



Discrimination against Romanies in Sweden

- a report on the DO project in the years of 2002 and 2003
on counteracting and forestalling ethnic discrimination
against Romanies

Foreword

Discrimination against Romanies in Sweden dates back to the 16th century. What has been totally ignored is the fact, that it is the state, which to a large extent has been responsible for ethnic discrimination on a large scale against its own citizens. Even today, when government sanctioned discrimination and abusive practices have ceased, there is still a widespread resentment and negative prejudice against Romanies to an extent that can be described as "anti-Gypsyism". One instance, perhaps just an anecdote, but still illustrative of how anti-Gypsyism had penetrated the judicial system, stems from my youth, when I as a trainee judge came to witness how the number of seats was reduced before the criminal trial of a Romany before the court of appeals. A number of benches were simply carried out of the courtroom as to prevent too many of the Romany's relatives to follow the proceedings on location.

Considering the background of Romany history and anti-Gypsyism, it is not difficult to understand that the Romanies have felt and still feel a lack of confidence in state authorities. Nor is the fact that Romanies seldom file complaints with the DO (The Ombudsman against ethnic discrimination). Many Romanies do realise the full extent of their rights. There is also a need to accelerate a development towards equality so that Romanies can enjoy rights taken for granted by most members of the Swedish majority society.

This report, which is now given to the government, touches upon these issues and others. The report describes the two year project concerning Romanies and discrimination in Sweden. It was commissioned by the government and carried out by Lars Lindgren with Helena Cronséll as project assistant. One of the themes of the report is how to create trust and confidence between Romanies and authorities. The working *with* Romanies as opposed to measures directed at the Romanies is a key concept. This gives cause to thank all those Romanies who have taken part in the project, and especially the of the Romany working group: Taisto Borg, Thereza Eriksson, Kari Palmroth, Birger Rosengren, Nuri Selim, Adam Szoppe and Fred Taikon.

The report also contains some proposals of the DO's for future action.

The commission is hereby fulfilled.

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1. The commission and a historical background

In the year of 2001, the Swedish government commissioned the DO with the task of paying special attention and intensifying its efforts concerning discrimination against Romanies. The commission resulted in a project, which was carried out during 2002 and 2003. The findings of the project are the topic of this report.

The first chapter describes the commission and the methods employed. A brief historical background shows i.e. in some detail, how attitudes and ways of relating to Romanies have changed over time. Discrimination of Romanies is a phenomenon of wide scope and high complexity. In the second chapter the survey of the project and present day situation are described. The third chapter contains an overview of ideas for strategies for the future and action. In the fourth chapter the project is summed up and some proposals for future action are presented.

1.1 The government's commission and the project

The Swedish Government commissioned the Ombudsman against Ethnic Discrimination (the DO) to:

- shed light on and survey the extent of ethnic discrimination or other offensive treatment of Romanies
- develop strategies and methods for counteracting and forestalling ethnic discrimination of Romanies
- contribute, by means of information, to an increased awareness of the individual's right to protection among Romanies
- work for the promotion of increased mutual confidence between Romanies and the authorities

In the government directive, emphasis is placed on the fact, that this commission forms part of a strategic and long time work. The commission has to take into account the fact that Romanies to an extreme degree are affected by prejudice and discrimination. Furthermore Romanies are said to rarely file complaints with the police or with the DO, which is explained by their lack of sufficient awareness of existing rights to protection, and by centuries of discrimination, which has created a decrease of confidence in the authorities.

Consulting and cooperating with Romanies and authorities has been a component of, and a prerequisite for fulfilling the task at hand. Within the project's organisation there has been a Romany reference group consisting of 18 participants and a Romany work group consisting of seven participants. Both groups have had a fairly balanced composition regarding gender,

organisations, regions and age groups represented. On several occasions we have also met with representatives of various organisations as Romanies National Association (Romernas Riksförbund), The National Association Roma International (Riksförbundet Roma International) and Travellers' Romany Association (Resandefolkets Romanoa Riksförbund). We have also had rewarding cooperation with several authorities, especially with the Swedish Authority for School Improvement (Myndigheten för skolutveckling) and the Swedish Integration Board (Integrationsverket).

The project's definition of discrimination includes both the concept of discrimination at the individual level and discrimination at the structural level. "Individual discrimination" refers to any unfair and offensive treatment of an individual, motivated by her/his ethnicity. "Structural discrimination" refers to discriminatory functions built in to sets of rules, norms and patterns of thought which dominate a society and influence the possibilities for groups and individuals to gain equal conditions.

The word "Romanies" also needs clarification. By that we mean all those individuals who identify themselves as Romanies as well as those groups of Romanies included in the minority policy of the state. We have chosen not to pay any special attention to the divisions between travellers, calé, kelderasha, lovara, arlie, ghurbeti (the Balkan group) and other groups. The complaints, which have been made to the DO, do not indicate any significant differences regarding discrimination. It is, of course, still important to keep in mind that different Romany groups have different histories of persecution and discrimination. Some groups also have experiences of the Nazis' genocide during the Second World War.

The survey was made using the existing complaints from Romanies to the DO as starting point. They are few and can hardly be used for analyzing discrimination of Romanies. They do however offer valuable indications of types of discrimination, especially when used in dialogue with Romanies. We have also tried to follow developmental work with Romanies' general situation, which is being carried out internationally, nationally and locally. A scrutiny of the hindrances which have become evident during a process of social change has also proven helpful as a source of awareness of discrimination against Romanies. We have also tried to shed light on how Romanies might experience discrimination by commissioning two students at the Stockholm School of Social Studies (Socialhögskolan i Stockholm) to carry out a questionnaire survey.

During and after the survey we have, with support of overall theories on discrimination, and specific information of typically Romany situations, developed a precise perspective, where the concepts of individual and

structural discrimination and the discussion and awareness of how different attitudes interact.

The methodological development is based on the notion that Romany participation is of fundamental importance. Any measures taken to forestall and counteract ethnic discrimination must rest on a high level of credibility both among the Romanies and within the majority society. The discussions within the project have dealt with the individual Romany's access to effective protection, the need for mutual development of awareness and understanding, Romanies' own activities and the formation of Romany institutions in a longer perspective, and the need for preferential treatment. Some ideas of a more general character have also evolved during our discussions and work.

One of our approaches has been to try to provide conditions for an open dialogue between Romanies and authorities. Our reference group has met with the Chancellor of Justice (Justitiekanslern) and with the Broadcasting Commission (Granskningsnämnden för radio och TV). Subject matter of the discussions has been penal stipulations for verbal/medial hate crimes and the rules of radio- and TV-broadcasting. The aim is to increase mutual understanding of situations of Romanies and the roles of authorities. There is a pressing need for a forum for discussion between representatives of Romanies and authorities.

A second approach has consisted in trying to strengthen the capacities of the Romanies themselves to work against ethnic discrimination and for human rights. On the whole, Romanies lack institutions of their own through which they could take action. Therefore we arranged the course "Empowering Roma rights activists", in cooperation with European Roma Rights Centre in Hungary and with the support of the Swedish Integration Board (Integrationsverket). There is an urgent need for action by Romanies' themselves and an institution for Romanies' human rights in Sweden. The course can be seen as a first step in this direction, and a result of the cooperation between the DO, Romanies and other authorities.

A third approach has been to work to spread information and increase awareness of the living conditions of the Romanies, both within the majority society and among Romanies. Today there are few opportunities in Sweden for study or research of Romanies' history, language, culture and social situations. Romany participation in the academic world is of crucial importance to the evolvement of awareness and competence in a reciprocal sense. However, up to now, these possibilities have been very limited. In order to demonstrate good examples from other countries and to contribute to an open dialogue between Romanies, authorities and universities we held a

seminar on Romany possibilities for university education in cooperation with the National Authority for school improvement (Myndigheten för skolutveckling) and Romany organisations.

Information efforts regarding the DO and the legislation against discrimination have been a priority within the project. It is vital to raise the level of awareness of the protection of the individual among Romanies. We arranged a number of meetings in different places in Sweden with the participation of Romanies and Romany organisations. The DO contributed with information at seminars and disseminated information through the DO website and through numerous newspaper articles. However, the demand for information has been so overwhelming that we haven't had the resources to meet it.

The government has emphasised that the DO project forms part of a long term strategic process. Especially with regard to *creating mutual confidence* between Romanies and authorities. In many contexts we have tried to highlight the need for awareness, since an understanding of Romanies' living conditions is a prerequisite for mutual trust, just as Romany participation and dialogue between Romanies and representatives of the majority society is a prerequisite for diminished mutual distrust. By contributing to an increased awareness of specific situations of Romanies, we have also tried to demonstrate how the authorities' work procedures and routines can disfavour Romanies. Unchanged work procedures and routines maintain the distrust.

1.2 A historical background and the phenomenon of anti-Gypsyism

Romany history in Sweden dates back to the beginning of the 16th century and there has been persecution and discrimination since then. The Travellers and the Calé have been living in the Nordic countries for a very long time; the Kelderasha migrated to Sweden during the second half of the 19th century. Since the 1970s a large number of Romanies from different groups in Eastern Europe have gained residence permit in Sweden. The different groups have been subjected to the intermittent interventions by the government during different periods.¹

¹ Research on early Romany history in Sweden is very scarce. It is often biased and does generally lack conclusions and analysis. Zigenarna och deras avkomlingar i Sverige (Stockholm 1944), the doctoral thesis of Allan Etzler, must still be considered as the most important work in the field. There are some studies on single issues. A rewarding survey of the state's modes of interacting with Romanies is Norma Montesino's doctoral thesis Zigenarfrågan – Intervention och romantik, (Lund 2002).

Legislation was for a long time characterised by expulsion and deportations. During the 17th century, state directives ordered that Romanies be deported out of the country. During the 18th century pressings into the army and forced resettlement² were employed.³ In the 19th century up to the end of World War II the state's attitude was one of strong discrimination. Some examples are legislative measures taken against petty trade and vagrancy.⁴ During the first half of the 19th century, Romanies were banned from entering the country and, of course, from immigrating.⁵

Between the two World Wars an academic and political discussion permeated by general racism and thoughts of racial biology formulated the "tattar- och zigenarfrågan" ("the issue of Travellers and Gypsies"). Sterilisation became a legitimate tool of social politics and several governmental investigations with nationwide surveys were carried out. Thousands of people were registered as "tattare" (Travellers) or "zigenare" (Gypsies). There were demands for a specific legislation targeting "inferior races" and a general statute on sterilisation on medical, mental and social grounds was imposed. There were numerous examples of "human rights violations" under the statute on sterilisation. After World War II the state's attitude changed in favour of assimilation. Travellers were defined as a purely social phenomenon and were expected to disappear by and by as the welfare state progressed. The state's interest now turned to the Kelderasha group. During the 1950s and 1960s measures were taken to adopt this group through programs for housing, schooling for the children and health rehabilitation.⁶

² Cf. Plackat om tartarnes fördrifwande af landet (1637) and Kongl. Maj:ts ytterligare nådige förordning angående hämmande av the så kallade Tartares och Zigueners samt annat löst folks och lättningars strykande omkring landet (1748).

³ Cf. Kongl. Maj:ts nådige Förordning Om Allmänna Arbetsställen för Swea- och Götha-riken, samt Stor-Förstedömet Finnland (1804) and Kongl. Maj:ts nådige Kungörelse angående förbud för glas- och porcellaines-förare samt smides-handlare att, i ändamål av dylika varors försäljande, uti landsortene kringresa; samt om hwad wid handel med desza waror på landet hädanefter bör iakttagas (1822).

⁴ Cf. Lag angående förbud för vissa utlänningar att här i riket vistas. (1914).

⁵ There are three comprehensive inquiries commissioned by the government - one at the beginning of the 1920s, one in the mid 40s and one by the mid 50s. In its [Förslag till lag om lösdrivares behandling m.fl. författningar](#) (SOU 1923:2), the committee on legislation concerning the Poor Relief the committee presents "Undersökning rörande tattare och zigenare, deras förekomst inom Sverige och levnadssätt". The inquiry of 1943 is presented in an article by Sven Andersson in [Sociala meddelanden](#) "Tattarnas antal och levnadsförhållanden". The inquiry of 1954 is to be found in [Zigenarfrågan: betänkande](#) (SOU 1956:43).

⁶ The Government Bill 1998/99:143 [Nationella minoriteter i Sverige](#) was accepted by the Swedish Parliament in December 1999. Hereby Sweden had ratified the European Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

From the 1970s the general policy on of immigration was shaped. With increased immigration from Finland and Eastern Europe, the Romany population of Sweden also grew. Romanies demanded changes, especially regarding discrimination. Romany organisations also began to be formed. Further state investigations were carried out in the mid 70s. A coordinating responsibility was placed on the Board of Immigration. A consultation group with representation from relevant authorities was formed including Romany representation. Measures were taken within the fields of adult education, social pedagogical efforts, and mother tongue tuition with production of learning materials and information efforts. The model for adaptation that was developed, did however not give the expected results. In the mid 1980s the government efforts ceased and several municipal projects were abandoned.

In the 1990s a general policy of integration was formulated. In 1996 the Nordic Gypsy Council (Nordiska Zigenarrådet) in cooperation with the Board of Immigration compiled a report on the Romany situation in Sweden together with proposals for reform. Romer i Sverige - en situationsbeskrivning marks a turning point in the respect that Romanies had taken part in the formulation of problems. The overview of the Romany situation caused the government to appoint a working group with Romany representation. In 1997 the group presented its report, Romer i Sverige - tillsammans i förändring. In 1999 Romanies were recognized as one of five historical minorities in Sweden and Romani Chib was recognized as a minority language. As a consequence a council for Romany issues was formed in 2002 as an advisory council for the government.⁷

The recognition of Romanies as a national Swedish minority means that they have increased opportunities to influence how questions concerning them directly on a national level are handled. Nevertheless, most findings indicate that the overall situation, described in the above mentioned reports, still prevails. The overall picture is that most Romanies live in very exposed situations in all relevant social respects - not least schooling, labour market, and housing. It can also be seen that Romanies generally don't partake in the democratic processes, and that they have few opportunities to find expressions for their culture within the framework of Sweden's cultural fora.

⁷ By "Anti-Gypsyism" is understood, in racism motivated attitudes and modes to relate to Romanies within the majority society. Anti-Gypsyism in Sweden has for a long time been manifested by the negative connotations of the words "zigenare" and "tattare". Anti-Gypsyism manifested itself though the racial motivations for the treatment of Tatars and Romanies (mainly from the Kelderasha group) in the 1940s. There is not much written on the topic of Anti-Gypsyism, except for some studies in German. One example of this is Wie die Zigeuner – Antisemitismus und Antiziganismus in Vergleich (Berlin 1977).

This overall picture of Romany living conditions is alarming. It portrays a Romany reality, which can be seen as a consequence of a deep-seated discrimination with a very long history, both in Sweden and in the countries from which Romanies have immigrated to Sweden.

Today there is no directly discriminatory legislation in Sweden, but negative attitudes, modes of interacting and outright resentment against Romanies remain and can be labelled as a single phenomenon – *anti-Gypsyism* (antiziganism).⁸ Along with the history of state's legislation and actions, certain patterns of thought have evolved a typical anti-Gypsy content. These stereotypes can be detected in many works of literature and film.⁹

Academic research has been of major importance in forming attitudes to and modes of interacting with Romanies, as well as for the shaping of various state interventions. Government policy and academic research seem to develop along parallel lines. With the evolvement of a set of government measures, a direct parallel development can be observed in academic research. During the 1930s and the 1940s several studies were made from a perspective of race biology.¹⁰ Sociology and psychology provided the framework of ideas in the 1950s and 1960s. In the 1970s it was pedagogies which were to provide ideas.¹¹ Ethnology and social anthropology played important roles in formulating the

⁸ There are many examples from the 1840' to the 1950' of Swedish fiction and films, which have contributed to the development and preservations of these concepts of Romanies. Some examples are texts by CJL Almvist, Tre fruar i Småland (Jönköping 1842-1843), Victor Rydberg, Singoalla (Göteborg 1857), August Strindberg, Tschandala (Stockholm 1897) and films, such as I mörkaste Småland (directed by Schamyl Bauman, 1943), Folket i Simlångsdalen (directed by Theodor Berthels, 1948), Tattarblod (directed by Hampe Faustman, 1954).

⁹ Some examples of academic studies made from a perspective of race biology are an article by Manne Ohlander "Begåvningsförhållanden hos tattare", Tidskrift för psykologi och pedagogik (1943) and a study by Gunnar Dahlberg "Anthropometry of Tattare, a special group of vagabonds in Sweden" in Upsala läkareförenings förhandlingar (1945).

¹⁰ As examples of sociological research could be mentioned Bertil Pfannenstill "Tattarna - en sociologisk grupp och ett socialt problem" in Statsvetenskaplig tidskrift (1948) and the doctoral thesis by Adam Heymowski Swedish travellers and their ancestry. A social isolate or an ethnic minority (Uppsala 1969). Examples from the discipline of pedagogic are Studier i en minoritetsgrupps strävan att bevara sin kulturella autonomi (Stockholm 1970) and a study by Arne Trankell Kvarteret Flisan - om en kris och dess övervinnande i ett svenskt förortssamhälle (Stockholm 1973).

¹¹ One wide spread example of ethnological/social anthropological work is Karl Olov Arnstberg Kulturanalys i praktiken - svar på 20 frågor som brukar ställas om zigenare published by the Swedish Board of Immigration in 1984. Inflammatory debate has been caused by two recent studies: the doctoral thesis by Birgitta Svensson Bortom all ära och redlighet - tattarnas spel med rättvisan (Stockholm 1993), and Karl Olov Arnstberg Svenskar och zigenare - en etnologisk studie av samspelet över en kulturell gräns (Stockholm 1998).

Romany issues during the 1980s and 1990s.¹² One is well advised to ask oneself if academic research has been independent of the prevalent government policy, and how this research on Romanies has influenced the formulating of Romany issues for times to come. Knowledge - given and established, as well as the role of research itself, has seldom been the issue of discussion.¹³

Mass media has always played, and still plays, an essential role in shaping and maintenance of the majority society's attitudes towards Romanies. Utterly derogatory and offensive press writings and other media expressions during the first half of the 19th century were replaced by social reportage portraying utter destitution in the 1950s. During the 1970s the Romanies' role in the political debate was that of an oppressed and persecuted minority. Consequently the media image was transformed. The media started to focus on Romanies in festivities and in every day life in the light of the previous persecution. In the mid 1980s the image of a group, persecuted abroad and a social liability in Sweden, came to dominate. Today media also like to portray Romanies as bearers and exponents of a distinct culture.

Even today there are studies, articles and other media products being published, which are perceived as very offensive by many Romanies. TV replays of old films with an anti-Gypsy content are still common. Recently produced programs on radio and television have caused Romanies to react and to file complaints with the Broadcasting Commission (Granskningsnämnden för radio och TV).¹⁴ Several printed publications have been reported to the Chancellor of Justice (Justitiekanslern) for verbal/medial hate crimes. One case, which got much attention, was an article on Romanies

¹² For example questions have been raised concerning the opportunities for affected groups to influence when often sensitive archive material from earlier state inquiries is being used for present time research and when funding of research in this field is being discussed.

¹³ The Broadcasting Commission (Granskningsnämnden för radio och TV) has decided in five cases of complaints against program material concerning Romanies (the board's reference number 0313-1999, 0122-2000, 0206-2002 and 0606-2002). Romanies have pointed out that the rules for broadcasting, which the Inspection Board for Radio and TV is to follow in their supervision of programs, do not permit that programs containing prejudiced and demeaning statements, can be found wanting in their adherence to the rules. There is one rule, which states that program makers should exercise special care when program material could be perceived as discriminatory, considering the power for influencing the public, which their media hold. This rule is however not unambiguous. For a program to be found wanting, the program must contain obviously offensive and insulting material. Furthermore, the Board is restricted to supervise program companies based in Sweden. Satellite transmissions from other countries are not affected by the rules for transmission.

¹⁴ Ruling by the Chancellor of Justice (Justitiekanslern) on this article, reference number 2887-01-30.

in general in the magazine "Illustrerad vetenskap" (Illustrated Science) in 2001. The derogatory comments on Romanies in this article were being balanced out by the description of the group as "exotic, free and colourful" concluded the Chancellor of Justice (Justitiekanslern).¹⁵

In order to counteract the anti-Gypsy attitudes which foster discrimination, there is a great need for awareness and a strong legislation. It is important to understand the origin of the stereotypes of Romanies, how the attitudes have evolved and how anti-Gypsy prejudice remains from generation to generation. The courage to question prevailing thought patterns in majority society is of fundamental importance for increased awareness and understanding. Academic research, literature, films and mass media have shaped an image of Romanies, which is both exoticising and romanticising. The image of Romanies has been characterized by racist ideologies or social political or pedagogic thought patterns. These long lived stereotypes are many and even though they are not always clearly negative, they exemplify the traditional prerogative of the majority society to define and shape the image of Romanies. By large, Romanies have had no opportunities to express their own identities in the majority society.

The need for historical awareness is obvious, general awareness is limited, and the gaps large. Not enough is known and very little has been subjected to critical scrutiny, but already this very incomplete and sketchy historical background, make the connections between Romanies' history of discrimination, anti-Gypsyism and marginalisation of Romanies today, quite clear. For a long time the Romanies have been perceived as a social problem. There have been few attempts to support Romanies' own activities, counteract discrimination and promote Romanies' human rights. On the contrary, there have been social political programs, which have made Romanies into clients and passive objects of state intervention. State or municipal projects aiming at "solving the Romany problem" very easily become parts of the problem themselves. Anti-Gypsyism, in contrast to anti-Semitism, has almost never been questioned. It remains.

¹⁵ Since ethnicity not always is clearly stated in the complaints, it is not possible to decide the exact number of complaints representing any specific group. Complaints filed by Romanies do however often differ from complaints by, say, immigrants. These can refer to their non European origin, skin colour or religion as the reason for discrimination, whereas Romanies refer to their ethnicity as the reason for discrimination. If Romanies state their ethnicity in complaints we could calculate the number of complaints.

2. Discrimination against Romanies

A survey of discrimination against Romanies presupposes both a structural and an individual perspective. The structural perspective makes it feasible to comprehend phenomena like anti-Gypsyism and the role it plays. From the individual perspective, it becomes possible to describe unfair and offensive treatment of an individual based on her/his ethnicity. In order to propose actions to forestall and counteract discrimination one also has to be aware of the connections between structural and individual discrimination.

Discrimination as described in this chapter mainly focuses on discrimination at the individual level, building on experiences from our dialogues with Romanies and authorities, a summing up of Romanies' complaints to the DO and a questionnaire survey of how Romanies experience discrimination. The description will then, in the next chapter, be discussed in the wider context of the history of discrimination and anti-Gypsyism leading to an attempt to outline a possible method of going forward.

2.1 Complaints filed with the DO

Not many Romanies file complaints when they have been subjected to discrimination. The reason for this might be a lack of awareness of existing protection or a lack of trust in the authorities, whose task it is to handle cases of discrimination. Many Romanies feel that the DO's power of influence of the situation is very limited. To file a complaint of illegal discrimination with the police is felt to be both difficult and meaningless. Romanies' complaints often concern urgent problems and the authorities' way of handling the cases can be perceived as too slow. In addition to that, many Romanies experience discrimination as an everyday thing and offensive treatment can pass unreported.

Between the 1986 (when the DO was founded) and 2002 (when the project started), some 50 complaints of discrimination by Romanies had been filed.¹⁶ This is such a low number that conclusions about discrimination are hardly possible. During our project, however, the annual number of registered complaints grew significantly. In 2002 and 2003 there were some 60 complaints, of which around 40 were registered in 2003. The increase can be seen against the background of a heightened awareness of the Romanies' situation, the project's information activities and confidence raising dialogues. An important role has also been played by the local antidiscrimination

¹⁶ Lag (1993:30) om åtgärder mot etnisk diskriminering i arbetslivet, Lag (2001:1286) om likabehandling av studenter i högskolan och Lag (2003:307) om förbud mot diskriminering.

bureaus. Especially by those that have targeted the Romany situation armed with a capital of local knowledge and functionaries with insights in the issues.

It is important to realise that only a small part of all instances of discrimination have been registered by the DO. There are most certainly a large number of unregistered events, but it is nevertheless possible assess the situation. There are very few complaints of discrimination concerning the labour market and the university system. In these areas, legal protection has been strengthened since 1999 and 2002 respectively. Since July 1 2003, there is corresponding legislation with regard to most other important social sectors. It might improve Romanies' possibilities for more adequate protection.¹⁷

Of the complaints, which were filed with the DO during the project, the majority concerned discriminatory treatment by housing companies (30 percent). The share of cases concerning refused access to shops, restaurants and hotels amounted to about 20 percent. About 15 percent of the complaints concern general treatment and case handling within the social and the health care services. Complaints against various practises within the judicial system (police and courts) make up some ten per cent of the total. Other complaints concern discrimination in the labour market and the education system. Leaving complaints within the labour market and the universities, complaints filed by Romanies amount to more than ten percent of the total number of complaints with the DO in 2003.¹⁸

Of the some 40 cases registered in 2003, the share of women and men are about the same. There is no significant difference between genders as to the contents of the complaints.¹⁹ It would have been interesting to compare discrimination against Romanies with discrimination against other exposed

¹⁷ During 2003 the DO received in all 360 complaints of discrimination in other fields than labour market and universities.

¹⁸ The assumption that traditionally dressed Romany women are being more discriminated against is therefore not being upheld by the complaints. There must be a large number of hidden cases, and considering the existing convictions, there is reason to suspect that women and girls do risk discrimination simply because their clothes make them visible as Romanies.

¹⁹ This section is based on material from a questionnaire survey of how about 150 Romanies experience discrimination by Anna Forsberg and Anna Lakatos. The survey was presented as a graduation paper (Swedish C-level) at the Stockholm School of Social Studies with the title Romernas upplevelse av diskriminering i Sverige. The survey does indicate that Romanies feel discriminated against to a high degree and also implies that Romanies do have a stronger feeling of being discriminated against than people from other groups (immigrant, same) presented in studies from the Center for research on immigrants (Centrum för invandrarforskning).

groups. This is not possible, since no evaluation of the complaints from other groups has been made.

The increasing number of complaints filed points to a growing awareness among Romanies of the possibility to direct their complaints to the DO. It is, however, not easy to detect a corresponding increased confidence in the authority among Romanies. Those, who complain when they have been subjected to discrimination, or think of doing so, are influenced by how their cases are being handled, the time it requires, the outcome and their own level of expectations.

2.2 How Romanies experience discrimination

Many Romanies perceive Sweden as a racist country and as a country hostile to Romanies. Two students at the Stockholm School of Social Studies (Socialhögskolan i Stockholm) were commissioned by the DO to carry out a questionnaire survey of how Romanies experience discrimination.²⁰ Of those asked about 90 percent thought that Sweden, to some or a large extent, is a racist country. The same proportions came out for the question if Sweden, to a large extent, was a country hostile to Romanies. Many Romanies express that they do not feel that they are accepted in Sweden (25 percent - not at all) and that they have no participating role in Swedish society (25 percent - not at all). Experiences of discrimination and the feeling of living in hostile surroundings sometimes make Romanies hide their identity in contacts with members of the majority society. In the questionnaire, more than 40 per cent claim that they, often or always, choose not to tell about their Romany background. More than 50 percent say that they hide their identity in contact with schools or labour offices. In this respect there does not appear any difference between women and men. Neither are there indications that women or men should experience discrimination differently.

The questionnaire also deals with how Romanies perceive discrimination within several specific social areas. The outcome of this is being presented respectively in the subchapters on discrimination on i.e. the housing market, in shops and concerning services and with state and municipal authorities.

2.3 Housing

Discrimination within the housing market stands out as a very large problem for Romanies. The project reference group and the work group repeatedly brought the issue up for discussion. So have Romany organisations and individual Romanies. In the questionnaire almost 50 percent say, that they

²⁰ DO Case No. 899-2002

have been subjected to insults and harassment by neighbours during the past two years.

There have been some 30 complaints to the DO concerning discrimination in the housing market since 1986, out of which 18 during the project. Some of the complaints concern statements where Romanies are named as undesirable tenants. In the town of Vänersborg, the second vice chairman of the municipality's board wrote: "Vänersborg cannot absorb more gypsies" with the motivation: "the concentration (of gypsy tenants) in this already socially very sensitive housing area leads to almost insurmountable problems."²¹ Another case the same year concerns the Liberal Youth Association (Liberala Ungdomsförbundet) in Kronoberg, filing a complaint against the municipal housing company in Uppvidinge (in Småland) for statements about Romanies as a group. In the newspaper Smålandsposten the managing director of the housing company had stated that Romanies were not allowed as tenants, but that "if we were to make this a formal decision, we would be called racists. But we will keep working like that."²² Similar was the letter, which was sent by a functionary in a municipality in the town of Uppsala, to non-Romany tenants in 2002. There it was said that: "the gypsy family, of which you are complaining, will be moving out now, so I hope that your living situation will improve."²³

Romanies can also encounter negative attitudes, prejudice and insults from neighbours. There are also examples of tenants protesting with name lists against Romanies who about to move in to a building, or against are perceived Romany disturbances. Neighbours organising against Romanies moving into an area, out of fear that their residences will depreciate in value, is one example of situation where conflicts may arise. One example is when a group of neighbours of a Romany family sent a letter to the social authorities in the town of Helsingborg, expressing that they felt inconvenienced by "a Gypsy family of four".²⁴ Another instance is the woman in Stockholm, who was fined for insulting a Romany neighbour "bloody traveller trash" and continuing with "I'll see to it that you get out of here. I don't understand how they can allow such people to live here".²⁵

²¹ DO Case No. 521-2002

²² DO Case No. 1357-2002

²³ DO Case No. 782-1999

²⁴ District Court of Handen (Handens tingsrätt) Case No. 650-02

²⁵ Nytt Juridiskt Arkiv (NJA) 1985 s. 226

Romanies are often directed to segregated and socially exposed housing areas. Their options of choosing housing are very limited. Landlords often bar the way by certain specific conditions for applicants. There are examples of homelessness and evictions are not uncommon. Another problem concerning Romany living conditions is overcrowding. Typically, young and new Romany families are often forced to live with elder relatives, since they don't meet the requirements of landlords. Overcrowding is also brought about by the difficulties of finding sufficiently large flats for the frequently large Romany families. The resistance that Romanies encounter often results in provisional solutions and difficulties with neighbours.

Most of the examples of discrimination on the housing market concern individual Romanies, who are being denied a place to live in, because of their ethnicity. Housing companies today have ample opportunity to raise demands and to choose tenants. Some landlords don't count social welfare allowance as an income, and applicants who cannot show a clean financial record have difficulties finding a dwelling. Romanies do not always meet these requirements, which at times can make it difficult to prove ethnic discrimination in an individual case. The complaints about refused applications for a flat, where the housing company refers to its standard policy, are not being investigated further by the DO.

From the perspective of structural discrimination it is nevertheless obvious that Romanies are strongly affected ever increasing demands on applicants by the landlords. The policy documents of housing companies often express a commendable ambition to improve conditions for their tenants, but there is a tendency that their demands on applicants and tenants often becomes a tool for directing Romanies to certain areas only and to strive to avoid having many Romanies settle in the same housing area. A case came before the Supreme Court in 1985 where the court found that the penal stipulations of the criminal code's act on illegal discrimination does not permit landlords to refuse applicants from a specific ethnic group on grounds that they want to avoid a concentration of members of this group to one specific area.²⁶

Many Romanies nowadays maintain that they, as a group, are being barred even from areas, where they used to be able to find dwellings before. Concerning one case in Gothenburg in 2002 worries are being expressed that one specific housing company deliberately strives to drive away individuals and families, who belong to undesirable groups.²⁷ A complaint in 2001 against

²⁶ DO Case No. 429-2002

²⁷ DO Case No. 768-2001

a housing company in the town of Gävle concerns how a functionary turned down a Romany family's application with the comment: "we do not want more gypsies in the area where the flat is situated."²⁸

Discrimination in fact also occurs in individual cases, where it is difficult to prove, that Romanies are being treated differently by housing companies. Facing this situation, many Romanies feel powerless. A complaint of illegal discrimination filed with the police only rarely leads to prosecution, let alone conviction. It is, however, important that as many complaints as possible are made and when there is a suspicion of discrimination, investigated, so that statistics and increased awareness make it possible to discern possible patterns of discrimination. The DO's capacity to improve this situation has been very limited, but on some occasions there have been so many complaints directed against one single housing company that it has been possible to summon its management for consultations. There is a new law (2003:307) on discrimination since July 2003. It will give the DO the right to take cases of discrimination on the housing market directly to court. One complaint which is being handled under this law concerns a landlord in the municipality of Köping, who denied a Romany with a contract to move in, once his ethnicity had become known.²⁹

2.4 Shops, restaurants and hotels

Not making goods and services available is form of discrimination treated under the new law on discrimination (2003:307) in the Penal Code Chapter 16 § 9. Discrimination concerning goods and services often concerns Romanies being denied access to shops, restaurants and hotels, or in other ways are being treated in a discriminatory fashion by establishments. Some interesting cases, whether attempts to bar Romanies from shops etc. should be considered discrimination, have been before the Supreme Court (Högsta domstolen).

One case from 1976 concerns a restaurant in Stockholm, where a Romany woman in traditional clothes was refused admittance. There was a restaurant policy that guests with long and for Romany women typical skirts should not be admitted. The manager was fined as the instigator as was an employee as the perpetrator.³⁰ Another case came before the Supreme Court in 1999. A shopkeeper in the town of Mariefred had not admitted customers with long, wide and heavy skirts, according to policy. The Court found that the

²⁸ DO Case No. 1117-2003

²⁹ NJA 1976 s. 489

³⁰ NJA 1999 s. 556

prohibition was discriminatory, since it was meant to target Romany women. The owners of the shop were fined and had to pay damages.³¹

There have also been instances of signs and posters, with texts denying Romanies access to a facility. In some of these cases there have been convictions resulting in fines, according to the Penal Code's chapter 16, § 8, on verbal hate crime. In 1982 the Supreme Court (Högsta domstolen) ruled against the owner of a camping site. He had put up a sign with the text "Gypsies may not enter the site".³² He was found guilty of a hate crime and fined accordingly. A similar case was determined in the District Court of Helsingborg. A shopkeeper was fined for the sign "Gypsies not admitted".³³

These court cases are of great importance, as precedents, and for their preventive effect when publicized.³⁴ It is a common enough Romany experience not to be admitted into shops and restaurants, to be under constant surveillance and not receiving proper service. In the questionnaire survey of how Romanies experience discrimination, 27 percent say that they have been refused entry into shops, on one or several occasions. Almost 40 percent state that they have been refused entry into restaurants during the past two years. The same numbers say that they have been treated badly in shops or restaurants during the past year.

Since 1986 about 30 complaints have been received by the DO concerning discrimination against Romanies within the sector for goods and services, twelve during the project. The same complaint has normally also been made to the police (under the law on unlawful discrimination). The complaints usually concern cases where Romanies have been denied access to shops and restaurants, but there are also some complaints against hotels.

During the project twelve complaints were filed with the DO concerning denied access to shops or restaurants. Two of these are being investigated by

³¹ NJA 1982 s. 128

³² District Court of Helsingborg (Helsingborgs tingsrätt) Case No. B 1941-89

³³ Apart from these cases there are other examples of Romanies refused entry in restaurants. I.a one sentence from 1987, the District Court of Västerås (Västerås tingsrätt) (No. DB 807), one from 1990, the District Court of Stockholm (Stockholms tingsrätt) (No. DB 112), and one for the Court of appeal for West Sweden (Hovrätten för västra Sverige) (No. DB 187).

³⁴ DO Case No. 1296-2003 and 1506-2003

the DO under the new law against discrimination.³⁵ Among the cases that also have been reported to the police as unlawful discrimination, several have led to prosecution. One case concerns a Romany woman who was refused entry to a shop for children's clothes by the owner. The District Court (tingsrätten) chose to believe the woman's story that she had been refused because of her ethnicity and to disbelieve the owner's explanation that the shop should have been closed for lunch. The ruling was confirmed by the Court of Appeals in Malmö (Hovrätten i Malmö)³⁶ in 2003. Another case from 2002 concerns a restaurant's owner in Gävle, who was charged with unlawful discrimination. The District Court (tingsrätten) did however maintain that the owner had not exercised discrimination when four women were denied access³⁷ to the restaurant. The same year another complaint of suspected restaurant discrimination was made in Gävle, but the investigation was eventually abandoned.³⁸ In the mid 1990s the DO became aware of that discrimination against Romanies was common at camping sites. There have however been no such complaints made. The situation seems, according to many Romanies, to remain unchanged. The DO has, however, been made aware of some cases of discrimination within the hotel business. In one case, the District Court of Sollentuna (Sollentuna tingsrätt) (Stockholm) fined an employee at a guest home shelter for unlawful discrimination. A Romany man had been denied a room because of his ethnicity.³⁹ In another case a motel in Stockholm had refused to accept a Romany woman, for whom the social authorities had rented a room for two weeks. The woman was allowed to stay for one night, once her ethnicity had become known. The case is being investigated by the DO, and it might end up in court under the new law on discrimination.⁴⁰

2.5 Education and jobs

In order to participate in the society one needs access to both jobs and education. Romanies, given their generally marginalized situation in many social areas are at a real disadvantage on the labour market and concerning education. In the report Romer i Sverige - tillsammans i förändring it is stated that "the Romanies have failed to enter the labour market, and the labour

³⁵ Court of Appeal for Skåne and Blekinge (Hovrätten över Skåne och Blekinge) Case No. B. 2660-02 and DO Case No. 385-2002

³⁶ District Court of Gävle (Gävle tingsrätt) Case No. B 563-02 and DO Case No. 1285-2002

³⁷ DO Case No. 1284-2002

³⁸ District Court of Sollentuna (Sollentuna tingsrätt) Case No. 4717-03 and DO Case No. 279-2003

³⁹ DO Case No. 1151-2003

⁴⁰ Romer i Sverige - tillsammans i förändring, Ds 1997:49, p. 39

market has failed to receive them"⁴¹. There are said to be few Romanies with a regular job. The fundamental reason for this is said to be that few Romanies have the training required for most jobs. In the same report many Romanies are said to harbour a longing for a meaningful occupation and to break their isolation.⁴²

In 1999, the Romany People were recognized as a national, historical minority and the language, Romani Chib, as one of the national minority languages of Sweden. This led to new goals for the education sector, but it has still not resulted in Romany culture and Romani Chib to be given its rightful place within the Swedish education system. Romanies frequently feel that their children's identity is not being strengthened through school, and that schools generally provide weak protection against discrimination. From the questionnaire survey, one can see that more than 50 percent had chosen not to reveal their background during their school years. Traditionally, the difficulties of Romanies in the education system have been regarded as depending of the pupils' high rates of absence and the specific nature of Romany traditions. Today, the alternative perspective is emerging, where the new minority policy gives new opportunities and a focus on everybody's right to an education on equal terms by demonstrating how discrimination is an obstacle to Romanies.

There have been very few complaints of discrimination against Romanies within the Swedish education system. One complaint from 2003 contains criticism of special courses for Romanies, based on the perceived quality of the courses and their character of shortcuts around the regular education/training system. Three complaints concern the comprehensive school - one deal with the negative comments by teachers, pupils and majority parents on the ethnicity of Romany children.⁴³

It is not possible to illuminate discrimination against Romanies within the education system on the basis of a few complaints. Individual Romanies and Romany organisations have frequently emphasized the urgent need for changes in the system and the importance of removing obstacles which disfavour Romanies. Many think that the Romany culture is insufficiently visible in schools and that there is a lack of Romany role models. Frequently Romany parents have no or little schooling and elderly Romanies frequently

⁴¹ Romer i Sverige - tillsammans i förändring, Ds 1997:49, p. 39

⁴² DO Case No. 879-2003, 526-1994, 290:1997 and 897-1999

⁴³ County administrative board of Skåne (Länsstyrelsen i Skåne län). Ternimatengi chansa – Ungdomar får chansen! Declaration from the workshop on future for young Romanies, November 11 2002, Malmö.

express fears of losing children to the majority culture. Children are also affected in their self-esteem by the everyday discrimination that adult Romanies are being exposed to and it is frequently stated that Romany children feel insecure in school. There is frequent criticism of the generally low level of knowledge of Romany culture. The way schools are formed and the contents of the teaching are also said to contribute to a feeling of split identity among Romany children. Also Romany youths have emphasised the need for more awareness of Romanies in both majority society and among themselves, support and role models in schools. One example is the texts from a workshop on the future arranged in 2002 by young Romanies and the County Administration of Skåne.⁴⁴

There are several reports on the problems for Romanies in the education system. The Swedish National Agency for Education (Skolverket) has, in a report from 1999, discussed Romanies' school situations. It is said that "a school, which is often enough perceived as threatening, or at best indifferent, can hardly be felt to be an important social meeting place".⁴⁵ The Swedish National Agency for School Improvement (Myndigheten för skolutveckling) has actively run a development program for support of the tuition of Romany students, i.e. efforts to produce teaching aids in Romani Chib. The agency underlines the importance of competent Romany personnel in the school for the educational success of Romany students.⁴⁶ The Swedish branch of Save the Children (Rädda barnen) has recognized the Romany children's situation in the Nordic countries, with the background of the Convention on the Rights of the Child, and concludes "one should serious discuss measures as preferential treatment and priority of interpretation, if there is to be any improvement in the situation of Romany children."⁴⁷

Even international European organisations have taken notice of this situation, and they have criticized Sweden for shortcomings in the promotion of Romanies' educational situation. In a report on Sweden in 2002, ECRI (the European Commission against Racism and Intolerance) points out that Romanies are at a disadvantage as education is concerned, and claims that Romany children are still being marginalized in school. Romany children are said to have large absence rates, and only few of them continue studying after

⁴⁴ The Swedish National Agency for Education (Skolverket): Romer och den svenska skolan (1999, dnr 98:2652)

⁴⁵ Cf. for instance the PM by The Swedish National Agency for Education (Skolverket) Romer - kompetensutveckling och material (2002, dnr 2000:3819)

⁴⁶ Rodell Olgac, Christina. "Vi är rädda att förlora våra barn". (Rädda barnen, 1998 p. 29).

⁴⁷ ECRI. Andra rapporten om Sweden. Adopted June 28, 2002 (Strasbourg 2003).

the compulsory school. ECRI also criticizes shortcomings as to opportunities of mother tongue tuition and the lack of Romany speaking teachers. ECRI found too little of learning aids in Romany and of materials for the majority population on Romany culture and language.⁴⁸ In 2002 a Council of Europe's experts committee scrutinized the Swedish adherence to the Councils Statute on languages of regions and minorities. In the report, demands are put on Swedish authorities to adopt immediate measures in co-operation with Romanies to preserve and develop the different varieties of Romani Chib. The report emphasises the need for improved tuition of the mother tongue and its varieties, especially the need for more and better teaching aids and teacher's training. The report also states that there is no support for studies and research of Romany Chib at the universities.⁴⁹

Young Romanies' alienation in school is one crucial obstacle for Romanies' ability to benefit from their right to education on equal terms. The fact that the education system to a large extent has been shaped according to modes of thinking of the majority society and that schools have not been able to make Romanies visible and to meet Romanies half way, contribute to Romanies difficulties in this system. Already in the nine year compulsory school many young Romanies have their range of opportunities to education and further education narrowed. Few young Romanies continue to secondary education, and even fewer study at university level. However, there are more and more of the older Romanies in adult education. Course arrangers and Romanies in adult education have complained that the financing system for education disfavours those who lack previous education, or have only a short time in school behind them. Many older Romanies lack education and try to complete the nine year school as adults. Illiteracy is still widespread.⁵⁰

Romanies' unfavourable position on the labour market is obviously linked with their difficulties within the education system. Clearly, the rapid changes that society has undergone in the 19th century have made traditionally Romany occupations disappear. The demands for education in modern society have contributed to bar them from labour markets. Anti-Gypsyism in the majority society also contributes in this respect. Four complaints to the DO by Romanies regarding the law (1999:30) against ethnic discrimination on the labour market, indicate how exposed Romanies are on the labour market. One complaint of the year of 2001 concerns ethnic harassments on a place of work

⁴⁸ Report of the Committee of Experts to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the Charter - Sweden (Strasbourg 2002).

⁴⁹ Today the possibilities for grants and loans for studies in the comprehensive school for adults are limited to a certain number of weeks.

⁵⁰ DO Case No. 1038-2001, 516-2002, 940-2003 and 1521-2003.

in the town of Borås. In another case, 2002 in Stockholm, a Romany was given notice on dubious grounds. Two complaints have been filed with the DO in 2003. One concerns the application of the rules for firing and rehiring, and in the other case a Romany was refused a job as a supply teacher in Gävle.⁵¹

The small number of complaints to the DO does not allow for conclusions on the mechanisms of exclusion, or on how expressions of anti-Gypsyism influence the situation at work for Romanies with a regular employment. Almost 80 percent of the unemployed asked in the questionnaire do however maintain that they are unemployed due to employers' preference for non-Romanies. More than 20 percent say that they have been refused a job because of their ethnicity, in spite of their full qualifications for the job. Almost 40 percent tell that they hide their ethnicity when applying for a job. Romanies also feel that they get very weak support from the Labour Office (Arbetsförmedlingen). Almost 20 percent say they meet with bad service or offensive behaviour in contacts with the Labour Office (Arbetsförmedlingen).

The Romanies' disadvantaged position on the labour market is an obvious result of the long term and all pervading discrimination with which Romanies have been living, as well as the difficulty of breaking up the entrenched structures and patterns of thought which they encounter in contact with the majority society, especially in the areas of education and work. To a large extent, Romanies are excluded from the labour market. Even employment of Romanies within the public sector is rare, in spite of the need for Romany expertise in schools, pre-schools and other public sector functions.

2.6 Authorities (state and municipal)

Everybody is in a situation of dependency in contact with authorities like the social services, the health care, etc. At no time does this fact become more evident than when authority is being exercised. For Romanies in contact with authorities there is also the majority/minority relationship with an uneven division of power in favour of the social worker, the doctor, the police officer etc. Relations and contacts are also characterized by the Romanies' historical experiences as well as by their present, difficult social and cultural situations.

⁵¹ Some complaints are against the Board of Immigration (Migrationsverket), where one concerns a statement made by an individual functionary about Romanies as a group. Cf. DO Case No. 38-2003. Three complaints are against the prison museum of Långholmen, where the complaining persons felt offended by the wordlist compiled by the museum staff over languages spoken in the old prison. What was labelled on posters as "thieves' language" consisted to a large extent of Romany words. DO Case No. 307-1997, 207-1998 and 733-2001.

Authorities are also influenced by their respective histories and traditions. Their representatives are affected by existing conditions and patterns of thought. In every specific contact situation between an authority and Romanies, the determining factors are the specific problem, the preconception of the roles of the authority and the civil servant, but also more or less conscious perceptions of Romanies as a group. With Romanies' specific vulnerability and specific dependency in mind, it must be considered very grave when these perceptions contribute to acts of discrimination.

Romanies' low level of trust in authorities (with its above stated historical explanation) is emphasised in the questionnaire on how Romanies experience discrimination. Almost 80 percent of the persons asked state that they have no confidence at all or very little confidence in the social service. Correspondingly the figures for the police were above 70 percent and for the courts 60 percent. Distrust of the health care (40 percent) is also evident from the answers. There was no question concerning trust in the DO, but 60 percent are aware of the right to file a complaint (with an authority) of ethnic discrimination. Of those who stated that they had been discriminated against on the labour market or in restaurants and hotels, more than 90 percent say that they have not filed any complaint on the incident.

Since 1986 there have been some 20 complaints to the DO by Romanies of ethnic discrimination by the social services, the police and the health care system to the DO (14 during the project). Some other complaints have been against other authorities or cultural institutions.⁵²

The number of complaints is significantly low. It probably reflects Romanies' low level of trust in those authorities, whose task it is to handle cases of discrimination and legislation. One might presume that people can feel a hesitation against filing a complaint against one authority with another authority. In addition, until recently when the new law on discrimination came into force, the DO has had no means to pursue cases of discrimination of this kind. Neither are there any examples of sentencing on violations of the law on unlawful discrimination within the public sector.

Most of the complaints to the DO concern instances when Romanies have experienced not being treated as individuals. Many Romanies say that they instead are characterized through perceptions of Romanies as a group. Clear examples of this are notes in medical records. One complaint of 2003 concerns

⁵² DO Case No. 1711-2003 and 414-2003

a note on a woman, a patient in emergency ward, that she was Romany⁵³. Another complaint is against a general practitioner in Stockholm who included the information of the patient's ethnicity in a letter to the Health Insurance Authority (Försäkringskassan). Two general practitioners in Skåne were reported in 1998 for offensive notes in medical records. Although the doctors did not mention the patient's ethnicity they noted i.e. that the patient had "hair of black colour and unusually many rings."⁵⁴ It is difficult to determine how frequent ethnic categorisations of Romanies are within the health care system, as well as how often decisions on treatment etc. are being influenced by inadequate and irrelevant notes in the medical records.

Within the social services it is not uncommon that Romanies feel that they are being treated according to general perceptions of Romanies as a group. In one case, the District Court of Umeå had requested the social service's opinion on a young Romany. The social worker in her/his report stated that "youth from the Gypsy culture" were not suitable for rehabilitation in open programs, and that the accused in this case should be treated within the penal system.⁵⁵ One Romany woman states in her complaint that she had been offended and had her rights violated by a social worker in Uppsala, whom she perceived as "racist". According to the Roman woman the social worker had refused her help while at the same time made comments on the general prejudice against Romanies as a people which i.e. steals.⁵⁶ One study on racism and discrimination in the social services shows that half of the social workers when interviewed, were aware of the fact that they held prejudices and that they perceive those prejudices directly linked to their professional role. One social worker said: "I know what I am thinking, when find out that I will be handling a Gypsy family. And this will influence me."⁵⁷

One of the most sensitive responsibilities of the Social service concerns the placement of children into foster care. Bearing the memories of past abuse supported by the past population policy, the laws on sterilisation and different ways of removing children from their families for care within the social system, one realises that the social services' representatives tread a minefield when handling Romany children in difficult situations. We have

⁵³ DO Case No. 718-1998

⁵⁴ DO Case No. 698-1995

⁵⁵ DO Case No. 1693-2003

⁵⁶ Müntzing, Anna-Klara. Rasism - angår det socialtjänsten? En kvalitativ studie om socialekreterares syn på rasism och diskriminering i samhället och inom socialtjänsten. (MA-thesis, Stockholm School of Social Studies, Institution for social work, Fall 1998, p. 43).

⁵⁷ DO Case No. 314-2003 and 1318-2003.

had many discussions with troubled Romanies on the topic of foster home or institution placement of Romany children in a non-Romany environment. The DO has also received complaints of the taking away of children for social care, and the risk of Romany children losing contact with their background and identity when placed in foster care lacking awareness of Romany language and culture.⁵⁸

With the police there seems to be a lack of understanding and awareness of Romanies. In 2002 the Swedish Integration Board (Integrationsverket) together with the police held a conference in order to increase understanding. The aim was to reduce prejudice through dialogue between police and Romanies, and to make existing discrimination more visible.⁵⁹ The year before the police had arranged a seminar and an exhibition with the same purpose. This arrangement was advertised in the internal police news sheet under the headline "Come, dance with the Gypsy trash". Romanies reacted and complained to the Chancellor of Justice against what they perceived as a verbal hate crime.⁶⁰

During the project there have been six complaints to the DO on discrimination against Romanies within the judicial system. Some of these concern court rulings, which cannot be handled by the DO. The DO (in consideration of the integrity of the court) is not allowed to influence courts, neither during trial nor after. In one complaint it was stated, that the police and the court had handled a case with insufficient knowledge and insight of Romany culture, and that the entire case could be seen as an instance of structural discrimination.⁶¹ Another case concerned the assault and battery a Romany woman and a young Romany girl alleged that they had been subjected to by a police officer in Uppsala.⁶² One other complaint was against the police in

⁵⁸ E Romani Glinda. Den romska spegeln. N0 1 2002. P 16-19.

⁵⁹ The Chancellor of Justice (Justitiekanslern) abstained from measures concerning this advertisement. The motivation was that the poster had not been printed and that the purpose of the poster could hardly have been to discredit Romanies. (JK Case No. 2635-01-30, 2650-01-30, 2653-01-30 and 2753-01-30).

⁶⁰ DO Case No. 746-2003

⁶¹ DO Case No. 956-2003 and 957-2003. The prosecutor investigated the complaint of abuse of authority, (verbal) hate crime, insults and battery, but the investigation was abandoned.

⁶² DO Case No. 88-2003. The prosecutor investigated the complaint of abuse of authority, but the investigation was abandoned with the motivation that no single person could be assumed to have committed any offence. The investigation by the police authorities themselves is awaiting the handling and ruling of the Parliamentary Ombudsmen (Justitieombudsmannen).

Malmö and a set of photographs of under-age Romany boys that had been presented to a boy during an interrogation.⁶³

That individual Romanies are being categorized using stereotypes of the group is one problem. Another problem is the lack of knowledge which would facilitate the recognition of individual Romanies as parts of a minority with resources of their own. Knowledge also contributes to an awareness of the vulnerability in the situation of many Romanies, that Romanies constitute a minority excluded from many areas of society and that they have a long history of persecution and discrimination. Without awareness, insights and understanding, the authorities' ways of working and routines tend to disfavour Romanies.

Communications between authorities and Romanies do not always work. Romanies have frequently pointed out a general lack of interpreters and specifically of good interpreters of Romany Chib. Romanies who seek asylum are not always offered a Romani speaking interpreter. One more example of difficulties is that all Romanies cannot readily take part of written information or decisions from authorities. Functionaries' automatic routines of written communication are often disfavour able towards Romanies. In a case of 2003 regarding the Fiscal Authorities (Skattemyndigheten), the complaining person alleged that his illiteracy had been disregarded.⁶⁴

A more general set of problems concern the fact that authorities (at another level than before) focus on the individual person and disregards the context. Subsequently, Romanies are regarded as individuals with a problem. An individual-focusing working mode stressing individual discrimination has limitations, which in turn makes it difficult to discern and visualise particularly exposed and vulnerable groups. Bearing in mind the complexity of the situations for Romanies, it is not easy to forestall and counteract discrimination, if one does not at the same time maintain a structural and a minority perspective, where discriminatory obstacles are being seen as well as Romanies as groups with particular needs.

⁶³ DO Case No. 1500-2003

⁶⁴ Decision No. 566. Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (Organisation for Security and Cooperation in Europe 2003).

3. Strategies for the future

The survey of discrimination against Romanies has had the aim to give a picture of how Romanies are being subjected to special treatment as individuals. But the description also demonstrates how forms of structural discrimination constitute obstacles for Romanies as a group. The chapter "Strategies for the future for counteracting and forestalling discrimination against Romanies" starts in an overall approach in an effort to maintain an individual perspective, a structural perspective and a minority perspective.

In order to develop methods and strategies, we have arranged a continuous dialogue between Romany organisations and groups and authorities on the subjects of how to reach the Romanies, who are particularly exposed to discrimination and racism, and how Romanies can get their right to individual protection against ethnic discrimination provided for by legislation. The ambition to attain an overall approach has led to a discussion of genuine Romany participation and of preferential treatment as two elements of strategies for the future.

3.1 An overall approach

Discrimination against Romanies on the housing market, the labour market and within the educational system and the perspectives of discrimination at the structural and at the individual level are examples of the complexity of the Romany situation. It can be regarded as a result of individual and special treatment, results of structural discrimination, consequences of long standing persecution and discrimination and as results of anti-Gypsyism. Regardless of which perspective one chooses, there will always be a risk of disregarding the other perspectives on the discrimination against Romanies when planning measures.

Individual Romanies are at a disadvantage in many different situations. Discrimination can make itself known in many ways. For example through a landlord refusing a Romany family applying for a flat, through a shop denying Romany woman entrance or treating them with special attitudes and behaviours, through a social worker treating a Romany youth in an insulting way or an employer not reacting when work mates harass Romany colleagues. In the description of discrimination against Romanies, there are many similar instances of individual discrimination, which show how Romanies are being treated unfairly and unjustly because of their ethnicity. A strong and efficient legislation against ethnic discrimination can counteract these forms of discrimination and offer individuals a protection against special treatment.

A strictly individual approach does, however, presuppose that those Romanies, who are subjected to discrimination, are aware of the legislation

and have confidence in the authorities, who are to enforce this legislation. It also presupposes that Romanies, who have been subjected to discrimination, do file their complaints. The small number of complaints registered with the DO constitute a real problem in this respect. One more limitation of an individual approach based on individual complaints is that it is almost impossible to demonstrate Romanies' general difficulties in, for instance, even entering the labour market (because of their educational backgrounds), and to demonstrate the situations which cause individual Romanies, who do have a job to feel themselves forced to hide their ethnicity. In a strictly individual approach the general mechanisms behind the discrimination do not become visible. When the individual approach becomes just that, the minorities' situations disappear and their right to be different will be ignored.

Romanies are being discriminated against as a group as well. Sets of rules, norms and patterns of thought within the majority society might limit Romanies' chances for equal opportunities. Through high demands and their general policy of handling applications, housing companies make it almost impossible for Romanies to get a dwelling. Alienation in school and the general form of the educational system stands in the way for better educational situations for Romanies. In order to make patterns of discrimination visible there is a need for a structural perspective and options of special measures.

But then there is a danger with the structural perspective, that the descriptions of the situation from that perspective are too static and awareness of individual developments is lost. With a one-sided structural perspective, it is difficult not to oversee, for instance, the positive developments in young Romanies' education, which are on the way in some municipalities with special support and Romany personnel.

Neither is it easy to discern the obstacles that stand in the way of Romanies and others affected from this perspective. The structural perspective also calls for statistics, which could be difficult to find considering Romanies' traditional fears of registration and the Swedish prohibition against registration based on ethnicity. General population statistics doesn't contain information on minorities; neither do they contain any self-identifications.

Discrimination against Romanies (as individuals or as a group) does not occur independently of history, social conditions or cultures. The general ignorance of the relations between Romanies' social and cultural situations of today, the discrimination throughout history, various expressions of anti-Gypsyist thought patterns and the resulting distrust between Romanies and authorities is one example. Through a minority perspective it will however be possible to understand such connections and to illuminate Romanies' conditions of life as groups with needs and resources. The new minority policy is one step in this

direction and that Romanies' opportunities for genuine social participation as a minority group have increased.

The relations between the general anti-Gypsyism and discrimination of Romanies are obvious. In order to be able to counteract anti-Gypsyism and discrimination it is important that light is shed on Romanies' history and socio-cultural situations and that prevailing thought patterns are being questioned and processed. Insight and awareness will not be enough. There will also be a need for an effective legislation, which provides for protection against racist oppression of minority groups. Existing legislation on freedom of speech and freedom of the press, with the limitations expressed though present practise in the application of the penal stipulations for (verbal) hate crimes, do not give Romanies sufficient protection against various forms of expressions of anti-Gypsyism.

Today, there is no particular authority with an overall responsibility for minority issues; several authorities are charged with responsibilities for issues of discrimination. In order to counteract discrimination against Romanies in the long perspective, there is a need for an overall approach, with involvement of Romanies, Romany organisations, local anti-discrimination offices and authorities such as the Swedish Integration Board (Integrationsverket), the Chancellor of Justice (Justitiekanslern) and the Living History Forum (Forum för levande historia).

An overall approach makes it evident that there is need, not just for the development of awareness and an efficient individual protection which can protect even very vulnerable groups, but also for strategies for genuine Romany participation and possibilities for a sensible preferential treatment.

3.2 Protection of the individual

The legal protection against discrimination should concern both direct and indirect discrimination. Then, "direct discrimination" would mean that one person would be treated disfavourably as compared to how another person under the comparable circumstances is being treated, when the special treatment is related to the person's ethnicity. "Indirect discrimination" refers to a situation when the special treatment which disfavours somebody through the application of rules, criteria or modes of action, and these appear to be neutral, but in practice disfavour persons of a certain ethnicity. There is also a direct prohibition against harassments on grounds of ethnicity and a prohibition against instructing somebody to exercise discrimination.

Since the project started, there has been a significant increase in the number of complaints by Romanies to the DO. There have been around 60 complaints in

2002 and 2003, which can be compared to the total of about 50, which were made between 1986 (when the DO-institution began its work) and the start of the project. The project work with information, dialogue and building of trust has contributed to mutual awareness between Romanies and the DO of the rights of Romanies and of Romanies' historical, social and cultural situation and of anti-Gypsyism. The existing personal experience and awareness of Romanies' circumstances within the project and the close cooperation with Romanies have been important to the DO's possibilities of reaching the Romany groups.

With the background of mutual awareness and an increased level of mutual confidence there arises the question of strategies for the future. One line of action ought to be continued information and education efforts for Romanies about individuals' rights to protection against ethnic discrimination and about human rights. These efforts should be relevant to the Romanies' everyday life and to the work of Romany organisations. Support directly to Romanies' own activities ought (within the framework of the general strategy) to increase their opportunities to work against discrimination and for human rights, and hence their capacity for cooperation. The role of the local anti-discrimination offices could be developed into long term cooperation with those bureaus, which are targeting discrimination of Romanies.

The project has significantly increased the DO's possibilities to reach Romanies in Sweden with its work. It is however not as obvious, that the increased level of confidence (and the increased number of complaints) also means, that Romanies have the protection which is the right of the individual. The DO's opportunities to counteract ethnic discriminations have been very limited until 2003. The new legislation, which came into force that year, will however allow the DO to bring more types of cases to court. But the proving of, for instance, discrimination against Romanies on the housing market, still remain difficult. By "situation testing" is meant that persons or organisations are, unknowingly, put in a test situation where it can be proved whether they discriminate or not. This is an accepted legal tool in several countries but not in Sweden. If situation testing were possible, it could i.e. prove useful in cases where a housing company is suspected of using its general renting policy to exclude Romanies in particular. Situation testing would most likely reduce the number of cases, which are dismissed because of lack of evidence. Romanies would then be able to enjoy a higher degree of individual protection.

One possible strategy to give Romanies more of the individual protection, which the legislation offers, both against direct and indirect discrimination, is to handle complaints by Romanies (which often express and describe complex situations) with an overall approach and in a dialogue with the Romanies themselves. Without awareness of the living conditions of Romanies, it is

difficult to discern from the complaints, what is an expression of a vulnerable situation and what is discrimination. With an approach, when one sees the situation of the complaining person from different perspectives, both individually and as part of a social structure, one can make patterns of discrimination visible and identify obstacles.

In one type of cases, awareness of Romany history, socio-cultural situations, and anti-Gypsyism is very important; it is the complaints of ethnic discrimination where the actions of authorities concern children in Romany families. Forced intervention by the state in the past (based on the legislation on population planning with sterilisations) and the taking away of children for social care are historical facts, which cannot be disregarded when present cases of discrimination are being handled. To make discrimination evident in a case of removing a child from its family, it can also be necessary to gather information of the frequency and in what manner, such actions are taken. This strategy presupposes a mutual confidence and Romany participation.

3.3 Genuine participation

In a democratic society, the idea of equality implies that the interests of all persons deserve equal consideration. One point of departure is that individuals themselves are the most competent to evaluate their interests and to participate in decisions which concern themselves. One fundament for the democratic process is that all people have equal opportunities of participating and of expressing their opinions. Participation also presupposes equal possibilities to articulate one's interests together with others and to define issues which concern oneself and one's group.

Romanies are to a large extent excluded from the democratic process, and once they were totally excluded. As stated here several times, the role of the state has been a controlling one, and this has often showed itself as persecution and discrimination, thus contributing to the low level of trust that many Romanies hold for the state and the majority society in general. One precondition to overcome this distrust and gain the minimum confidence necessary for a mutual responsibility in the democratic progress, is that one also accepts responsibilities for abuse and offences against Romanies in the past.

Since the 1970s, Romanies in Sweden have had increasing possibilities of influencing the decision making which concerns them directly. They have participated in the work with various reports, and they have been able to define the issues to a larger extent than before. A genuine empowerment does, however, presuppose that Romanies are participating directly in the making of decisions which affect them directly as Romanies. Romanies are normally

not represented in decision making bodies, and very few Romanies are found among the employees of state or municipal authorities. The question of Romany participation still constitutes a challenge.

Awareness of one's own rights, knowledge of how to counteract discrimination and how to attain one's rights is necessary for Romanies. Their possibilities to influence their situations are limited, both at the individual and the group level. Among the limiting factors one could mention the lack of expertise within the groups in many areas, such as relations with the media, concrete know-how concerning the formalities of bureaucracy, knowledge of the decision making process in state and municipal authorities and political assemblies in addition to the difficulties of getting fair treatment without being discriminated against.

Through the project, some strategies have been formulated for a future genuine Romany participation. An open dialogue between Romanies and authorities will gain the development of awareness in reciprocity. The possibilities for Romanies to define and work with issues concerning themselves could be increased by support to developing their own institutions. From the project came the joint idea of establishing a national organisation, which would educate in and work with human rights perspectives for Romanies. One step in this direction was a course in human rights for Romany activists in cooperation with the Swedish Integration Board (Integrationsverket).

With the minority policy, special measures could be adopted in the educational sector. The need for an institute for studies and research about and by Romanies at one of the Swedish universities has been highlighted in continuous discussions with the Swedish Authority for School Improvement (Myndigheten för skolutveckling). There is ongoing work, which in the long run will contribute to Romany participation in the Swedish society. The town of Stockholm is supporting the building of a Romany Cultural Centre. Radio Sweden and the Swedish Television Network are broadcasting programs in Romani Chib.

The long term goal for a strategy for Romany participation must be that the marginalisation of Romanies ceases. Today there are examples of expressions of mutual confidence and willingness to accept responsibilities, which open up for efforts for and with Romanies in the areas of education and culture. These efforts could forward Romanies' participation and integration in the Swedish society. The exclusion of Romanies from the labour market and their insufficient access to education on equal terms is still real enough and this will probably require special measures in the future.

3.4 Preferential treatment

The ideal of equality and equal rights for all also presupposes that all have equal opportunities. Romanies are often enough at a disadvantage in many areas of social life. Their situation is one of inequality and asymmetry and they have less of opportunities than people of other ethnicities. One possible strategy, which cannot be disregarded, is that of preferential treatment.

Preferential treatment refers to temporary special measures which are adopted in order to forward equal rights and opportunities for individuals from neglected and underrepresented groups. The exception from a ban on discrimination, that preferential treatment bears with it, could be that qualified persons from a neglected and underprivileged group are being favoured at the expense of more qualified persons from a more favoured group. Preferential treatment must be understood as temporary measures, which are adopted in order to facilitate for underprivileged groups to catch up. Then the measures shall be abandoned.

There can be different reasons for the state to adopt temporary special measures for Romanies. The state has, for one, contributed to the present underprivileged situation for Romanies, through exposing them to a long time of and far reaching ethnic discrimination, all the way into our times. Another compensatory aspect lies in the structural discrimination and the obstacles it presents to Romanies. The situation for Romanies when housing, education and work are concerned, can be seen as unequal, and hence motivate special measures in order to forward equality. These compensatory motivations require the political will for both a historic awareness and a redistribution of resources.

The situation for Romanies in the education system and the lack of Romany persons within the media, judicial system and politics, could also motivate temporary special measures. There is a large need for Romany role models in general and especially of Romany personnel with competence in the education system. This could be reason enough for special educational efforts. The very small number of Romanies employed within the public sector could suffice as a reason for preferential treatment in hiring, especially in areas where Romanies are clearly and directly concerned. There is a need to provide the public sector with Romany experience.

To forward equality for underprivileged groups, such as Romanies, can require temporary special measures for the labour market, such as apprentice jobs and vocational training programs. Here it will be necessary for employers to be allowed to meet special measures with temporary extraordinary measures of their own. Another field of activity where special measures

would be required is the creation of the conditions for a genuine Romany participation through special measures for autonomous activity, e.g. concerning the area of human rights or the local anti-discrimination activities.

There are many international recommendations on this matter and they are unambiguous. In a large number of European documents there are recommendations for temporary special measures aimed at improving the situation of Romanies. The European Commission against Racism and Intolerance (ECRI), in its general policy recommendation No 7, states that such measures should be taken. Another document is the Action Plan adopted in 2003 by the Organisation for Security and Cooperation in Europe (OSCE) for improvement of the situation of Romanies. The Action Plan comprises a number of measures concerning social and economic issues, education, participation and especially racism and discrimination. The measures proposed should be adopted both within the OSCE and in its member states.⁶⁵

International conventions do not (with one exception) direct underwriters to adopt preferential treatment, but they do allow signing states to take special measures in practice in order to achieve equal rights and opportunities. Preferential treatment is also being implemented, especially in the UK and in the USA. Both the UN Convention on Racial Discrimination (through CERD) and the European Convention on Human Rights and Fundamental Freedoms, Addendum No 12, do expressly allow for preferential treatment, "when the situation demands it".⁶⁶

The EEC Directive No 43 of the year 2002 does also allow for preferential treatment. Article No 5 of the Directive states that member states may abandon the principle of equal treatment to ensure full equality in practice and to keep or adopt special measures in order to prevent members of certain ethnic groups from being disfavoured, or as a compensation for such disfavoured.⁶⁷

In Sweden, preferential treatment is possible in cases of gender/sex and disability, but not in cases of underprivileged ethnic groups. Present legislation against ethnic discrimination does not contain any express

⁶⁵ Cf. articles 1.4 and 2.2 in the UN Convention on the Elimination of All Forms of Racial Discrimination (General Assembly 1965) and Protocol No. 12 to the Convention for the Protection of Human Rights (Council of Europe 2000).

⁶⁶ Cf. article 5 of the Directive of the Council 2000/43/EG, June 29, 2000 on the implementation of the principle of equal treatment of persons, regardless of their race and ethnic origin.

⁶⁷ Cf. The Swedish Constitution ("Regeringsformen") Chapter 2, Section 15, and Chapter 2, Section 22, first Paragraph 7.

stipulation that should exempt preferential treatment from the principle of equal treatment. There is, however, one exception for measures on the labour market, favouring immigrants. Temporary special measures for an ethnic group, such as Romanians, cannot be considered to be permitted in Sweden at present.

The Swedish Constitution stipulates that no citizen or foreigner dwelling in the country may be disfavoured through law or other regulation due to the fact that she/he belongs to a minority. The stipulation means that one might adopt measures for improving the position of a minority group, but also that that it is not permitted to restrict the measures to this very group.⁶⁸

There might be an opening for preferential treatment in the work by a parliamentary Discrimination Committee (Diskrimineringskommittén), which is working on making the protection against discrimination uniform, regardless of social area or basis of discrimination. The committee has been instructed to consider preferential treatment as a means of forwarding "ethnic diversity on the labour market". However, the committee's work is restricted to the possibilities for employers to adopt preferential treatment.

The DO has stated that legislation should allow for preferential treatment as one possible method among others. It is obvious that such a strategy should mean that Romanians as a group first should get equal access to the general welfare benefits, and be considered under laws against discrimination and share the advantages, which are at hand through the special minority policy. There are, however, many and well founded reasons for also allowing temporary special measures for Romanians. The adoption of policies of preferential treatment, does however, presuppose that every future measure adopted should be well accepted by parties concerned. In order to avoid historical mistakes, Romanians must be able to genuinely participate in the shaping, implementation and evaluation of such measures.

4. Conclusions and proposals

There is very little awareness in the Swedish majority society of Romanies and their living conditions. Also among those authorities, whose task it is to investigate, counteract and forestall discrimination, awareness and insights are insufficient. There is a lack of awareness of the underlying causes of the Romany situation, of the roles played by the state and the majority society throughout history, and of how this links with the discrimination of today. Anti-Gypsy thought patterns, prejudice and foggy perceptions of Romanies are common and are not being questioned in the majority society. Such thought patterns in combination with the lack of awareness are shaping the attitudes and modes of interaction in the majority society against Romanies as individuals and as a group. This in turn constitutes one explanation of the common distrust Romanies have for authorities and other representatives of the majority society.

In order to make discrimination against Romanies visible one needs both an individual and a structural perspective, allowing consideration of phenomena such as anti-Gypsyism, and sets of rules and norms within the majority society, which limit possibilities for Romanies to obtain equal conditions. The image of discrimination against Romanies, which has evolved during the project, is a dark and complex one. Discrimination is wide spread and a part of every day life for Romanies.

It is hard for Romanies to find housing, and they are often directed to special housing areas. Hence they often experience discrimination when applying for a place to live. The housing companies and other tenants often enough express openly that Romanies are not wanted. It is also common that the companies refer to their policy documentation, where demands on applicants are very high. Insults and harassments by neighbours against Romanies are not uncommon. Refusal of access to, restaurants, shops, hotels and camping sites are other examples of typical events of discrimination. As to jobs and education Romanies are often at a disadvantage. It is often hard for Romany youths to benefit of their rights to education on equal terms. There are several structural obstacles such as the sparse awareness of Romanies in the public, the lack of competent Romany personnel in school and the relative absence of educational traditions within the Romany group itself. Romanies' contacts with both state and municipal authorities are characterized by dependency, vulnerability and a long standing distrust. Both Romanies and representatives of the authorities carry with them the long history of oppression and conflicts, which affects them in interaction. Romanies often experience that they are being treated according to group categorisation and not as individuals.

This distrust of authorities means that Romanies' exposed to discrimination doesn't contact the authorities in charge of such issues. As far as the DO is concerned, this distrust is based on the limitations of the legislation and on the limited possibilities for acting of the DO as many Romanies perceive it. The combination of distrust and insufficient awareness of how the legal protection functions, combine into a situation, where Romanies have great difficulties in accessing the existing individual protection. Hence the focussing on the individual, which is the DO's normal way of working, proves insufficient, both for a description of discrimination of Romanies and for counteracting and forestalling discrimination. There is, today, also a great need for one single authority with an overall responsibility for minority issues, which could work with both perspectives.

The new legislation, in force since 2003, provides a strong protection of the individual. But it will only offer a real protection for Romanies if the DO will be able to reach the Romany groups. Efforts in the fields of information and education concerning discrimination and legislation on discrimination directed to Romanies are of crucial importance. The DO's awareness of and insights into the living conditions of Romanies are fundamental, not just to the question of confidence but also to the DO's possibilities to investigate very complex cases. With awareness of the historical, social and cultural situation of Romanies, there are preconditions satisfied, which makes it possible to investigate whether discrimination is at play, for instance in a case of social authorities' trying to take away a Romany child for social care. The DO's situation when confronting the obligation of proving discrimination is very unclear and unstable in many cases and improvement is called for in this respect. One possible way to improve this situation could be the adopting of situation testing as a method of making discrimination more evident in individual cases.

Romanies are marginalized within many areas of the Swedish society and they are, to a large extent, excluded from the democratic process. To rectify this and to be able to counteract and forestall discrimination, one has to change the situation and provide Romanies with real influence in society and participation in work with the authorities with a right to decision in issues concerning Romanies directly. Then an open dialogue between authorities and Romanies is necessary. The new minority policy enable opens up for a support of efforts concerning culture and education and Romanies' own activities, which in turn could lead to the evolvement of Romany institutions.

To create the necessary conditions for a genuine Romany participation and Romanies' own activities within, say, the field of human rights, one might have to direct support directly to the Romany groups. Preferential treatment is not possible with the present Swedish legislation. Nevertheless would

temporary special measures represent one method among others to facilitate for underprivileged groups, like the Romanies, to catch up with more privileged groups and achieve more of equal rights. Possible fields for preferential treatment could be education and labour market, access to the general welfare policy and the special fields opened by the adopted minority policies.

The scope of anti-Romany discrimination which has been illuminated through the project, and the ideas for possible strategies for the future which are mentioned in the report, also cause some proposals for concrete measures. In order to counteract and forestall ethnic discrimination against Romanies, the DO propose:

- That the DO will be commissioned to continue to counteract discrimination against Romanies through information and education, the further development of handling cases and other routines, and by illuminating structural obstacles which put Romanies at a disadvantage on, for instance, the labour market and the housing market
- That the Living History Forum (Forum för levande historia) will be commissioned to gather and disseminate awareness of the history of Romanies and of anti-Gypsyism
- That the Swedish Authority for School Improvement (Myndigheten för skolutveckling) will be recommissioned to continue its work with forestalling the alienation of Romany children in school, and to develop methods for forwarding the educational situation of Romanies
- That the Swedish government makes an inquiry into the possibilities for an institute of Romany studies at one of the Swedish universities, and how a reciprocal development of awareness can be forwarded
- That a working group will be formed within the Department of Justice (Justitiedepartementet) to investigate how the implementation of the minority politics could further contribute to a positive development of the situation of Romanies, how support can be given in a scope that is more comparable to that of other minorities, and how the need for autonomous Romany institutions could be forwarded
- That the Swedish Government initiates an implementation in the country of the OSCE's Plan of Action to improve the situation of Romanies and that an interdepartmental working group will be formed to supervise the implementation of the plan, both in Sweden and in the rest of Europe.
- That the Swedish Government oversees the possibilities of support of Romanies' own activities, and in particular the possibilities for an increased support to the local anti-discrimination offices, and to Romany organisations, which work against discrimination and for human rights.

- That the parliamentary Discrimination Committee (Diskrimineringskommittén) will be commissioned to investigate possibilities of preferential treatment in not just the labour market, but in other fields as well
- That Sweden will ratify Addendum No 12 of the European Convention on Human Rights and Fundamental Freedoms
- That the Swedish Government forms a committee to investigate the treatment of Romanies and other vulnerable groups within the judicial system
- That the Swedish Government investigates the possibilities for situation testing, as a mean for research and a tool within the judicial system to make discrimination visible
- That the Swedish Government investigates how Romanies could enjoy an efficient legal protection against various forms of anti-Gypsyism
- That the Children's Ombudsman (Barnombudsmannen) will be commissioned to investigate if the situation of Romany girls and boys fulfil the demands of the UN Convention on the Rights of the Child