



Australian Government

Refugee Review Tribunal

Country Advice

Bulgaria

Bulgaria – BGR37273 – Treatment of Roma
– Deportation of Roma – Denmark –
Sweden

30 August 2010

- 1. Please provide information as to the treatment of Roma in Sweden and Denmark, in particular more details about Denmark and Sweden having deported/expelled Roma as outlined in a newspaper report from the Guardian (<http://www.guardian.co.uk/world/2010/jul/30/european-union-roma-human-rights>).**

Denmark

In July 2010 Denmark deported 23 Roma back to Romania following their arrest for setting up illegal camps and disturbing the public peace and order. All of the Roma have been issued with a two-year entry ban for Denmark.¹ Twelve of the Roma had been living “in an abandoned and partially demolished building” while eleven had been camping at Amager Beach. The hundreds of Roma living in Amager had been accused of involvement in an “increasing number of burglaries” in the area.² The Mayor of Copenhagen Frank Jensen reportedly made anti-Roma statements prior to the mass arrests and deportations. Jensen called for the adoption by the Danish government of measures to expel “criminal Roma” from Copenhagen. In reaction to these statements, Danish Minister of Justice Lars Barfoed condemned the Roma as illegal residents and called for “police action against them”. Despite the absence of an investigation into the alleged thefts, the Roma were subsequently detained and deported without being convicted of the crime.³

A number of sources suggest that the deported Roma are preparing to sue Denmark over the matter. The European Roma Rights Centre is assisting with the lawsuit, claiming that “the expulsions were contrary to both Danish and EU law”. Legal experts have argued that “the Romanians are EU citizens who are guaranteed free movement between member states, and that a violation such as illegal camping is not normally sufficient grounds for

¹ Kushen, R. 2010, ‘Scapegoating will not solve ‘Roma problem’’, *The Guardian*, 3 August <http://www.guardian.co.uk/commentisfree/libertycentral/2010/aug/03/scapegoating-roma-problem-europe> – Accessed 24 August 2010 – Attachment 1; Ciobanu, C. 2010, ‘Citizen Rights Don’t Apply to Roma’, *Inter Press Service News*, 7 August <http://ipsnews.net/news.asp?idnews=52415> – Accessed 24 August 2010 – Attachment 2; Von Sperling, A. 2010, ‘Roma expelled from Denmark’, Roma Buzz Aggregator website, 9 July <http://euyouthspeak.org/roma/?p=13886> – Accessed 24 August 2010 – Attachment 3; ‘Expelled Romani to sue state’ 2010, *The Copenhagen Post*, 6 August <http://www.cphpost.dk/in-a-out/49638.html?task=view> – Accessed 24 August 2010 – Attachment 4

² Von Sperling, A. 2010, ‘Roma expelled from Denmark’, Roma Buzz Aggregator website, 9 July <http://euyouthspeak.org/roma/?p=13886> – Accessed 24 August 2010 – Attachment 3

³ ‘Mass Arrests and Deportations of Romani EU citizens in Copenhagen Condemned’ 2010, European Roma Rights Centre website, 12 July <http://www.errc.org/cikk.php?cikk=3603> – Accessed 24 August 2010 – Attachment 5

expulsion...According to the EU's residency rules, legal EU residents can only be deported if their behaviour is tantamount to 'a real, immediate and sufficiently serious threat to a society's basic interests'".⁴

Denmark also reportedly deported Roma in 2002, 2003 and 2004; however, in these cases the Roma were citizens of non-European Union states and therefore, do not have the same residence rights in Denmark as EU citizens.⁵

Treatment of Roma in Denmark

A recent article in *The Globe and Mail* reports "rising anti-immigrant sentiment across Europe", including in Denmark, "where conservative politicians...are pushing for restrictions on foreign workers and residents". Police action across Europe has targeted Roma, who are particularly vulnerable due to "poverty, homelessness and neglect".⁶ Following the deportation of the 23 Roma in July 2010, a spokesman for Amnesty International in Denmark stated that "Roma have no peace anywhere in Europe. They are in the most vulnerable population group, which is persecuted and discriminated against in the EU. They have no access to jobs, housing, education or health. This type of discrimination, Roma now...also encounter in Denmark and even from the highest place. Even Minister of Justice has pitched in".⁷

A December 2008 report on the measures taken to combat discrimination in Denmark states that in terms of anti-discrimination in the labour market, "[t]here are no specific measures aimed at the Roma". Furthermore, the Danish Institute for Human Rights (DIHR) does not treat Roma issues as a priority. The DIHR did not take any initiatives to address the Roma population in 2008, arguing that "it has not been possible to actively include Roma organisations as partners or participants [in initiatives]". In particular, it is reported that Roma in the municipality of Elsinore had experienced racial and/or ethnic discrimination. A municipal project designed to promote Roma integration into the labour market referred Roma citizens to specific counsellors based on their ethnicity. Denmark's Complaints Committee for Ethnic Equal Treatment found that while the intentions of the

⁴ 'Expelled Romani to sue state' 2010, *The Copenhagen Post*, 6 August <http://www.cphpost.dk/in-a-out/49638.html?task=view> – Accessed 24 August 2010 – Attachment 4; 'A group of Roma is to sue Denmark for unjust expulsion' 2010, *Politiken*, 6 August <http://politiken.dk/newsinenglish/article1030464.ece> – Accessed 24 August 2010 – Attachment 6

⁵ 'Roma to be Expelled from Denmark' 2004, European Roma Rights Centre website, 7 July <http://www.errc.org/cikk.php?cikk=1594> – Accessed 24 August 2010 – Attachment 7; 'Romani Woman Forcibly Expelled from Denmark' 2004, European Roma Rights Centre website, 29 July <http://www.errc.org/cikk.php?cikk=1957> – Accessed 24 August 2010 – Attachment 8; 'Further Attempts by Denmark to Force Roma to "Voluntarily" Return to Kosovo' 2004, European Roma Rights Centre website, 7 July <http://www.errc.org/cikk.php?cikk=1105> – Accessed 24 August 2010 – Attachment 9; 'ERRC Sues Denmark Regarding Forced Expulsions of Kosovo Roma' 2003, European Roma Rights Centre website, 9 May <http://www.errc.org/cikk.php?cikk=304> – Accessed 24 August 2010 – Attachment 10; 'Denmark Leads Europe in Brutal Treatment of Migrants and Refugees' 2004, European Roma Rights Centre website, 4 June <http://www.errc.org/cikk.php?cikk=356> – Accessed 24 August 2010 – Attachment 11; 'Danish authorities pressure Kosovo roma to return' 2003, European Roma Rights Centre website, 13 March <http://www.errc.org/cikk.php?cikk=320> – Accessed 24 August 2010 – Attachment 12; 'Police Abuse Pregnant Romani Woman in Denmark' 2004, European Roma Rights Centre website, 7 July <http://www.errc.org/cikk.php?cikk=1604> – Accessed 24 August 2010 – Attachment 13

⁶ Sachs, S. 2010, 'Roma migrants tossed on sea of uncertainty', *The Globe and Mail*, 17 August <http://www.theglobeandmail.com/news/world/roma-migrants-tossed-on-sea-of-uncertainty/article1676518/> – Accessed 25 August 2010 – Attachment 14

⁷ Von Sperling, A. 2010, 'Roma expelled from Denmark', Roma Buzz Aggregator website, 9 July <http://euyouthspeak.org/roma/?p=13886> – Accessed 24 August 2010 – Attachment 3

project to integrate the Roma and improve inequalities were legitimate, the project's referral of the Roma individuals to particular counsellors was a forced arrangement and, therefore, "a violation of the Act on Ethnic Equal Treatment's prohibition of direct discrimination based on race or ethnic origin".⁸

A 2006 report by the European Commission against Racism and Intolerance also found "widespread discrimination against Roma in Denmark in the employment sector". The report highlighted a similar case of discriminatory workplace practices against Roma to that outlined above; "[i]n Helsingor, two social workers had been assigned by the labour market department to work specifically with Roma. Roma were always directed to them, notwithstanding the purpose of their enquiry. This measure – ostensibly aimed at providing better responses to the needs of the Roma – was not optional: it was compulsory for Roma to address themselves only to those two persons".⁹

A fact-finding mission to Denmark carried out in May 2008 by a rapporteur appointed by the Council of Europe's Committee on Legal Affairs and Human Rights found that Denmark implemented an action plan to combat discrimination against Roma in 2003, and has also introduced a national plan for Roma integration. However, the rapporteur argues that the national plan seems to be "merely illusory". The lack of positive results is attributed in part to regulations against collecting specific data on ethnicity. Furthermore, Denmark also established an integration council in which minorities such as Roma can elect their representatives. However, it is reported that "despite efforts by the local authorities to encourage the creation of an association representing Roma, this initiative failed".¹⁰ Nevertheless, the failure of this initiative may not be the fault of the Danish authorities.

Sweden

Sweden has an 'open door' policy without work or residence restrictions for EU citizens.¹¹ Nevertheless, an August 2010 report in *The Guardian* states that "Sweden expelled 50 Roma to Romania this year".¹² The group of Roma was deported for "begging for money in the metro and other public places". However, the *Stockholm News* reports that begging is not illegal in Sweden, and "many of [the Roma] are EU citizens and thus have the right to remain in another country in the union for three months anyway". The Stockholm police have justified the deportations, claiming that "they are following the Swedish law when

⁸ Kofod Olsen, B. 2008, 'Report on Measures to Combat Discrimination Directives 2000/43/EC and 2000/78/EC: Country Report 2008 – Denmark', European Network of Legal Experts in the Non-Discrimination Field website, 31 December, pp.15-16 http://www.non-discrimination.net/content/media/2008-DK-Country_Report_LN_Final.pdf – Accessed 25 August 2010 – Attachment 15

⁹ Council of Europe Parliamentary Assembly 2010, 'The situation of Roma in Europe and relevant activities of the Council of Europe', Doc. 12174, Council of Europe Parliamentary Assembly website, 26 February, p.13 <http://assembly.coe.int/Documents/WorkingDocs/Doc10/EDOC12174.pdf> – Accessed 25 August 2010 – Attachment 16

¹⁰ Council of Europe Parliamentary Assembly 2010, 'The situation of Roma in Europe and relevant activities of the Council of Europe', Doc. 12174, Council of Europe Parliamentary Assembly website, 26 February, pp.6, 15-16, 18 <http://assembly.coe.int/Documents/WorkingDocs/Doc10/EDOC12174.pdf> – Accessed 25 August 2010 – Attachment 16

¹¹ 'EU free movement of labour map' 2009, *BBC News* 17 April <http://news.bbc.co.uk/2/hi/europe/3513889.stm> – Accessed 1 October 2009 – Attachment 17

¹² Kushen, R. 2010, 'Scapegoating will not solve 'Roma problem'', *The Guardian*, 3 August <http://www.guardian.co.uk/commentisfree/libertycentral/2010/aug/03/scapegoating-roma-problem-europe> – Accessed 24 August 2010 – Attachment 1

they deport foreign citizens who can not support themselves”.¹³ An *Inter Press Service News* report similarly states that “Sweden has this year deported 50 Roma from Eastern Europe for begging, even though begging is not a crime in this country”. However, it also reports that “[t]he Swedish government has demanded a European action plan for guaranteeing access to housing, education and jobs and even the establishment of truth commissions to investigate anti-Roma abuses”.¹⁴

According to the Office of the United Nations High Commissioner for Refugees (UNHCR), Sweden also deported Hungarian Roma in 2006, after they had unsuccessfully lodged claims for asylum. Although Hungarian nationals do not require entry visas for Sweden, at least 100 applications for asylum were rejected as “Sweden and other EU states are bound by treaty not to give refugee status to each other’s citizens”. A further 80 Roma withdrew their asylum applications. An unknown number of the Hungarian Roma was subsequently deported from Sweden.¹⁵ In August 2009, Minority Rights Group International expressed concern over the “the practice of Swedish authorities to force Roma to return to Kosovo where they face continuous discrimination and violation of their human rights”.¹⁶ Roma nationals of Serbia and Montenegro, including some from Kosovo, were also deported in 2005.¹⁷

Treatment of Roma in Sweden

Minority Rights Groups International (MRG) reports that there are approximately 35,000–50,000 Roma living in Sweden, the largest number of Roma among the Nordic countries. Sweden recognises Roma people as a national minority, and recognises Romany Chib as an official minority language. The Swedish Constitution promotes opportunities “for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own”, making special provision for the rights of Roma children to teachings in their traditional language. In 2003, the Swedish government contributed funds towards the establishment of the Centre against Racism, which works to combat racism including anti-Ziganism (hatred of Roma). The government also adopted anti-discrimination legislation and created an Ombudsman Against Ethnic Discrimination. A new Discrimination Act was adopted by the Swedish Parliament on 4 June 2008, which came into effect on 1 January 2009, and outlaws “discrimination based on gender, ethnicity, religion, disability, sexual orientation, transgender and age”.¹⁸

¹³ Ullman, T. 2010, ‘Romani people are deported without legal reason’, *Stockholm News*, 30 July <http://www.stockholmnews.com/more.aspx?NID=5731> – Accessed 24 August 2010 – Attachment 18

¹⁴ Ciobanu, C. 2010, ‘Citizen Rights Don’t Apply to Roma’, *Inter Press Service News*, 7 August <http://ipsnews.net/news.asp?idnews=52415> – Accessed 24 August 2010 – Attachment 2

¹⁵ Szabolits, A. 2006, ‘Roma head for Sweden to escape extreme poverty, alleged discrimination in Hungary’, UNHCR website, 12 December <http://www.unhcr.org/457ed5724.html> – Accessed 25 August 2010 – Attachment 19

¹⁶ Minority Rights Group International 2009, ‘World Directory of Minorities: Sweden Overview’, Minority Rights Group International website, September <http://www.minorityrights.org/?lid=1501&tmpl=printpage> – Accessed 25 August 2010 – Attachment 20

¹⁷ ‘Swedish Authorities Expel Romani family to Serbia’ 2005, European Roma Rights Centre website, 22 July <http://www.errc.org/cikk.php?cikk=2346> – Accessed 24 August 2010 – Attachment 21; ‘Swedish Authorities Set to Expel Kosovo Romani Family to Serbia and Montenegro’ 2005, European Roma Rights Centre website, 23 February <http://www.errc.org/cikk.php?cikk=2153> – Accessed 24 August 2010 – Attachment 22

¹⁸ Minority Rights Group International 2009, ‘World Directory of Minorities: Sweden Overview’, Minority Rights Group International website, September <http://www.minorityrights.org/?lid=1501&tmpl=printpage> – Accessed 25 August 2010 – Attachment 20

Nevertheless, MRG reports that “everyday racism and xenophobia experienced by members of new minorities are a matter of serious concern”. In particular, Roma in Sweden “face widespread discrimination”.¹⁹ The Swedish government’s human rights website, updated in 2008, explains that “[t]he Roma still occupy a highly vulnerable position in Swedish society and are exposed to discrimination although this is prohibited [by] law. Generally speaking, many Roma encounter great difficulties in virtually all spheres of society. This applies to education, the labour market, housing and health care and to [the] possibility of participating in the community on the same terms as the majority population”.²⁰

In July 2010, based on a report by a government-appointed delegation on the rights of Roma in Sweden, the Swedish government urged the European Commission to take action on Roma rights, as their situation in Europe, including in Sweden, was ‘alarming’. Head of the delegation, Maria Leissner, stated that hatred and discrimination of Roma “is not only a Swedish problem, it is a high-level European problem that has been very topical in the last few days, weeks, with comments by political leaders in other western European countries inciting to discrimination against the Roma”.²¹

A January 2009 report on Sweden’s measures to combat discrimination states that 50 cases were brought to the Ombudsman Against Ethnic Discrimination by Roma between 2005 and 2007. Most of the cases related to discrimination in “normal every day activities”, including being denied entry to shops, and being refused acceptance as tenants.²² The report states that as ethnicity is not recorded in Sweden, it is difficult to determine “how the Romany population live”. However, it is argued that the ‘average Romany’ would reside in public housing neighbourhoods. Public housing companies, as well as local politicians, have in the past made discriminatory comments against Roma, including that they “cannot absorb more gypsies”. Harassment from neighbours is also a common complaint by Roma to the Ombudsman Against Ethnic Discrimination.²³ A July 2007 report in Swedish newspaper *The Local* reported that the Swedish Ombudsman against Ethnic Discrimination had identified an increase in complaints relating to ethnic

¹⁹ Minority Rights Group International 2009, ‘World Directory of Minorities: Sweden Overview’, Minority Rights Group International website, September <http://www.minorityrights.org/?lid=1501&tmpl=printpage> – Accessed 25 August 2010 – Attachment 20

²⁰ ‘The Roma’ 2008, The Swedish Government’s Human Rights website, 30 April http://www.humanrights.gov.se/extra/pod/?id=56&module_instance=2&action=pod_show – Accessed 24 August 2010 – Attachment 23

²¹ ‘Sweden calls on EU to act on Roma rights’ 2010, *The Swedish Wire*, 30 July <http://www.swedishwire.com/politics/5609-sweden-calls-on-eu-to-act-on-roma-rights> – Accessed 25 August 2010 – Attachment 24

²² Norberg, P. 2009, ‘Report on Measures to Combat Discrimination Directives 2000/43/EC and 2000/78/EC: Country Report 2008 – Sweden’, European Network of Legal Experts in the Non-Discrimination Field website, 10 January, pp.24, 55-56 <http://www.non-discrimination.net/content/media/2008-SE-Country%20Report%20final.pdf;jsessionid=D6816C718F544B046A8C8D7B76B00542> – Accessed 25 August 2010 – Attachment 25

²³ Norberg, P. 2009, ‘Report on Measures to Combat Discrimination Directives 2000/43/EC and 2000/78/EC: Country Report 2008 – Sweden’, European Network of Legal Experts in the Non-Discrimination Field website, 10 January, pp.57-58 <http://www.non-discrimination.net/content/media/2008-SE-Country%20Report%20final.pdf;jsessionid=D6816C718F544B046A8C8D7B76B00542> – Accessed 25 August 2010 – Attachment 25

discrimination in access to housing over the previous year. Roma were among the groups most likely to experience such discrimination.²⁴

In some cases of societal discrimination against Roma in Sweden, the courts have ruled in favour of the Roma. In May 2010, an appeals court ruled that a Roma hotel guest was discriminated against during an ethnic discrimination conference held at the hotel. The hotel in eastern Sweden repeatedly approached the woman and questioned her reasons for being there. The court ruled that the hotel was liable to pay damages to the woman.²⁵ A 2007 article in *The Local* reports that a Swedish campsite owner agreed to pay a group of Roma 200,000 Swedish crowns in an out-of-court settlement after being sued for refusing entry to the group despite being able to accommodate them.²⁶

In 1999 a Swedish provincial appeals court ruled that two shop-owners in Eskilstuna discriminated against a Roma woman when they refused her entry to their shop. The shop-owners argued that the woman would be able to conceal stolen items under her traditional clothing. While a lower court supported their claims, the appeal court determined that “a ban on entry due to traditional clothing had to be seen as a form of ethnic discrimination”. The decision was upheld by the Swedish Supreme Court, which stated that “this prohibition is formulated in a way that it almost exclusively and generally is aimed at women of the Gypsy community... This kind of negative special treatment must be considered ethnic discrimination and is therefore subject to prohibition under the penal code”.²⁷

Attachments

1. Kushen, R. 2010, ‘Scapegoating will not solve ‘Roma problem’’, *The Guardian*, 3 August <http://www.guardian.co.uk/commentisfree/libertycentral/2010/aug/03/scapegoating-roma-problem-europe> – Accessed 24 August 2010.
2. Ciobanu, C. 2010, ‘Citizen Rights Don’t Apply to Roma’, *Inter Press Service News*, 7 August <http://ipsnews.net/news.asp?idnews=52415> – Accessed 24 August 2010.
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²⁴ ‘Swedish Minority Ombudsman Reports Rise in Housing Discrimination’ 2007, European Roma Rights Centre website, 20 November <http://www.errc.org/cikk.php?cikk=2904> – Accessed 24 August 2010 – Attachment 26

²⁵ Vinthagen Simpson, P. 2010, ‘Hotel fined for guest slur at discrimination seminar’, *The Local*, 21 May <http://www.thelocal.se/26780/20100521/> – Accessed 25 August 2010 – Attachment 27

²⁶ ‘Owner of Campsite Compensates Swedish Roma for Discrimination’ 2007, European Roma Rights Centre website, 20 November <http://www.errc.org/cikk.php?cikk=2905> – Accessed 24 August 2010 – Attachment 28

²⁷ ‘Swedish appeals court finds two shop-owners guilty of ethnic discrimination against Romani woman’ 2004, European Roma Rights Centre website, 7 July <http://www.errc.org/cikk.php?cikk=508> – Accessed 24 August 2010 – Attachment 29; ‘Swedish Supreme Court rules supermarket ban on Romani woman discriminatory’ 2004, European Roma Rights Centre website, 7 July <http://www.errc.org/cikk.php?cikk=1126> – Accessed 24 August 2010 – Attachment 30

5. 'Mass Arrests and Deportations of Romani EU citizens in Copenhagen Condemned' 2010, European Roma Rights Centre website, 12 July <http://www.errc.org/cikk.php?cikk=3603> – Accessed 24 August 2010.
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