

## NATIONAL LEGAL MEASURES TO COMBAT RACISM AND INTOLERANCE IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

SWEDEN, Situation as of 31 December 2003

### General Overview

*Preliminary Note: this table is accompanied by an explanatory note*

COUNTRY: SWEDEN	Constitutional provisions	Specific legislation	Criminal Law	Civil and Administrative Law
<b>Norms concerning discrimination in general</b>		Act SFS 2003:307 prohibits discrimination in various aspects of life based on ethnic origin, religion, sexual orientation or physical disability <sup>1</sup> .		
<b>Norms concerning racism</b>	Article 15, chapter 2 of Constitution.	Act SFS 1999:130 regarding measures to counteract ethnic discrimination in working life <sup>2</sup> . Act SFS 1999:131 <sup>3</sup> concerning the "Ethnic Discrimination Ombudsman".	In particular, Articles 8 and 9, chapter 16, Art. 2, chap. 29 of the Criminal Code.	In particular, Section 3, Chapter 1 of the Act on civil responsibility.
<b>Relevant</b>	Yes	Yes	Yes	Yes

**EXPLANATORY NOTE**

**SWEDEN / GENERAL OVERVIEW**

Sweden is noteworthy for having a constitutional provision, which specifically forbids racial discrimination.

As a member of the EU, Sweden has implemented Council Directive 2000/43/EC (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) in its legislation. Also, Sweden has implemented Council Directive 2000/78/EC (establishing a general framework for equal treatment in employment and occupation) inter alia in the Act regarding measures to counteract ethnic discrimination in working life<sup>4</sup>, which sets out a series of private-law measures to prevent discrimination in employment relations. Both Acts are executed by the office of the Ombudsman for Ethnic Discrimination, which was first established in Sweden in 1986<sup>5</sup>.

The Swedish Criminal Code<sup>6</sup> contains two provisions designed to combat racism. One provision penalises the spreading of racial hatred, and the other penalises the refusals to supply a service to a person due to her or his ethnic background. These provisions were adopted in the wake of Sweden's ratification in 1971 of the UN International Convention on the Elimination of All Forms of Racial Discrimination. In this respect, it should be pointed out that Sweden is a "dualist" country; international agreements as such have little domestic effect. Finally, it should be mentioned that Sweden has strengthened its criminal law system with respect to racist violations by enacting a provision that makes the racist nature of an offence an aggravating circumstance.

**Constitutional Law: Sweden**

*Preliminary Note: this table is accompanied by an explanatory note*

<b>Constitutional provision</b>	<b>Scope</b>	<b>Relevant jurisprudence</b>	<b>Remarks</b>
Article 15, Chapter 2 of the Constitution (Racial discrimination)	This provision expressly forbids manifest racial or ethnic discrimination in any piece of legislation.	HD 1981:1 (State management of the hunting and fishing rights of the Lapps - no discrimination).	Foreigners are also covered (Article 20, Chapter 2 of the Constitution)
Article 14, Chapter 2 of the Constitution (Restrictions to freedom of association)	This provision expressly permits restriction of freedom of association if a population group is		

	threatened with persecution because of its race, ethnic origin or skin colour.	
Article 2, Chapter 1 of the Constitution (equality and dignity, protection of minorities)	Declaration calling on the State to observe the principle of equal treatment and promote the cultural development of minorities.	
Art. 9, Chap. 11 of the Constitution (Employment in the public sector)	This article provides that decisions regarding an offer of employment in the public sector shall be based solely on objective grounds and thus prohibits ethnic discrimination and other forms of discrimination.	
Art. 9, Chap. 1 of the Constitution (Exercise of public authority)	This article provides that all exercise of public authority shall be grounded on an objective basis and thus prohibits ethnic discrimination and other forms of discrimination.	

## EXPLANATORY NOTE

### SWEDEN / CONSTITUTIONAL LAW

Article 2 of Chapter 1 of the Swedish Constitution requires the State to respect "the equal worth of all and the freedom and dignity of the individual"<sup>7</sup>. More specifically, paragraph 4 of this provision calls on the public authorities to promote the cultural development of ethnic, linguistic or religious minorities. It should be noted, however, that these requirements have no specific normative force. They are now little more than recommendations to the legislature<sup>8</sup>.

As for the principle of equal treatment laid down in Article 9, Chapter 1, of the Constitution, it applies only to authorities responsible for enforcing the law, not to the legislature at either procedural or substantive level<sup>9</sup>.

On the other hand, the various fundamental rights embodied in Chapter 2 of the Constitution are enforceable in law. In particular, they include Article 15, which expressly prohibits any discrimination on the grounds of race, skin colour or ethnic origin. This safeguard, which also applies to foreigners (Art. 20, chap. 2), is only of limited effectiveness, however: a court or an administrative authority may not set aside a law or regulation violating a fundamental right unless the violation is manifest<sup>10</sup>.

Thus in the only case of discrimination it has had to consider so far, the Supreme Court reached a majority decision to the effect that, by making the State responsible for managing the ancestral hunting and fishing rights of the Lapps, the legislature has not violated Article 15, as the disorganisation of the various tribes necessitated an assumption of control by the central authority; the minority view among the Supreme Court's judges was that there had been a violation (placing under supervision), but not to an extent warranting judicial intervention<sup>11</sup>.

### **Criminal Law: Sweden**

*Preliminary Note: this table is accompanied by an explanatory note*

<b>Offence</b>	<b>Source</b>	<b>Scope</b>	<b>Sanction</b>	<b>Relevant jurisprudence</b>	<b>Remarks</b>
Arousing of hostility towards a group of the population	Art. 8 Chapter 16 of the Criminal Code.	Any form of expression or propagation of racial hatred outside a purely private circle.	Up to two years' imprisonment or fine if the offence is less serious	Decision HD 1982:128 of the Supreme Court (Sign forbidding Roma/Gypsies access to a camping site). Decision HD 1996:94 of the Supreme Court (Wearing of emblems suggestive of the Nazis). Decision no. B 2741-96, of the Uppsala City Court dated 2 November 1998 (conviction for	The restriction making the dissemination of racist ideas an offence only if done publicly was dropped in 1988.

				distributing “white power” music and film). Decision of the Svea District Court dated 13 June 2002 (conviction of the editor of an anti-Semitic tract – 6 months of imprisonment).	
Unlawful discrimination	Art. 9 Chapter 16 of the Criminal Code	Penalises any discrimination based on racial or ethnic origin or religion in the supply of goods, facilities or services provided by an enterprise or organisation performing an economic activity. The rule also covers discrimination in access to public events.	Up to one year's imprisonment or a fine (prior to 1986 the maximum penalty was only six months' imprisonment)	Decision HD 1976:489 of the Supreme Court (A Roma/Gypsy denied admittance to a restaurant). Decision HD 1979: 6517 of the Supreme Court (Refusal to accommodate a foreigner). Decision HD 1985:226 of the Supreme Court (Refusal to accommodate a Roma/Gypsy). NJA 1994:511 (Refusal to accommodate an African national). NJA:1999.556 (Shopkeeper's ban of wide and long skirts affecting Finnish Roma women)	The provision also applies to the public sector

				<p>Convictions in all five cases. See however: NJA 1996.768 (3 African men denied access to a restaurant). Here the Supreme Court acquitted the restaurant manager.</p>	
Racist nature of the offence/aggravating circumstance	Art. 2 Chapter 29 of the Criminal Code	Applies to all infringements of the Criminal Code		Decision HD 1996:84 by the Supreme Court: (Minor who stabbed an African to death was sentenced to imprisonment and not simply assigned to social services due to the racist nature of the assault.	The provision was introduced in 1994. The racist motivation behind the offence need not be the predominant factor In order for the rule to be applied.
Insults	Art. 3 Chapter 5 of the Criminal Code	General provision	Fine, up to six months' imprisonment, in serious cases	HD 1989:374 ("dirty nigger" considered as an insult)	Usually the victim must initiate the proceedings, however, the prosecutor may intervene with the victim's consent (Art. 5, Chap. 5 of the Criminal Code).
Genocide	Act 1964:169	Partial or complete annihilation of a national, ethnic, racial or religious	Minimum sentence: four years' imprisonment. Maximum sentence: life		

group.

imprisonment.

## EXPLANATORY NOTE

### SWEDEN / CRIMINAL LAW

#### General comment

Over the last few years Sweden has experienced a significant increase in racist offences or offences with a strong racial connotation<sup>12</sup> (attacks on refugees' hostels, assault and battery of immigrants, etc.). Most of these acts of violence were covered by various general provisions of the Criminal Code, particularly those penalising arson (Art. 1, Chap. 13), molestation (Art. 7, Chap. 4), ill-treatment (Art. 5, Chap. 3) and insults (Art. 3, Chap. 5). Others were covered by two special provisions, adopted in pursuance of the UN International Convention on the Elimination of All Forms of Racial Discrimination, viz. Articles 8 and 9 of Chapter 16 of the Criminal Code ("stirring up" against a population group and unlawful discrimination respectively).

#### The severity option

These arrangements were not considered sufficiently severe to combat the rise in violent racism effectively. Harsher penalties were demanded to deter potential aggressors. The legislature acted on an *ad hoc* basis in the first instance, by raising the maximum term of imprisonment for molestation from six months to one year, and that for unlawful possession of fire-arms from two to four years; in both cases the relevant preparatory documents reflect a determination to take firm action against acts of violence<sup>13</sup>. In the same context, the legislature finally deemed it necessary to add a new aggravating circumstance to the list set out in Article 2, Chapter 29 of the Criminal Code, viz. the racist motivation or merely the racial connotation of an offence. The object of this innovation, which does not allow the maximum penalty prescribed by the relevant provision to be exceeded, is to draw the attention of prosecutors and judges specifically to the gravity of an offence committed for racist motives<sup>14</sup>.

This resolve to fight racism more effectively has been followed up by the public prosecutors, who have prioritised the pursuit of racist offences of the past years (e.g. by ensuring that the police conducted their enquiries quickly, so that prosecutions did not have to be abandoned because of statutory limitation)<sup>15</sup>. Thus, in 1996 there were racist motives involved in four homicide cases in the Swedish courts, and in 2000 Art. 2, Chap. 29 was invoked by Swedish prosecutors in approx. 10 cases concerning assaults<sup>16</sup>.

#### "Stirring up" against a population group (Art. 8, Chap. 16 of the Criminal Code)

The provision punishes anyone who expresses or spreads hatred against a group of persons because of their race, skin colour, nationality or ethnic origins. The previous version of this provision, which was in force until 1989, required offenders to have expressed themselves publicly. This condition has been dropped: it is now sufficient for the offender to spread his ideas within a circle of people. It is thus possible to penalise contemptuous comments made within an extremist organisation or association<sup>17</sup>. In addition, the Supreme Court considered that the said provision

applies not only to words, writings or pictures, but also to racist behaviour such as the public wearing of emblems or symbols reminiscent of Nazi uniforms<sup>18</sup>.

The penalty is only a fine if the case is "of little gravity", a concept which the Criminal Code does not define. Nonetheless, the Supreme Court has ruled that declarations that were not in themselves an expression of scorn came within this category. The case in question was connected with the erection of a signpost designed to keep Roma/Gypsies away from a campsite by the site's owner, who was anxious to reassure his staff and customers<sup>19</sup>.

There have been a number of convictions based on the provision; most of them penalised racist comments made during local radio broadcasts or writings of the same kind, as well as the burning of crosses in the style of the Ku Klux Klan. The severest sentence - 10 months' imprisonment - was imposed on the author of an anti-semitic tract, (cf. the above mentioned case).

In the largest case so far concerning Art. 8, Chap. 16 Uppsala city court (*Uppsala Tingsrätt*) on 2 November 1998 sentenced 5 persons to 1-3 months imprisonment for distributing video tapes and music CDs containing racist material and music. The offenders were furthermore ordered to pay a compensation sum to the fund for crime victims.

### **Unlawful discrimination (Art. 9, Chap. 16 of the Criminal Code)**

The first paragraph of this provision penalises economic operators who are guilty of discrimination in the supply of goods or services. It does not cover private relations between individuals (for example, a landlady who lets a room in her home). Furthermore, the provision does not apply to employment relationships.

Subsection 2 extends the scope of the provision to civil servants who discriminate against persons because of their race, skin colour or nationality.

A number of cases relate to either refusal of admittance to a restaurant or shop or to refusal to let accommodation. In five cases (see the above table), the Supreme Court confirmed the convictions. In a sixth case, it refused to convict a restaurant manager who had denied three African males access to his restaurant, on the grounds that it had not been established that racism was the sole reason for refusing them<sup>20</sup>.

### **Civil and Administrative Law: Sweden**

*Preliminary Note: this table is accompanied by an explanatory note*

Provision	Scope	Consequences of breach	Relevant jurisprudence	Remarks
Section 3, Chapter 1 of the Act on third-party liability	Expressly penalises discriminatory acts. Enables the victim of	Compensation payable for non-material injury.	Decision HD 1989:374 of the Supreme Court: (The exclamation "Dirty nigger"	The provision was introduced in 1986 in order to combat racial



	unlawful discrimination within the meaning of Article 9, Chapter 16 of the Criminal Code to obtain compensation.		amounted to a violation of Article 9, Chapter 16. The offender was ordered to pay 2,000 SEK in damages to the victim).	discrimination claims for compensation for non-material injury
Section 4(3) of the Data Protection Act.	The Act makes the recording or distribution of personal data e.g. regarding race, subject to an acceptance from the person whose data is being recorded or distributed.	A fine or up to one year's imprisonment, destruction of the data in question and compensation for non-material injury.		
Section 4, Chap. 7 of the Basic Press Act <sup>21</sup> .	Incitement to racial hatred is not protected by the freedom of the press.		The restriction also applies to audiovisual communication (Section 1, Chap. 5 of the Basic Act on Audiovisual Communication).	Section 4, Chap. 7 of the basic Press Act.
Section 1, Chapter 3 of the Basic Act on Audiovisual Communication <sup>22</sup>	Expressly permits the interruption of broadcasts fomenting racial hatred.			

## EXPLANATORY NOTE

### SWEDEN / CIVIL AND ADMINISTRATIVE LAW

#### Prohibition of discrimination in employment relationships

The provisions of the Data Protection Act (SFS 1998:204<sup>23</sup>) aim at protecting people against violations of their personal integrity by the processing of personal data. The act, which entered into force on 24 October 1998, sets out guidelines for collecting

and storing information e.g. concerning an individual's ethnic or racial background, sexual and religious orientation etc.

### **Specific legislation concerning discrimination in general and ethnic discrimination in particular: Sweden**

*Preliminary Note: this table is accompanied by an explanatory note*

<b>Act</b>	<b>Scope</b>	<b>Consequences of breach</b>	<b>Relevant jurisprudence</b>	<b>Remarks</b>
Act SFS 1999:130 regarding measures to counteract ethnic discrimination in working life <sup>24</sup> .	The act prohibits ethnic discrimination against employees and job applicants.	Compensation payable for non-material injury and economic prejudice.	A number of cases have been treated by the Discrimination Ombudsman, cf. in more detail below.	
Act SFS 2003:307 on measures to counteract discrimination.	The act prohibits discrimination in various aspects of life based on ethnic origin, religion, sexual orientation or physical disability.	Compensation payable for non-material injury.		
Act SFS 2001:1286 <sup>25</sup> regarding equal treatment of students in institutions of higher education	The act inter alia prohibits discrimination based on race or religion against students or applicants to universities etc.	Compensation payable for non-material injury.		
Act SFS 1999:131 <sup>26</sup> concerning the "Ethnic Discrimination Ombudsman".	The Ombudsman among other things handles complaints, represents claimants and organises anti-racism campaigns.			

## **EXPLANATORY NOTE**

### **SWEDEN / SPECIFIC LEGISLATION CONCERNING DISCRIMINATION IN GENERAL AND ETHNIC DISCRIMINATION IN PARTICULAR**

#### **The Act on measures against ethnic discrimination in working life.**

The new act on measures against ethnic discrimination in working life (SFS 1999:130), which came into force on 1 May 1999 replaced the act against ethnic discrimination dated 7 April 1994 (SFS 1994:134). The 1994 act was widely considered to be inefficient - inter alia because of the heavy burden of proof which the law placed on the employee to prove that she or he had been discriminated against. Thus, under the 1994 act only two cases<sup>27</sup> were brought before the courts and in both cases the employers won. The new act was amended in 2003, with effect as of 1 July 2003, to implement Council Directive 2000/78/EC (establishing a general framework for equal treatment in employment and occupation)<sup>28</sup>.

For reasons of space, we shall simply describe here the main features of the new act, without going into details which, to be properly understood, would require lengthy explanations of the specific characteristics of Swedish labour law.

Like its predecessor, the 1999 act is aimed at promoting ethnic diversity in working life and combating discrimination in the employment field by remedying inequalities of treatment both when workers are hired and during the execution of their employment contracts. Direct discrimination, indirect discrimination, harassment and instructions to discriminate are banned by the act (Sections 8-9b), and according to the legislative background material, even persons who are living with or married to a person from an ethnic group are protected by the act<sup>29</sup>. Further, the act requires the employer to apply active measures to promote ethnic diversity in the work place (Sections 4-7).

The act prohibits discrimination between applicants for a job as well as between employees (Sections 8-10). It first of all prohibits the disfavouring of an application by reason of the applicant's ethnic background. In this regard, it should be noted that a rejected applicant is entitled to obtain from the employer written information pertaining to the qualifications of the successful applicant (Section 11). The Act also prohibits employers from imposing varying conditions of hire or employment or organising work on a discriminatory basis (Section 10). The scope of this prohibition includes lower wages, delayed promotions, refusal of in-service training or transfers. Furthermore, the Act also prohibits the discriminatory termination of employment relationships, (e.g. the dismissal of ethnic employees before others in the event of a downsizing of the firm).

The act prescribes that damages can be awarded in case an employer discriminates against an employee or a job applicant (Sections 16-20). Thus, the penalty for discrimination is primarily the award of damages for non-material injury, however, in certain cases (notably wage differentials or non-promotion), the employee can also obtain compensation for economic prejudice. It should also be noted that discriminatory contractual clauses will be declared void or, as far as possible, amended by the courts (Sections 14 and 15).

On the procedural level, the act is aimed at improving the employee's position in any proceedings for violation of the ban on discrimination. It is notable that the act places the burden of proof on the employer to demonstrate that a disfavour is not connected to the ethnic background of the disfavoured employee or job applicant who belongs to an ethnic group if the employee or applicant can plausibly show that her or his ethnic background influenced the employer's action (Section 36a). The law does not require the employee to show that the employer has intentionally discriminated because of the employee's ethnic background, nor is it necessary to show that the ethnic background was the decisive factor<sup>30</sup>.

In a case before the Labour Court the employee may be represented by a labour union (Section 38) or by the Ethnic Discrimination Ombudsman (the "DO"), provided that the latter regards the case as a test case or as important for some other reason (Section 37).

The DO is the main supervisory authority with regard to the act, (see in more detail below). Thus far the case law from the Labour Court concerning the 1999 act is limited, however, a number of cases, which have been treated by the DO should be mentioned here as they give an indication as to how the law applies in practice<sup>31</sup>:

Dnr. 460-2000: A Russian woman filed a complaint against her employer and received a settlement sum of SEK 70,000. She had worked for 11 years in a home for the care of the elderly and was in 1999 accused for failing to exercise due care. She claimed that she had been harassed by co-workers, but was moved to another home. The Ombudsman considered that an employee with a Swedish background would not have been treated in the same way, and thus concluded that the claimant had been discriminated against.

Dnr. 964-1999: A job applicant received a settlement sum of SEK 60,000 from the Swedish National Immigration Office. The claimant claimed that the employer had discriminated against him in connection with a recruitment procedure.

Dnr. 998-1999: The claimant was subjected to ethnic harassment by his employer, who had made comments such as: "Why don't you go back to where you came from [...] you and your strange Arab country [...]". Further, the employer had physically pushed the claimant and told him to return to his work station. The claimant received a settlement sum of SEK 250,000 and left his job.

According to the website of the DO ([www.do.se](http://www.do.se)) 1,158 complaints have been filed under the new act since it came into force on 1 May 1999, (whereas only 409 complaints were filed under the former 1994 act from 1 July 1994, when it came into force, until 1 May 1999). Based on this significant increase of complaints, it appears that the new Act is more efficient than its predecessor<sup>32</sup>.

### **The act on measures to counteract discrimination.**

The act on measures to counteract discrimination (SFS 2003:307) came into effect on 1 July 2003 implementing Council Directive 2000/43/EC (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin). This act prohibits discrimination and harassment based on ethnic background, handicap and

religious or sexual orientation within a number of areas, such as: The right to membership of a labour union, the right to search for employment, the right to establish a business operation, the right to purchase goods and services, the right to enjoy social benefits, health care, etc.

Similarly to the act on measures against ethnic discrimination in working life, the act provides a victim of discrimination with a legal basis to sue for damages for non-material injury and prescribes that discriminatory contractual clauses will be declared void or, as far as possible, amended by the court. As the act on measures against ethnic discrimination in working life, this act also shifts the burden of proof on to the defendant.

### **The act on equal treatment of students in institutions of higher education.**

The act on equal treatment of students in institutions of higher education (SFS 2001:1286), which came into force on 1 March 2002, prohibits discrimination against students or applicants based on their gender, ethnic background, religious or sexual orientation or disability. The act was amended by SFS 2003:311 with effect as of 1 July 2003 to secure compliance with Council Directive 2000/43/EC.

The amended act is similar to the new act on measures against ethnic discrimination in working life. Accordingly, the act aims at promoting equal rights for all students in and applicants to institutions of higher education. It places an obligation on the institution to apply active measures to promote ethnic diversity, prohibits direct discrimination, indirect discrimination, harassment and instructions to discriminate, prescribes that damages can be awarded to a student who has been discriminated against, etc. The act places the burden of proof on the institution, if the student shows that it is plausible that he or she has been discriminated against.

### **The Discrimination Ombudsman.**

Since 1986 Sweden has had an organ specifically responsible for dealing with cases involving discrimination based on ethnic background or religion, the "Discrimination Ombudsman" (the "DO")<sup>33</sup>. The DO has the mandate to deal with complaints against employers, public authorities, universities etc., and can represent claimants pursuant to the above mentioned acts.

Appointed by the government for a 6 year period, the DO has no powers of decision. Her function is primarily to advise individuals (beginning with victims of discrimination) as well as the authorities or the two sides of industry in any matter connected with combating racial discrimination. It is in the field of the labour market that the DO's powers of investigation are the most extensive - whether conducted on her own initiative or following a complaint, she is entitled to interview employers and require them to supply information. Failure to provide requested information entails the imposition of daily fines in some cases. As mentioned above a number of cases where the DO has been involved have been settled by the parties.

The DO is also responsible for alerting public opinion to discrimination problems by means of information campaigns or by participating in public conferences or company seminars or even by giving interviews to newspapers. She deals with approximately

800-900 cases a year, and is assisted in her duties by 15 staff members, most of whom are lawyers.

The DO enjoys the support of the Commission against Ethnic Discrimination, a three-member organ whose task is to advise on the application of the Act against Ethnic Discrimination. The Commission deals only with questions of principle; in no event can it intervene in the settlement of individual cases. Like the DO, the Commission may propose to the government any legislative or other measure calculated to combat racism.

**Note**

<sup>1</sup> The act implements Council Directive 2000/43/EU of 29 June 2000 (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin).

**Note**

<sup>2</sup> As amended by Acts: SFS 2000:762 and SFS 2003:308, which implement Council Directive 2000/78/EC of 27 November 2000 (establishing a general framework for equal treatment in employment and occupation).

**Note**

<sup>3</sup> As amended by Acts: SFS 2001:1296 and SFS 2003:313.

**Note**

<sup>4</sup> SFS 1999:130 as amended by Acts: SFS 2000:762 and SFS 2003:308.

**Note**

<sup>5</sup> SFS 1999:131 as amended by Acts: 2001:1296 and SFS 2003:313.

**Note**

<sup>6</sup> SFS 1962:700 with amendments.

**Note**

<sup>7</sup> Translation by Ray Bradfield, *Constitutional Document of Sweden*, publications by the Swedish *Riksdag*.

**Note**

<sup>8</sup> E. Holmberg/N. Stjernquist, *Vår författning* Stockholm 1992, p. 54; G. Petrén/H. Ragnemalm, *Sveriges Grundlagar*, Stockholm 1980, p. 20.

**Note**

<sup>9</sup> G. Petrén/H. Ragnemalm, *op. cit.*, p. 38. Moreover, this provision has no effect on relations between individuals; indeed, for a long time it was considered in Sweden that the legislature should refrain from intervening to prevent discrimination from being practised by individuals or firms, cf. H. Danelius, *Männskliga rättigheter*, Lund 1989, p. 241.

**Note**

<sup>10</sup> Article 14, Chapter 11 of the Constitution.

**Note**

<sup>11</sup> HD 1981 pp. 247 *et seq.* See also B. Bengtsson, *Samernas rätt*, SvJT 1994, p. 527.

**Note**

<sup>12</sup> A number of reports have been published on the subject. See e.g. “*Kampen mot brottslighet med naziska eller rasistiska förtecken – rapport från en nordisk expertgrupp*” TemaNord 2003:506, Nordisk Ministerråd, 2003. See also ”*Rapport om de nordiska ländernas straffrättsliga reglering af rasism och främlingsfientlighet*” TemaNord 2000:513, Nordisk Ministerråd 2000.

**Note**

<sup>13</sup> Prop. 1992/1993:141 pp. 32 and 52.

**Note**

<sup>14</sup> Prop. 1993/1994:101, p. 22

**Note**

<sup>15</sup>

**Note**

<sup>16</sup> See page 22 in the Report, “*Kampen mot brottslighet med naziska eller rasistiska förtecken – rapport från en nordisk expertgrupp*” TemaNord 2003:506, Nordisk Ministerråd, 2003.

**Note**

<sup>17</sup> Prop. 1993/1994:101, p. 17

**Note**

<sup>18</sup> HD

**Note**

<sup>19</sup> HD 1982 128.

**Note**

<sup>20</sup> HD

**Note**

<sup>21</sup> SFS 1994:105 with amendments

**Note**

<sup>22</sup> SFS 1996:844 with amendments

**Note**

<sup>23</sup> As amended by Acts: SFS 1998:1436, SFS 1999:1059, SFS 1999:1210 and SFS 2003:466.

**Note**

<sup>24</sup> As amended by Acts: SFS 2000:762 and SFS 2003:308, which implement Council Directive 2000/78/EC of 27 November 2000 (establishing a general framework for equal treatment in employment and occupation).

**Note**

<sup>25</sup> As amended by Act SFS 2003:311.

**Note**

<sup>26</sup> As amended by Acts: SFS 2001:1296 and SFS 2003:313.

**Note**

<sup>27</sup> Labour Court cases AD 61/1997 and AD 134/1998.

**Note**

<sup>28</sup> In addition, Sweden has adopted the act on measures to counteract discrimination based on handicap in working life (SFS 1999:132) and the act on measures to counteract discrimination based on sexual orientation in working life (SFS 1999:133) – both amended in 2003 - to fully implement Council Directive 2000/78/EC.

**Note**

<sup>29</sup> Kommentar til Lag 1999 :130 by Jonas Malmberg.

**Note**

<sup>30</sup> Ibid.

**Note**

<sup>31</sup> “Anti-discrimination Legislation in EU Member States, (Sweden)”, EUMC, Paul Lappalainen, Vienna 2002.

**Note**

<sup>32</sup> Ibid.

**Note**

<sup>33</sup> SFS 1999:131 as amended by SFS 2001:1296 and SFS 2003:313.