and Minority Languages, (*Lag [2009:724] om nationella minoriteter och minoritetsspråk*), sections 3, 5b, and 19, 1 January 2020, [available here](#)

<sup>16</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) Next step? Proposals for a strengthened minority politics (*Nästa steg? Förslag för en stärkt minoritetspolitik*, *SOU 2017:60*), 15 June 2017, [available here](#)

		<p>minorities had anticipated. Furthermore, the inquiry pointed out that questions concerning the national minorities' language and cultural rights often were treated separately from the ordinary tasks assigned to national, regional and local authorities. This situation was problematic since it did not allow for the mainstreaming of these issues into the day-to-day work on education, social welfare, healthcare etc. To change this situation, the sections dealing with the right to preschool education and elderly care in the minority languages have been transferred from the National Minorities Act to the Education Act (<i>Skollag [2010:800]</i>)<sup>17</sup> and the Social Services Act (<i>Socialtjänstlag [2001:453]</i>)<sup>18</sup>. A reference to the rights in questions remain in the National Minorities Act.</p> <p>The County Administrative Board of Stockholm (<i>Länsstyrelsen Stockholm</i>) and the Sami Parliament of Sweden (<i>Sametinget</i>) have the national responsibility to monitor the implementation of the National Minorities Act and assist other administrative agencies with information and guidance.<sup>19</sup></p> <p>In December 2019, a new report of the Ministry Publications Series<sup>20</sup> proposed that a specific authority for Roma issues should be established as a council led authority (<i>nämndmyndighet</i>) at an already existing host agency (<i>vårdmyndighet</i>). This authority would be tasked with the national responsibility to strengthen the rights of the Roma minority. The report</p>
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<sup>17</sup> Sweden, Education Act (*Skollag [2010:800]*) chapter 25, sections 1 and 5a, chapter 8 section 12a, 1 January 2019, [available here](#)

<sup>18</sup> Sweden, Social Services Act (*Socialtjänstlag [2001:453]*) chapter 5, section 6, 1 January 2019, [available here](#)

<sup>19</sup> Sweden, Sami Parliament of Sweden (*Sametinget*), 2019, The Minority Political Assignment (*Minoritetspolitiska uppdraget*), [available here](#)

<sup>20</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2019) Sustainability and order in the work ahead – an authority on Roma issues (*Långsiktighet och stadga i arbetet framåt - en myndighet för romska frågor Ds 2019:15*), Memorandum, 9 July 2019, [available here](#)

			suggested that the proposed authority should also focus on discrimination of the Roma. The suggestion of such a special arrangement for Roma issues has been criticised by several consultation bodies, e.g. Civil Rights Defenders <sup>21</sup> and the Equality Ombudsman <sup>22</sup> , which both stressed the problem with introducing special arrangements alongside the existing permanent structures.
3	<p>Have there been any significant court decisions or cases dealt with by non-judicial bodies (e.g. equality bodies, Ombuds institutions, other human rights bodies) over the last five years treating discrimination and/or hate speech/crime against Roma and Travellers?</p> <p>Please mention no more than three such cases. Give a short description of each case and its outcome.</p> <p>Please provide links to the decisions and/or other useful sources of information about them, where available.</p>	Yes	<p>1.Svea Court of Appeal (<i>Svea Hovrätt</i>)</p> <p>Case number: T 6161-16</p> <p>The civil society organisation Civil Rights Defenders took legal action against the Swedish state for discrimination on the grounds of ethnicity. Civil Rights Defenders represented 11 persons with Roma background who together with 4741 other Roma had been registered in the Police’s register on Roma and travellers in the so-called “travellers register” (<i>kringresanderegistret</i>). The register was revealed to the public in the autumn of 2013. The case was first tried in Stockholm District Court (<i>Stockholms Tingsrätt</i>) in June 2016, where the court found the state guilty of discrimination. The District Court’s ruling was appealed to the Svea Court of Appeal (<i>Svea Hovrätt</i>) in April 2017 by the chancellor of Justice (<i>Justitiekansler</i>). The Court of Appeal also found the state guilty of discrimination on the grounds of ethnicity..</p>

<sup>21</sup> Sweden, Civil Rights Defenders (2019) Comment letter on the memorandum ‘Sustainability and order in the work ahead – an authority on Roma issues’ (*Yttrande över departementsskrivelsen Långsiktighet och stadga i arbetet framåt – en myndighet för romska frågor, DS 2019:15*), [available here](#)

<sup>22</sup> Sweden, Equality Ombudsman (*Diskrimineringsombudsmannen*), 2019, Sustainability and order in the work ahead – comment letter (*Långsiktighet och stadga i arbetet framåt – en myndighet för romska frågor - Remissvar på Ds 2019:15, 10 oktober 2019*), [available here](#)

<p>Indicative length: three short paragraphs</p>	<p>The state was sentenced to pay each of the 11 plaintiffs 30,000 SEK (€ 28,400) as compensation. The Chancellor of Justice decided not to appeal the sentence, and as a consequence every person who was included in the register in question has the right to the same amount of 30,000 SEK.<sup>23</sup></p> <p>2.District Court of Linköping (<i>Tingsrätten Linköping</i>)</p> <p>Case number: T 872-18</p> <p>The case is available in its entirety at the Equality Ombudsman’s webpage, <a href="#">here</a>.</p> <p>The case concerned a Roma family where one of the family members wore traditional kaale clothes. The family was shopping for toys in a toy store when they were followed around in the store by store personnel. The company claimed that they did not notice the family until one of the family members started to act out and become loud. However, the plaintiffs were able to show a mobile phone video recording of the event. With reference to the video, the court decided that it was blatantly clear that the toy company was guilty of discrimination on the ground of ethnicity – one of the seven grounds of discrimination included established in the Discrimination Act.<sup>24</sup>. The case was not appealed to a higher court, so the</p>
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<sup>23</sup> Sweden, Swedish Chancellor of Justice (*Justitiekanslern*), 2017, Claim on grounds of personal information in the so called travellers register (*Anspraak på grund av personuppgifter i det s.k. Kringresanderegistret*), 24 May 2017, [available here](#)

<sup>24</sup> Sweden, Discrimination Act (2008:567) (*Diskrimineringslag [2008:567]*), chapter 1, paragraph 1, 1 January 2018, [available here](#)



			ruling from Linköping District Court ( <i>Tingsrätten Linköping</i> ) is the final ruling in the case.
4	<p>Are there any barriers (legislative/policy or practical) hindering Roma and Travellers children from accessing education (e.g. neutral registration rules but difficult for Roma and Travellers to comply with, distance between home and schools, discriminatory behaviours alienating children from school environment, measures leading to school segregation)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds institutions or other relevant sources, including civil society organisations.</p>	No/ Yes <sup>25</sup>	<p>There are no legislative or policy barriers hindering Roma and Traveller children from access to education. However, several interviewees point out that Roma and Traveller children often experience alienation in the school environment. The group experiences a feeling of otherness as well as an othering of their identity by the school personnel and majority children, which may partly explain why many Roma children never finish their mandatory education (the first ten years). An interview-based report on the situation for Roma children in Swedish schools carried out by the Swedish National Agency for Education (<i>Skolverket</i>)<sup>26</sup> shows that Roma and Traveller pupils constantly have to position themselves vis-à-vis their Roma identity (in contrast to other pupils whose cultural identities are rarely in focus). Furthermore, the individual parent’s approach both to education and to their Roma identity greatly affects their children. The Roma children interviewed in the report describe how they face prejudices, harassment and negative discrimination at school.</p> <p>A report from the County Administrative Board of Stockholm (<i>Länsstyrelsen Stockholm</i>)<sup>27</sup> describes the current situation in relation to Roma inclusion in municipalities, which have received national funding to</p>

<sup>25</sup> No, there are no legislative/policy barriers but Yes, there are practical barriers in the form of discrimination and alienation

<sup>26</sup> Sweden, Swedish National Agency for Education (*Skolverket*) (2018) Roma in school - Description of the current situation (*Nulägesbeskrivning av romers situation i skolan*), [available here](#)

<sup>27</sup> Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2018) Roma inclusion locally – description of the current situation in municipalities with national funding 2012-2017 (*Romsk inkludering lokalt – nuläget i kommuner med statligt stöd 2012–2017*), [available here](#)

	<p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>		<p>work with the strategy for Roma inclusion. The report states that it is unclear how the situation is for Roma children/pupils in preschools, schools and upper secondary schools. Since many of them do not tell anybody in school that they are Roma and since the schools are unable to find out the ethnicity of children who are born in Sweden of Swedish-born parents, which most of the Roma children are it is difficult to get an overview of their situation in the Swedish school system. The report also states that there are rarely any special measures taken to increase the attendance of Roma pupils in the schools in the municipalities, neither are there any awareness of how many of the Roma pupils who finish mandatory school with approved grades or how many who complete their upper secondary studies. Furthermore, the report maintains that the available activities show a lack of ambition.</p>
5	<p>Are there any specific regulatory or policy measures over the last five years affecting access to housing for Roma and Travellers (e.g. legislation/policy measures on social housing or halting sites for Roma and Travellers, measures affecting their access to water, electricity or communication services)?</p>	No	<p>No specific regulatory or policy measures affecting Roma and Travellers' access to housing have been taken during the last five years. This is also confirmed by the National Board of Housing, Building and Planning (<i>Boverket</i>).<sup>28</sup> However, within the frames of the national strategy for Roma inclusion, the government assigned the National Board of Housing, Building and Planning to continue its ongoing assignment to counteract discrimination of Roma in the housing market, which in turn may affect the group's possibilities to rent apartments.<sup>29</sup></p>

<sup>28</sup> Sweden, data collected in writing through e-mail correspondence with the National Board of Housing, Building and Planning (*Boverket*), 17 December 2019

<sup>29</sup> Sweden, Ministry of Culture (*Kulturdepartementet*) (2018) Assignment to the National Board of Housing, Building and Planning to continue with measures to counteract discrimination of Roma in the housing market (*Uppdrag till Boverket att fortsätta med en insats för att motverka diskriminering av romer på bostadsmarknaden*), [available here](#)



	<p>Please mention the two most important measures or changes in legislation (on federal, regional or municipal level) classifying them as having a positive or negative impact You can provide one example for each category. Or, as appropriate, two examples of positive or two examples of negative impact. Please give a short description of each measure and provide relevant links.</p> <p>Indicative length: two short paragraphs</p>		<p>Within this assignment, the National Board of Housing, Building and Planning has developed a web-based training focusing on the equal treatment of Roma in the housing market, aimed at landlords and property owners.<sup>30</sup></p> <p>a) measure(s) having a positive impact</p> <p>The strengthening of the National Minorities Act, as described above.</p> <hr/> <p>b) measure(s) having a negative impact</p> <p>No desk research and none of the interviewees showed or mentioned the introduction of any measures with negative impact.</p>
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<sup>30</sup> Sweden, National Board of Housing, Building and Planning (*Boverket*), 2019, Training for equal treatment of Roma at the housing market (*Utbildning för likabehandling av romer på bostadsmarknaden*), [available here](#)