

Human Rights Challenges in Sweden 2014

Joint Submission for Sweden's Second Universal Periodic Review

Submitted by
Church of Sweden
The Sweden Finnish Delegation
Swedish Finn Youth Organization
National Association of Swedish Tornedalians
Tornedalian Youth Organization
Sami Youth Organization
The Swedish Federation for Yiddish

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RUOTSINSUOMALAISTEN VALTUUSKUNTA
SVERIGEFINLÄNDARNAS DELEGATION



Church of Sweden 

In connection with Sweden's second universal periodic review the signing stakeholders would like to submit the following comments regarding the development and implementation of human rights in Sweden during the period Spring of 2010 – June 2014. Focus in this submission will be placed on a few issues of concern that have been raised in the recommendations presented during Sweden's first universal periodic review.¹ Some of the comments at the end are from the Church of Sweden. We would also like to emphasize that we support the need to improve the human rights situation in the fields that the United Nations Association of Sweden is submitting in its alternative report.

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¹ Report of the Working Group on the Universal Periodic Review, Human Rights Council, 15th session, 16 June 2010, A/HRC/15/11

Indigenous Rights

It is still unclear how the Swedish Government intends to implement the UN Declaration on Indigenous Rights. The Swedish Government voted in favor of the Declaration in the UN General Assembly. The principles in the Declaration are of utmost importance to the basic human rights of indigenous peoples around the world. States that take human rights seriously need to show through active participation that these principles are respected.

Since Spring of 2010 no significant improvements have been made in the development of indigenous rights in Sweden. A draft of a Nordic Sami Convention is still subject to multilateral negotiations. The prospect of a future Nordic convention does not, however, diminish the need of broader multilateral commitments on the behalf of Sweden regarding indigenous rights in accordance with the principles of the UN Declaration on Indigenous Rights.

The legal framework protecting indigenous rights in Sweden is limited in its scope and the need to clarify Sami rights in Sweden remains. The right to self-determination of the Sami people is still very limited and far from the principles adopted in the UN Declaration on Indigenous Rights. The Sami Parliament is both a democratically elected body for the Sami people and a government agency. The additional tasks given to the Sami Parliament the past few years have mainly been a development of the government agency's tasks. In Spring of 2010 the Sami Parliament rejected a government proposal on indigenous issues, because it was considered too limited in its scope. Since then the Swedish Government has argued that the Sami Parliament should present a proposal of its own on how indigenous self-determination should be developed. The politically elected part of the Sami Parliament has a very small budget and small legal staff which hampers such efforts. The Government has pointed out that an amendment to the Constitution was made in January 2011 specifically recognizing the Sami people. It remains to be seen if the amendment will improve the situation of the Sami. In many ways the situation of the Sami has become even more difficult the past few years,

The Swedish Government adopted a new mineral strategy in 2013 which aims to actively promote the development of mines. The accelerating exploitation of natural resources, the effects of climate change and the increased numbers of large predators are currently placing additional pressures on the reindeer herding Sami. The Sami have great difficulties protecting their traditional areas against mineral prospecting, development of mines and other competing land uses. The Sami villages, that have a right to use the land for reindeer grazing, have limited legal instruments at their disposal, which causes great challenges. The Swedish Government argues that environmental and land use laws protect Sami interests, but recent cases show that the government's interest to develop mines has been given stronger priority than the provisions for the use of the land for reindeer herding. There is no veto for Sami village that would stop development of mines. The physical move of the city of Kiruna, due to expanding mines, is a great challenge to the three Sami villages in the area. In the Autumn of 2013 the UN Committee on the Elimination of Racial Discrimination questioned the ongoing mining development in Rönnbäcken, Tärnaby. The opposition among the Sami against extractive industries has increased and during 2013 protests against mines were launched in Gállok in Jokkmokk. A unanimous Sami Parliament has also protested against mining in Gállok, but the private companies have dismissed such protests.

Discrimination and prejudice is still a serious problem that affects the Sami. Media reports that hate crime towards Sami on the internet has increased.² Research published in 2013 shows that half of the Sami youth in a study (age 13-18) had experienced negative treatment based on their ethnicity. The study also shows that their health related quality of life was lower than among other Swedish school children. According to the Sami Youth Organization one of the biggest problems for Sami children and youth is the feeling of constantly being questioned and having to explain themselves and their

² Report from Church of Sweden: "Dare to be minority – a report on minority rights in Sweden 2012"/"Våga vara minoritet - En rapport om minoritetsrättigheter i Sverige 2012", 2012, Swedish Public Radio, Sami Radio "Rasism increasing towards Sami in Northern Sweden"/"Rasism ökar mot samer i norra Sverige", 1 December 2011, <http://www.svenskakyrkan.se/default.aspx?di=867555;http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=4831442>

rights as indigenous peoples.³ The Sami Youth Organisation works actively with suicide prevention among Sami youth, because of the pressures that youth face being indigenous peoples and the lack of hope for young adults who wish to find a living in traditional reindeer herding. A recent report notes that children living in reindeer herding families are also affected negatively by the pressures that cause stress among reindeer herders.⁴

The issues of concern regarding the Sami people in Sweden identified by the UN Special Rapporteurs on Indigenous Issues⁵ and Health⁶ remain. Very few steps have been taken to tackle the problems. One of the problems is the lack of knowledge of indigenous issues and cultural awareness among health care providers. It is difficult to get mental health care in Sweden where personnel understands what it is like to be indigenous and what challenges they face. According to Sami sources many have to seek mental health care in Norway where there is a developed health care system with indigenous knowledge, awareness and language skills.

Important steps to revitalize the Sami languages have been made in Sweden within the minority rights policy of 2010, such as the establishment of a Sami language centre. The biggest challenge in saving the threatened Sami languages in Sweden is to produce enough new first language speakers in Sami. The educational system in Sweden is still unable to guarantee Sami children's right to learn Sami, in spite of explicit legal obligations under the Council of Europe minority conventions⁷ and the Swedish Language Act⁸. In 2011/2012 only half the Sami pupils that applied received mother tongue tuition in Sami (usually 40 minutes per week). Bilingual education in Sami is limited to five Sami schools and a few schools that provide a few hours of so called integrated Sami teaching (a few subject taught about Sami history etc. and additional lessons in Sami). The total number of pupils receiving more than mother tongue tuition was 355 in 2012. The number of children acquiring higher levels of proficiency and literacy in Sami are so few that the future of the Sami languages (which are threatened and severely threatened according to UNESCO) continues to be extremely challenged. More on the educational challenges below.

The Rights of National Minorities

In January 2010 the Swedish Government launched a new minority rights policy in order to improve the implementation of the Council of Europe minority conventions. The reform and new legislation has led to positive changes in many aspects: more precise legal rights for the minorities, the development of local consultations with the national minorities in some municipalities and additional funding for minority NGOs. A great number of municipalities have joined the so called administrative areas where daycare and care of the elderly is to be provided in minority language, and where citizens can use Sami, Finnish and Meänkieli with the authorities. Additional funding has been provided for minority language revitalization. Yet, four years in to the reform implementation is going slowly and some issues of concern remain. The protection and promotion of Yiddish and Romani Chib in Sweden is still very weak.

Interpretation and Implementation of the Minority Act is still problematic. The annual follow-up report from the County Administrative Board and the Sami Parliament submitted to the Ministry of Employment in March 2014 confirms the previously known problems in implementing the Minority

³ Dissertation, Lotta Omma, Umeå University, 2013, <http://www.medfak.umu.se/om-fakulteten/aktuellt/nyhetsvisning/etnisk-diskriminering-vardag-for-unga-samer.cid207855>

⁴ "Ten Ways to Strengthen Children and Youth – a minority and indigenous perspective" / "Tio sätt att stärka barn och unga – ett minoritets- och urfolksperspektiv", 2 April 2014, page, 17, report by Church of Sweden Hugo Valentin Centre/Uppsala University, The Sweden Finnish Delegation, National Association of Swedish Tornedalians and Swedish Finn Youth Organization, <http://www.svenskakyrkan.se/default.aspx?id=1116955&ptid=48063>

⁵ Report by the Special Rapporteur on the rights of indigenous peoples, James Anaya, The situation of the Sami people in the Sápmi region of Norway, Sweden and Finland, A/HRC/18/35/Add.2, http://unsr.jamesanaya.org/docs/countries/2011-report-sapmi-a-hrc-18-35-add2_en.pdf

⁶ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, A/HRC/4/28/Add.2, 28 February 2007, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/111/82/PDF/G0711182.pdf?OpenElement>

⁷ Framework Convention on the Protection of National Minorities, European Charter for Regional or Minority Languages

⁸ Språklagen (2009:600), http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Spraklag-2009600_sfs-2009-600/?bet=2009:600

Act in Sweden.⁹ The County Administrative Board concludes that there is need of additional training and awareness raising initiatives in minority rights in the municipalities. In spite of the efforts made, implementation is slow. The municipalities within the administrative areas have difficulties providing services and thus guaranteeing minority rights. The implementation of the Minority Act is still in its initial stages in many municipalities. Many municipalities have also lost momentum in the implementation since last year. For instance, the right to pre-school in minority language cannot be used by families in all the municipalities in the administrative areas. Outside the administrative areas, where municipalities are to guarantee a minimum level of minority rights, very little is happening. These municipalities are frequently not aware of any minority obligations. The lack of remedies is also a major obstacle when municipalities violate or ignore minority rights. The follow-up report concludes that the responsibilities of municipalities, county councils and government agencies need to be clarified in the Minority Act in order to improve the implementation. In addition, legal regulations on supervision are needed – not just follow-up – in order to increase the effectiveness in implementation of minority rights.

The government report also notes that there is a continued need for initiatives to fight discrimination, harassment and hate crimes directed towards the national minorities. The Jewish minority still fears for its safety. Some initiatives have been made by the Government to improve the situation but more is needed. When the Jewish Youth Organization in the Spring of 2014 is asked what their most important issue is the answer is safety and protection against harassment. Harassment affects children and youth as well.¹⁰

More needs to be done to develop the consultations with the national minorities, so that these provide effective participation for the national minorities. The minorities without administrative areas, the Jewish and Roma minorities, are far from effective participation and there is no dialogue in some municipalities, which is a source of frustration for these minorities. Consultation processes are being developed in many municipalities. Younger persons are rarely represented today, and yet they are a very important target group for educational and revitalization measures. There is a need to solve the legal problems, to clarify the regulations in the Minority Act and to seriously consider measures to improve the implementation in the municipalities. So far the Swedish Government has not been willing to do so, even though the problems have been known since at least 2012.

The educational systems ability to support the language development of minority children is thus the single most important problem to address when it comes to the survival of the minority languages in Sweden. A critical alternative report was submitted to Council of Europe by a number of NGOs in connection with the monitoring visit in December 2013. The report, “*Marginalized and Ignored – National Minority Children’s Struggle for Language Rights in Sweden 2013*”¹¹, focuses on the difficult educational situation of minority children in Sweden. In spite of continued criticism from minority and indigenous NGOs (the Sami are also recognized as a national minority), numerous repeated recommendations from Council of Europe¹² and also the United Nations Special Rapporteur on Indigenous Issues,¹³ the Swedish Government has taken very few steps to improve the educational situation of national minority and indigenous children. The main implementation problems consist of weak or unclear legislation and the lack of structures within the educational system that can provide

⁹ ”Nationella minoriteter – Rapport om tillämpningen av lagen om nationella minoriteter och minoritetsspråk 2013”,

<http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/manniska-och-samhalle/nationella-minoriteter/Årsrapport%202013.pdf>

¹⁰ Report ”Ten Ways...”- see above, page 18

¹¹ Link to the report: http://www.sverigeфинне.nu/julkaisut/206507_SvK.pdf

¹² Recommendations from Council of Europe:

http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec1_en.pdf,

<https://wcd.coe.int/ViewDoc.jsp?id=98247&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>, http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec2_en.pdf,

<https://wcd.coe.int/ViewDoc.jsp?id=1307569&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>, http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec3_en.pdf,

http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/SwedenCMRec4_en.pdf,

<https://wcd.coe.int/ViewDoc.jsp?id=2075435&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

[5D383](https://wcd.coe.int/ViewDoc.jsp?id=2075435&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

¹³ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – see above

minority and indigenous children the support needed to reach higher proficiency and literacy in their minority language. As a consequence, Sweden is not fulfilling the obligations under the Framework Convention nor the European Language Charter. These legal and structural problems can only be solved through initiatives by the Swedish Government.

It is unclear how the Government intends to fulfill the obligations under Part II of the European Charter, protecting Yiddish and Romani Chib. The regulations on pre-school *partially in* a minority language and the content of the mother tongue support in pre-school need to be clarified. The number of individuals reaching higher proficiency and literacy in the minority languages is simply too low to maintain the minority languages in Sweden. Resolute actions are needed to promote the languages in accordance with Article 7.1.c of the European Charter. It is unclear how Yiddish is going to be maintained as a language in Sweden, since there is not even teacher training planned in Yiddish. Yiddish has received less favorable treatment by the government than the other national minority languages when it comes to obligations within public service media and in language planning initiatives.

It is not sufficient that the national minorities only obtain different levels of spoken proficiency in the minority languages. The most common option available at present, a single mother tongue lesson once a week, is not enough to provide the educational support needed to reach higher levels of proficiency and literacy in the minority language. Mother tongue tuition is a marginalized subject and the amount of time provided varies. To receive such tuition remains a problem. Access to bilingual education continues to be a problem. Legal regulations hinder the use of stronger bilingual or immersion programs needed. The government's program for teacher training in national minority languages is seriously underfunded. The academic quality and structures needed will be difficult to reach. Only a fourth of the needed resources were allocated for the teacher training program.

The Swedish National Agency for Education is currently working on the assignment to train at least 12 teachers in minority languages. According to the agency, a number of teachers in Sami and Meänkieli will be trained through a fast track program. The minority and indigenous organizations welcome the initiative but note that the assignment will not solve the structural problem of teacher training and that it will have no consequences for the lack of teachers in Yiddish, Romani Chib or Finnish. It remains to be seen how many new teachers in Sami and Meänkieli this initiative will lead to.

In June 2014 the Swedish Parliament adopted a proposal on changing the regulations on mother tongue tuition in minority languages. The requirement of "basic knowledge in minority language" in order to be entitled to mother tongue tuition in primary and compulsory school was revoked. The minority and indigenous organizations welcomed the initiative but noted that the requirement of "good knowledge" will still remain a requirement for upper secondary school. The minorities fear that the changes in regulations will have limited impact. The shortage of teachers in minority languages still remains a serious problem in many municipalities. Even if the requirements are changed, the municipalities will not be able to find enough teachers to teach in minority languages.

The effects of language revitalization efforts need to be analyzed. Good practices and successful methods need to be disseminated. There is a dire need to develop language centers for all national minority languages.

In addition, the Church of Sweden would like to submit the following.

The Right of the Child

More needs to be done in Sweden to implement children's rights. Implementation of the rights is still a problem in many municipalities. If the Swedish Government is serious about implementation, it should ratify the Optional Protocol No. 3 of the Convention on the Rights of the Child. This would provide important remedies for children whose rights are not respected and it would be a strong incentives for authorities and municipalities to improve implementation. The Government also needs to incorporate the convention into domestic law, as soon as possible. There is also a need to adopt a national action plan on how the implementation could be improved.

An issue of concern in Sweden is poverty and financial hardship in some families and especially among families with single parents or where the parents are dealing with unemployment or health problems. In its work the Church of Sweden meets many families who need financial assistance to get by in their daily lives, often help with basic needs such as food supplies or financial assistance with basic necessities. The general feeling among the deacons in the Church of Sweden is that the need of help is increasing. Children in these families are in a vulnerable situation and they have to do without certain things, regardless of how the levels of poverty are measured. Another continued problem with children's rights in poor families is the risk of getting evicted. In spite of efforts made, this is still a problem in some municipalities, and more needs to be done to secure that families with children are not evicted.¹⁴

Other areas of concern where there is need to respect children's rights better are bullying and harassment in schools, children that have been placed in state institutions and asylum seeking children's rights.

When it comes to children's influence and participation in decision making more could be done to improve the ways of making children's voices heard. Church of Sweden has decided that child impact assessments are to be conducted in all decision making processes within the church. The use of child impact assessments is a successful method to secure that the interests and rights of children are taken into consideration in decision making processes and there is a continued need to develop such methods in Swedish municipalities and among authorities.

Discrimination

Many recommendations in the first universal periodic review advocate for enhanced efforts to fight xenophobia, racism and discrimination based on ethnicity, religion or legal status (such as persons seeking asylum). Church of Sweden affirms these recommendations as vital for a well-functioning and open society with respect for human rights.

The Rights of Refugees, Asylum Seekers and Migrants

Church of Sweden acknowledges the positive steps taken by the government when it comes to right to education for all children in Sweden and the right to immediate health care for all. However, the restrictions for persons seeking asylum and undocumented persons when it comes to access to health care are not justifiable nor logic and should be lifted. Church of Sweden has also observed that some municipalities claim that the EU-migrants are neither persons with residence nor undocumented and deny them health care and their children education. We believe that this is not in accordance with human rights nor the intentions of the law and we would like to see this clarified by the government.

Church of Sweden acknowledges the commitment from the government in investigating how to better fight xenophobia and racism, increasing the support to anti-discrimination bureaus and fighting myths around immigration through the launch of a government webpage. The increased use of ethnic

¹⁴ Statistict from Swedish Enforcement Authority, <https://www.kronofogden.se/28601.html>

profiling in police work is however counteracting these efforts. There is a need to work with ethics and human rights within certain sectors of the police force as well as other public bodies such as the court system.

Church of Sweden would like to see increased efforts to support civil society initiatives for bridge-building between people of different origins and of different religions. Local interfaith councils are vital in this development, as well as supporting interfaith youth-projects such as *One Sweden*, *Salaams vänner* and *Tillsammans för Sverige*. Religion is too often seen as a problem rather than a resource in fighting discrimination and racism and building a human rights' based society.

Church of Sweden also sees the vital need to strengthen the human rights instruments around migrant workers, especially women working in private homes. We would like to see a Swedish ratification of the ILO-convention on domestic workers as soon as possible, as well as increased efforts to ensure that migrant workers have the same legal protection from abuse as other workers.

Women's Rights

Church of Sweden submits that violence against women is still a serious human rights problem in Sweden. The work with protecting women from violence must be developed and strengthened. The work of relevant authorities to prevent violence against women and girls and to address individual cases needs to be supported.

More needs to be done to increase gender equality. Swedish authorities need to take active measures to promote an equal balance of women and men at all levels of professional life.

More needs to be done to promote gender equality among indigenous and minority women. The Swedish Reindeer Husbandry Law needs to be revised from a gender perspective in order to protect the rights of Sami women.¹⁵ The Government's Strategy on Roma Inclusion contains initiatives to improve the situation of Roma women.¹⁶ Church of Sweden welcomes these initiatives and urges the Government to continue these efforts.

¹⁵ Rennäringslag (1971:437), http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Rennaringslag-1971437_sfs-1971-437/?bet=1971:437

¹⁶ <http://www.government.se/sb/d/16234/a/193877>