



## **NATIONAL ACTIVITY REPORT PORTUGAL ANTI-DISCRIMINATION AND DIVERSITY TRAINING**

**Centrum mot rasism / Center Against Racism**

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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

[http://ec.europa.eu/employment\\_social/fundamental\\_rights/public/pubst\\_en.htm#train](http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train)

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The national activities were carried out by Centrum mot rasism (Center Against Racism) [www.cmr.nu](http://www.cmr.nu) / [www.sverigemotrasism.nu](http://www.sverigemotrasism.nu)

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## **II. Introduction**

NGOs have a key role to play in mainstreaming the concept of non-discrimination in everyday life of citizens in member countries in EU. NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members.

The Two- day anti-discrimination seminars in Sweden were held in Stockholm on the 27-28<sup>th</sup> of October 2007 and again in Gothenburg on the 26<sup>th</sup>-27<sup>th</sup> of January 2008. The purpose of the seminars was to discuss the issues concerning non-discrimination with different Swedish NGOs and trade unions. The aims of this seminar were to explore methods of training among members of civil society on anti-discrimination legislation and other methods of working against discrimination such as lobbying, campaigning and mediation.

The first seminar was attended by 37 participants from NGOs all over Sweden and from a wide range of working areas and specialisations. A total of 38 participants took part in the second seminar. There were both organisations with legal activities as well as those without. Grounds of discrimination varied across the organisations and many times more than one ground of discrimination was part of their work: race or ethnic origin; age; disability; religion or belief and sexual orientation. Type of involvement included: awareness raising; support to individual victims; litigation and monitoring policy and law.

The subject of Diversity Management is sadly overlooked in the Swedish business world. The interest is generally low and the subject rarely taken serious. Sweden is quite far behind in connecting increasing globalization with harder competition for customers and seeing the need for diversity in that process. There is however a need for these questions to be raised and for Diversity Management to be lifted up in the corporate world in Sweden. While we managed to get the Swedish Minister of Enterprise and Energy to take an interest in the project and the seminar it was much harder to reach the company leaders. In the end we had a very good seminar with representatives from Volvo and Svenska Enskilda Banken, the largest Trade Union (named Unionen) among others. The seminar has led to the establishment of a Swedish Diversity Management network with a meeting, hosted by the large Swedish company Telia Sonera, to be held on May 13<sup>th</sup> 2008.

### III. Anti-discrimination seminars

#### a) National activities anti-discrimination seminars

##### Design of the training

The Swedish trainers consisted of six trainers, all deeply rooted within anti-discrimination work. Our different profiles came together to form a very strong and dedicated group. Professionally we came from diverse NGO's and had different educational backgrounds therefore contributing with a variety of skills that blended in well together to form an all-around equipped training group while designing the seminars.

Since we had the task of preparing two separate weekend seminars, we started off by setting up a total of six preparatory meetings. The first preparatory meetings took place during spring 2007 towards the first training course. What was difficult during this period was finding time and dates that suited everyone. Usually the meetings lasted about three hours, and we would meet after office hours. The outcome of the meetings was that it gave us an opportunity to learn to know each other and what we could contribute with. This made it easier to assess how to divide the different parts of the seminar. In the end we worked in pairs, trying to spread the workload so that we all had the same amount of work and input in the seminars. Before the preparatory meetings we had demanded everyone to read through the training material. This was to give us a chance to discuss the strengths and weaknesses of the material. Overall, we found the training material very use full as a frame for designing the seminars, but also informative and easy to access.

We started off by looking into which parts in the material interested who, and divided the work accordingly. We finally came to the conclusion that we were to follow the structure of the training manual, but also amend it by adding up skills and knowledge from our own organisational backgrounds. The final programme consisted of the EU-directives, the transposition of the directives into national law, the role of the Non-Governmental organisations, awareness-raising among the public but also within ones own organisation, skills and tools when working towards combating discrimination. We decided to add on knowledge about the UN-conventions on human rights, since this is an important international remedy that can be used in combating discrimination. We tried to combine lectures with workshops, discussions and also room for networking since this is an important part of the seminars. Overall, we were satisfied with what we managed to design as our final seminars.

We used the information that we had gathered from the participants through the evaluation forms and discussions during the first seminar. This feed-back was crucial when we finally designed the second seminar and we felt confident that this time around we would do a better job individually and as a team.

##### The Trainers

**The Centre against Racism** made sure that the facilitators represented a different range of skills and experiences, age and gender. Their personal backgrounds as belonging to minority groups proved very valuable to them in carrying out the training.

**Victoria Kawesa** is a PhD-student in gender science and has done extensive work in the field of antiracism and discrimination against Africans. In addition to that she is on the board of *Centre against racism*. She is also a law student at Stockholm's University.

**Nadja Bilicka** is involved in the *Roma Cultural Centre in Stockholm* and has long experience from work against discrimination of the Roma and other Swedish minority groups.

**Babak Rahimi** is a journalist working for the leading Swedish antiracist magazine *Mana*. Furthermore he is educated within the field of Swedish discrimination law.

**Carl Johan Carlsson** is a trainer and speaker in HBT related questions and works for the *Swedish Federation for Lesbian, Gay, Bisexual and Transgender* which is the leading organisation that guards the rights of the HBT community. He also works with young people with intellectual disabilities.

**Kitimbwa Sabuni** is the head of operations of the *African Swedish National Association* and mainly works against discrimination based on religion, skin colour and disability on a legal and a non-legal level.

**Ammar Makboul** is a boardmember of *Palestinska föreningen* and of *CMR* and has previously worked in the trade union *Unionen* (formerly *Sif*) with discrimination issues based on minority groups, religion, ethnicity, and disability.

International trainer Nicola Dandridge participated in the first seminar to observe how the training manual was implemented in the training. She was impressed by the trainers efforts and results.



*AD Trainers planning seminars*

## Preparation of the seminars

The Train the Trainers seminar for the Nordic countries was held in Stockholm, Sweden. Nicola Dandridge and Peter Hann were the international trainers who trained the trainers of Norway, Iceland, Finland, Denmark and Sweden. The weekend seminar was held at Hotel Oden in Stockholm in February 2007.

The Antidiscrimination seminar announcements were done by presenting the project and the seminars on our website early on, and sending information about the project to all our (ca 100) member organisations.

About two months before every seminar we sent invitations to all NGOs in Sweden that come in contact with discrimination issues and to all trade unions, by post and by e-mail. We had no problem attracting participants to the AD seminars, the waiting lists were long at both occasions. The selection was made through whoever was first to sign up, up to the maximum number, with a maximum of two participants from each organisation and preferably just one from each.

The first seminar was held just outside Stockholm at Hagabergs Konferens on the weekend 27-28 October 2007 and the second seminar was held in Gothenburg in the south of Sweden 26-27 January 2008. Logistically we basically followed the model we normally use when we as an organisation make weekend seminars or our weekend Annual Meeting. We had a minor problem with the second location where the staff had assured us that all rooms were fully adapted for people with any functional disorder. As it turned out the restaurant of the hotel where they was going to seat us for dinner, had two steps and wouldn't allow someone with a wheelchair to get there. Fortunately they could arrange a temporary ramp witch solved the problem at that time. Both locations worked well apart from that mishap and the participants were all and all content.

## Carrying out the seminars



*Trainers Carl Johan (Hbt expert), Nadja (Roma Minority expert), Victoria (Power structures, gender, African minority expert)*

The first seminar had representatives from 4 Trade Unions and just under 40 NGO:s while the second seminar had 5 Trade Union representatives and 33 NGO:s.

We organised the first day of the seminar mostly consisting of legal issues. We eased up these heavy sections by an introduction section whereby the participants discussed their expectations and contributions to the course. This section enlightened us about the level of knowledge about discrimination among the participants and what parts of the programme that interested them the most.

Positively, there was no complains about the structure of the programme. Moving from that informative section, we headed for the EU-directives, following the same content as during the first seminar. The third section was about the UN-conventions, and how they can be used as an international remedy. The section was amended from the first seminar, focusing more in-depth about the six UN-conventions, while at the first seminar we covered mainly the convention against racial discrimination (CERD).

During the afternoon, we brought in the national legislation on discrimination and highlighted how the directives are transposed into national legislation. The trainer covered the legislation on all discrimination grounds and focused especially on the Act prohibiting discrimination in Working Life of People with Disability.

We ended the day with a workshop consisting of three case studies, covering all discrimination grounds, and the participants were asked to work in three groups and apply their legal knowledge accumulated during the day and their own experiences in addressing the problems that aroused from the cases. The other aim of the workshop was for the participants to network and socialise but also to think about group processes while working together in solving problems across diverse professional backgrounds.

Following the first days intense legal work, the second day was more focused around issues of how NGO's can work with awareness-raising, their attitudes towards hetero-normativity, differentiating between power structures, the focus on minority perspectives, intersectional discrimination and finally the roll of NGO's, skills and tools in combating discrimination.

At the end of the day, the participants were given a chance to ask the team of trainers those last burning questions, which we believe was an important way of ending this long but rewarding weekend seminar.



*Workshop Discrimination Case study*



*Participants*



*Trainer Babak: The role of NGO's in society*



*Group discussion*

*Process during the days*

Main lectures and responsible trainers

AD-1, day 1

- Hewan Temesghen presented CMR and the upcoming programme for the week-end.
- Victoria Kawesa: 'Anti-discrimination legislation in the European Union'
- Victoria Kawesa: 'Legislation and multiple discrimination from an intersectional perspective'
- Babak Rahimi and Ammar Makboul: 'Non-profit organizations and the role of trade unions, how the EU-legislation affects our work at the national level' part 1.
- Victoria Kawesa, Carl Johan Karlson and Nadja Bilicka held a workshop- case study.
- Nadja Bilicka and Carl Johan Karlson: 'To handle unconscious prejudices within the own organization'

AD-1, day 2

- Kitimbwa Sabuni: 'Minority perspectives- CERD/UN-reporting as a way of making your voice heard from the grass-rote level'
- Babak Rahimi and Ammar Makboul: 'Non-profit organizations and the role of trade unions, how the EU-legislation affects our work at the national level' part 2.
- Kitimbwa Sabuni and Carl Johan Karlson: 'Tools and skills to use in fighting discrimination'

AD-2, day 1

- Hewan Temesghen presented CMR and the upcoming programme for the week-end.
- Nadja Bilicka held the workshop: 'Expectations'
- Victoria Kawesa: 'Anti-discrimination legislation in the European Union'
- Kitimbwa Sabuni: 'The UN-conventions and the EU-convention'
- Victoria Kawesa: 'National anti-discrimination legislation'
- Victoria Kawesa, Carl Johan Karlson and Nadja Bilicka held the workshop: 'Case study- to handle discrimination cases, tools of the law'

## Day 2

- Carl Johan Karlson: 'Power structures and attitudes'
- Victoria Kawesa: 'Power structures, inter sectionalism and multiple grounds of discrimination'
- Carl Johan Karlson: 'Hetero normativity'
- Kitimbwa Sabuni: 'Minority perspectives and levels of awareness'
- Babak Rahimi: 'The role and tools of organizations in the struggle against discrimination'
- Ammar Makboul: Workshop- 'The work of the own organization'



*Participants presenting work shop results*



*Group discussion*

For the entire programme see attached files: 'Programme AD-1.doc' and 'Programme AD-2.doc'

### *Evaluation questionnaires*

See attached files: 'Evaluation of AD-1.doc' and 'AD-2 evaluation.doc'

### **Main lessons learned**

The intended learning outcomes of the seminars were multiple and can be described as

- The increased ability of the participants to be able at the end of the training to write appropriate training techniques (knowledge)
- Identify needs in terms of knowledge, skills, attitudes and values (analysis of needs)
- Outline the advantages and disadvantages of lecture-style presentations and small group work (comprehension)
- Draw up guidelines of good practice in establishing a suitable learning environment (application)
- Insights and knowledge about the application of EU- discrimination Directives (application)

The challenges that we met during the first seminar was the time limits, answering questions adequately, and catering for the participants needs. We tried to be attentive during each other's seminars, and assist each other as much as possible. One way of doing this, was helping to answer questions from the participants, keeping time, handing out information papers, technical issues, and just keeping up a good spirit during each other's lectures.

Overall, planning and conducting the seminars went well, although there were some arrangements problems like time managing and the fact that some of us where located in different cities. Generally the material that we used was easily assessable and useful. We are sure that the participants will read it through and find it useful as well. The seminars themselves where challenging in different ways,

mainly due to the fact that the participants had different expectations and knowledge background about antidiscrimination work.

Generally we had the feeling that we managed to connect with the participants and that they were satisfied with the seminars. One general problem, concerning all the presentations was that the information was too much or too general and not practically applicable.

One of the concerns voiced was that there was too much information focused on the EU-level, but at the same time the intentions behind the seminars was obviously and directly linked to highlighting the EU- directives on discrimination and their implementation on a national level. This is often an aspect that is missed out when discussing discrimination legislation.

Another comment is that what is most valuable in the training of anti-discrimination work, is discussing attitudes as a way of working with discrimination from a rights based perspective. This was our ambition and we managed to have this perspective as much as possible, but it's an aspect that needs special attention. Another observation is that what might also have been more manageable is limiting the number of trainers to perhaps three and in that way leaving space for more personal marks on the sessions. Of course this is a matter of balancing own experiences of working with discrimination issues and the merely informative and theoretical aspects of discrimination which is always challenging. All is needed, but the strength of having facilitators from diverse NGO's is to highlight discrimination from different grounds, and although disability wasn't represented among us, we certainly highlighted and put a special focus on the Act prohibiting discrimination in Working Life of People with Disability in the presentation on national legislation.

One of the reflections from the participant's evaluation is that the time allocated for discussions was never long enough, and we can all agree that we didn't measure up to that requirement entirely, but of course, time for discussion should also be measured in terms of the whole weekend seminar.

What we all found most rewarding was working with a group of true professionals, who had both the experience of different discrimination grounds on both a personal and professional level. We found our own contribution to the seminars as a learning process, and we are now more equipped to continue with the challenging but most rewarding work of combating discrimination on the EU, international and national levels.

## **b) Mapping exercise: NGOs/Trade Unions working to combat discrimination**

### **I. Profile of NGOs/trade unions working to combat discrimination**

#### **1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?**

##### **NGOs.**

There are a number of NGOs at the national level. They are basically focused specific discrimination grounds as is indicated by their names. The work of the Center Against Racism ([www.cmr.nu](http://www.cmr.nu)) is focused on counteracting racism and discrimination -including anti-Semitism, islamophobia, anti-ziganism, afrophobia and homophobia. The RFSL ([www.rfsl.se](http://www.rfsl.se)) or the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights is a non-profit organization that works with and for the rights of lesbian, gay, bisexual and transgender people (LGBT). The Swedish Disability Federation ([www.hso.se](http://www.hso.se)) is a national umbrella organisation for a large number of the various disability organisations in Sweden. Many of these organisations are themselves national organisations. Concerning age discrimination there is the organisation known as 50+ ([www.forum50plus.com](http://www.forum50plus.com)). This is a NGO which has as its main purpose promotion of the idea of counteracting age discrimination in the labour market. It is a forum for individuals, organisations and companies that want to support its goals. It is important to point out here that Sweden has not yet fulfilled its obligation to adopt a law banning age discrimination in the workplace.

While they are not a national organisation, the anti-discrimination bureaus at the local/regional level should be mentioned. For the past few years the number of bureaus has increased to about 20. Even though they are not “national” they are funded by the national government. Their mandate covers all grounds of discrimination, even though they were originally inspired by the need to counteract discrimination due to ethnicity and religion.

Finally, there is the Swedish Women's Lobby ([www.svenskkvinnolobby.se](http://www.svenskkvinnolobby.se)) which is an umbrella organization for women’s non-governmental organisations in Sweden. Its aim is to integrate women's perspectives into all political, economical and social processes, locally as well as internationally. It strives to eliminate all forms of discrimination against women and girls, and to build and strengthen solidarity among women through information, education and awareness rising activities.

##### **Unions.**

There are three national confederations and they all work to counteract discrimination. The largest is the LO (Trade Union Confederation). LO is an umbrella organisation for fifteen Swedish trade unions that organise "blue collar" workers. The next largest is the TCO (the Confederation of Professional Employees), an umbrella organization for eighteen trade unions in Sweden that organise professional and other qualified employees within both the private and the public sectors. The third major umbrella organisation is SACO (The Swedish Confederation of Professional Associations) which is a confederation of 25 trade unions whose members are academics or professionals with a university or college degree.

#### **2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?**

The NGOs have the focus that is most relevant to their organisation – see 1 above. The unions, to varying degrees, focus on all the different grounds of discrimination.

Traditionally, they have generally had the specific major grounds as a focus (gender, ethnicity, disability, sexual orientation). However, this may change when the new proposal for a comprehensive law against discrimination is adopted. Also, although their main focus is on working life and equality, they can also be active in fields like education.

**3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?**

For the NGOs mentioned above, anti-discrimination could be said to be a main area of work.

Concerning the unions, the picture is somewhat unclear. Some people within the unions claim that most union work is anti-discrimination work – i.e. obtaining fair and just wages/salaries for members without regard to relevant factors. At the same time others would point out that the unions together with employers have historically lobbied against almost all of the anti-discrimination laws adopted in Sweden. This has changed somewhat over time and the unions seem to be increasing their interest and understanding of discrimination. This is important as unions have a primary enforcement role concerning discrimination in working life.

**4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?**

NGOs. They are registered at the national level. This is fairly easy to do. It is the financing that is the problem.

Unions. All of the unions are registered at the national level. As NGOs they should be easy to register. The problem is getting members and recognition.

**5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)**

NGOs. As umbrella organisations, it is hard to calculate the number of members in the member organisations. For example, the Center Against Racism has about 100 member organisations, but these organisations range in size from very small to a large trade union. In terms of staff, due to recent cutbacks in government funding, the Center is cutting back to three employees. Generally speaking most of the Center's member organisations are small with fewer than 500 members. In general, the smaller organisations have little or no staff and must rely on volunteers. The various anti-discrimination bureaus usually have 1 and at most 2 staff members, while also relying on volunteers. However, SKTF, which is a union as well as being a Center member organisation has about 170,000 members. It also has a large staff, although it would be difficult to assert that they have more than one or two staff members working primarily with non-discrimination issues.

Unions. LO's affiliate unions have a total of 1,831,000 members. TCO's affiliates have a total of 1.3 million members and SACO's affiliates have 586,110 members.

**6. Are they part of larger national networks? Or are they working on their own?**

As pointed out in answer 1 above, the organisations mentioned are basically umbrella organisations. As to specific individual organisations the local/regional anti-discrimination bureaus should be mentioned. They are local/regional NGOs that receive funding for the purpose of preventing and counteracting discrimination due to gender, ethnicity, religion, disability and sexual orientation. Although they are interested in the issue, they have yet to directly deal with the issue of age discrimination as this is not yet regulated by law.

Indirectly they can be said to be dealing even with age discrimination in that there is often an interplay between age discrimination and for example ethnic discrimination. In 2006 there were 20 bureaus around the country. The purpose of the government support, provided through the Swedish Integration Authority, is to bring a focus onto different forms of discrimination and spread knowledge of the rules and legislation within the anti-discrimination field. Some of these are member organizations in the Center Against Racism. Thus far, much of the work of the bureaus has involved ethnic discrimination. Previously the Swedish Disability Federation ([www.hso.se](http://www.hso.se)) provided legal assistance to individuals concerning disability issues. This service is no longer available. Contacts have however been increasing with the local bureaus.

The Independent Living Institute (<http://www.independentliving.org/ho/>) is an independent organisation that has some work specifically focused on disability discrimination. It is currently working on a project through which individuals and organisations are encouraged to report to the authorities the issue of disability discrimination in the form of inaccessibility related to various businesses.

Concerning discrimination due to sexual orientation, while local affiliates are not expressly set up to provide assistance in individual cases, it seems that some informal help is being provided. In addition, local affiliates often have contacts with or are included within the organisation running local anti-discrimination bureaus.

#### **7. Are they mainly based in the Capital or spread out in the country?**

The central organisations discussed in answer 1 are mainly based in Stockholm, even though their affiliates may have a different structure. The member organisations in the Center Against Racism, the Swedish Disability Federation and the RFSL are spread out in the country. The anti-discrimination bureaus are also spread throughout the country, in both large and mid-size cities. Residents of Sweden tend to have a high level of membership in general. This tends to be spread throughout the country. On the other hand the organisations tend to be fairly weak regardless of whether they are found in the capital or outside.

Sweden has a high level of union membership. The unions are highly influential when they choose to be. And both their membership, influence and affiliates are spread throughout the country.

#### **8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?**

The umbrella organisations discussed could be said to be working more on a policy level. This applies to both the NGOs as well as the trade unions. It could be said that affiliate organisations are the ones that work more on individual cases and local issues. Concerning the local anti-discrimination bureaus, they provide advice in individual cases and can help individuals submit their claims to the various anti-discrimination ombudsmen and/or the unions. Organisations other than the anti-discrimination bureaus at best provide informal advice concerning discrimination.

The trade unions at times work in cooperation with other NGO:s and at times on their own. Concerning individual cases of discrimination in working life, it is important to note that trade unions have a primary legal responsibility for protecting the interests of their members.

**9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)**

The political and societal weight of NGOs varies substantially. None are as important as the trade unions. However, it can be said that RFSL is the organisation that has been the most effective in terms of influence. (The Women's Lobby can be considered to be relatively effective as well.) HSO seems to be able to generate sympathy, but its weight seems to be more symbolic than anything else. The Center Against Racism, formed just a few years ago, has had a number of initial difficulties in developing the necessary political weight. Somewhat simplified it can be said that this is demonstrated by the new conservative government's decision to cut off funding as of 2008. It is hard to say much about the weight of the Forum 50 Plus organisation. Age discrimination has not been an important part of the public debate. The major pressure concerning this issue is coming from the EU.

The trade unions, while having substantial political and societal weight, have only on occasion used their influence in regard to, for example, supporting the passage of anti-discrimination legislation and policies. They have even often acted in concert with employer's organisations in opposing such legislation.

**10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)**

**a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)**

The Center Against Racism has been involved in some cooperative projects with e.g. RFSL and the Swedish Women's Lobby. There are some tendencies toward increased cooperation between different organisations, but these have been slow in their development. For better or worse, the NGOs involved in different discrimination grounds have historically dealt with each other as potential rivals rather than as potential partners.

Concerning cooperation between NGOs and trade unions, there is often an uneasy relationship depending on the unions' view of the strength of the NGOs. The unions have limited cooperation with NGOs in relation to counteracting discrimination, but on broader policy issues it is often likely that the cooperation will be with employers' organisations.

The trade unions seem to have had greater cooperation with each other concerning various discrimination grounds and campaigns. This can be seen perhaps most notably in the organisation Council for Integration in Working Life (Rådet för integration i arbetslivet), which includes not only the three unions (LO, TCO och SACO) but the major employer's organisations as well.

**b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?**

RFSL seems to *have been* able to build up broader cooperation efforts in regard to various types of NGOs which also has meant that the sexual orientation ground has had a somewhat broader reach.

The unions have had more effective cooperation in terms of expanding and developing the issue of gender discrimination. The cooperation in terms of ethnic discrimination has been in differentiating ethnic discrimination (as well as the other grounds) from gender discrimination. These three unions, for example, are in agreement that gender equality plans shall be required in working life and that positive treatment should be allowed concerning gender. At the same time they are in agreement that equality plans covering all grounds shall NOT be required in working life and that positive treatment shall NOT be allowed concerning ethnic discrimination.

## 11. How are these NGOs funded?

Mainly through public funding that is related to the local, national and EU levels.

At this point particularly the Equal funding that was available 2001-2007 should be mentioned. Through the European Social Fund and the Equal program, the EU and Sweden provided funding to the extent of 1,5 billion Swedish Crowns (more than 150 million Euros). The point was to ensure that the capacities, competence and development potential were taken into account in working life regardless of gender, ethnicity, sexual orientation or disability. Non-discrimination along with empowerment were to be the main themes. The Swedish ESF Council ([www.esf.se](http://www.esf.se)) is the authority responsible for the implementation of the programs Objective 3 and Equal, which were in effect for the period 2000 to 2006. This work is to be conducted in close co-operation with the organizations of the labour market and other interest groups.

Unfortunately, there have been questions concerning the non-discrimination focus as well as the empowerment focus. Many projects seem to have been a question of looking at the employability of various groups rather than ensuring non-discrimination in regard to those groups.

Furthermore, empowerment of NGO:s representing the victims of discrimination seems to have played at best a minor role, if any role, in the formulation and implementation of the projects that have been funded.

The European Year on Equality should also be mentioned here. The Delegation for Human Rights in Sweden has been appointed the implementation body of the national campaign in Sweden ([http://www.manskligarattigheter.gov.se/extra/pod/?id=46&module\\_instance=2&action=pod\\_show&navid=46](http://www.manskligarattigheter.gov.se/extra/pod/?id=46&module_instance=2&action=pod_show&navid=46)). However, concerning the availability of funding related to, there does not seem to be any.

### *a. Do they receive state funding?*

They receive state funding in varying degrees. The Center Against Racism has received state funding through the Swedish Integration Authority from 2003 to 2007. The new government that came into power in 2006 has stated that the Center will no longer receive specific state funding after 2007. The anti-discrimination bureaus also receive funding through the Integration Authority ([www.integrationsverket.se](http://www.integrationsverket.se)). The new government has stated that they will continue to receive funding. The Integration Authority has also funded various types of anti-discrimination projects concerning ethnicity and religion over the past few years. The Authority has also provided funding to various ethnic organisations that have worked on discrimination-related issues.

Concerning NGO funding in fields other than ethnicity, the funding is mainly through various public sources. For example, the Swedish Disability Federation as well as other national disability organisations receive financial support through the national budget decided by Parliament. In addition funding is provided through public subsidies for various projects. The RFSL on the other hand is funded mainly by participation in a variety of projects. The RFSL participated in e.g. the EQUAL theme group known as "NTG Fritt Fram" (concerning information and communication efforts) and the project called "Under ytan" (Beneath the surface – understanding and changing norms and values in the schools). In addition, RFSL took active part in an EU-commission financed anti-discrimination project entitled "Access to Justice". The project covers three discrimination grounds: disability, sexual orientation and age.

Concerning Forum 50+, which was started in 1993, a great deal of the financing has come from public sources. In later years, the Svenska ESF-Rådet has provided financing for participation in EQUAL project as well as other EU projects.

In addition local financing has been received from other government sources such as the regional office of the Swedish Labour Market Administration and the Stockholm regional division of the National Social Insurance Office.

**b. *What are the conditions in order to receive public funding?***

The funding conditions vary substantially depending on the issues involved. Concerning the anti-discrimination bureaus, the applicant must be a non-profit organisation or trust. The applicants must be able to demonstrate that the members or the network involved have substantive knowledge in regard to the different discrimination grounds. One of the ideas is to provide a geographical spread to the bureaus. These basic conditions also apply to other organizations, but the sources of funding other than the National Integration Authority can range from the ESF-rådet, to various ministries, to the National Youth Board ([www.ungdomsstyrelsen.se](http://www.ungdomsstyrelsen.se)) to various local governments. Concerning discrimination this depends on whether or not the funding providers are interested in giving priority to these issues at the time.

**c. *Do they also receive/apply for private funding?***

They receive very little private funding but it is an option that is being looked at more closely. Since the Center Against Racism is having its funding cut off by the government after 2007, certain options are under consideration. These include raising funds through concerts, charity contributions and sponsoring.

All organizations in Sweden need to be concerned with stable funding sources, particularly organizations working with equality. On the other hand many ethnic minority organizations have built up a high dependence on public funding, and have thus not focused on the need for private funding. Since they also tend to be weak politically, they are highly vulnerable when the political winds shift. While the situation is similar for other organizations, their members tend to have better contacts both in terms of political influence as well as sources of private financing.

**d. *Do private funders impose any restrictions or conditions?***

This is one of the issues being looked at. Each of the options mentioned above entails problems if not outright restrictions. Concerts often entail economic risks. The development of income through charitable contributions can also be expensive. Sponsoring by private corporations can entail public relations risks. Again, the ability to attract private funding is not only a question of understanding the issue and need for private financing, other organisations outside the field of ethnicity and religion tend to be better connected politically to mainstream society, which tends also reflect on the ability to receive private funding. Some organizations can also simply be said to be “better” lobbyists. RFSL is an organisation that is able to exercise quite an influence both in regard to public funding as well as private funding.

**12. *How are these trade unions funded?***

**a. *Do they receive state funding? (Generally speaking do trade unions receive state funding?)***

To a large extent they are self-financed (membership fees, investment income, etc.). In some situations they receive public funding. For example, the unions together with the employer’s associations received about 1,5 million Euros to carry out integration and anti-discrimination education among their members.

- b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?*

The unions are not bound to a political party, although there is very close cooperation between the Social Democratic Party and the LO. The LO even provides financing to the Social Democratic Party.

- c. Do they function only/also with their members' fees?*

Their member's fees are one of the important parts of their financing. The unions also have substantial income due to investments in the stock market as well as the real estate market.

- d. Are they able to receive private funding and/or participate in project funded by European/international institutions?*

Yes, they can accept private funding although this probably does not occur too often. On the other hand, they definitely participate in projects funded by European/international institutions.

**13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?**

The lack of funding as well as the control over the available funding is a major issue that restricts the scope and scale of the activities of the NGOs. Funds are naturally an important issue for any organisation, but the unions not only have their various sources of annual funding, they are relatively wealthy and can thus even sell assets in order to invest in various types of activities. Therefore a lack of funding is not a significant factor restricting the scope or scale of their activities.

**14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?**

- a. Neighbouring countries?*  
*b. Other new EU Member States?*  
*c. Others?*

The NGOs are in contact with the NGOs in the neighbouring countries, other new EU Member States as well as older EU member states and in some cases with the Council of Europe (All different, all equal campaign) and through the United Nations. In particular there have been contacts through the relevant EU umbrella NGOs such the European Network Against Racism (through the Swedish Center Against Racism) and the European Disability Forum and ILGA.

The trade unions have also had international contacts, particularly at the EU level. In fact the 19 European trade union confederations have nominated Wanja Lundby-Wedin, LO President, to be President of the European Trade Union Confederation (ETUC).

It should also be noted that there has long been a tradition of cooperation between the various counterparts in the Nordic countries – in particular the unions.

**15. Do they work on the international level (campaigning, case work, other)**

Yes both NGOs and unions work at the international level. The Center Against Racism has cooperated with ENARs work in international campaigns. The Center has also promoted the adoption of the UNESCO European Coalition of Cities Against Racism (ECCAR) and ECCAR's 10 point action program against racism.

**16. Can they work in English?**

Most have made sure they have some ability to work in English. Many also have at least some pages in English on their websites.

**17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?**

For a long time, the issue was actually the reverse, the LO was able to limit the efforts of the Social Democrats concerning regulation of discrimination, in particular ethnic discrimination.

**18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?**

The affiliate unions can have completely independent positions. In fact while the confederations as well as most of the affiliate unions are against the idea of allowing positive treatment in order to achieve ethnic equality, a few unions have take a completely different position.

**II. Expertise of NGOs/trade unions working to combat discrimination**

**19. What kind of work do they do?**

The national NGOs mainly work with advocacy issues. In some cases, their affiliate organisations deal individual complaints, in particular the local/regional anti-discrimination bureaus.

The union confederations mainly work with advocacy issues. Concerning individual complaints, unions have a primary role in providing representation to their members in cases of discrimination. This refers to the individual affiliate unions.

**20. Do they take up complaints of discrimination?**

Yes, see the answer to 19.

**21. Do they focus on their own community?**

The NGOs have a tendency to focus on advocacy issues concerning their "community". On the other hand, there is a growing tendency to understand the intersectionality of the specific communities in that there are homosexual immigrant men and disabled muslim women. In other words that the grounds intersect with each other in various ways that the "community" must recognize. Also the anti-discrimination bureaus have a duty to work with discrimination covering all "communities" covered by anti-discrimination law. (Again age discrimination is not currently covered by Swedish law which means that the bureaus tend to work with this issue only indirectly.) This also applies to the trade unions – they have a primary responsibility to assist their members in regard to discrimination concerning gender, ethnicity, religion, disability and sexual orientation.

**22. Do they work with victims directly?**

The anti-discrimination bureaus and the trade unions work with victims directly. The local affiliates of RFSL also provide assistance to victims in some cases. This can also be said of the local disability organisations.

**23. Within the company, can trade unions represent only their members or any worker?**

As a rule they represent only their own members. However, it should be pointed out that Swedish workplaces have a high level of unionisation.

**24. Do they do ‘case work’?**

Thus far the NGOs have generally not done case work. There is some possibility though that this will be done on an increasing scale by the anti-discrimination bureaus. Otherwise the issue of developing case law has been seen as being the prerogative of the unions as well as the ombudsmen against discrimination. Sweden currently has four government agencies that are to bring individual cases to the courts – the Ombudsman Against Ethnic Discrimination, the Gender Equality Ombudsman, the Ombudsman Against Discrimination due to Disability and the Ombudsman Against Discrimination due to Sexual Orientation.

As the unions have a primary duty to represent their members in discrimination cases, and given the high level of unionisation, the unions are probably supposed to do much of the work developing case law.

**25. Are they able to access state funding for casework?**

The NGOs have not been able to access state funding for casework. However, the setting up of an NGO-controlled case law fund was proposed in a government inquiry entitled the Blue and Yellow Glass House: Structural Discrimination in Sweden (SOU 2005:56).

Usually the unions are not able to access state funding either.

**26. Does this include legal representation?**

When the unions or the discrimination ombudsmen take on a case, this includes legal representation as well. In other words, the individual complainant will not end up having to pay for their own costs for legal representation or the costs of the opposing party.

**27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?**

NGOs/trade unions have a theoretical right to engage themselves on behalf and/or in support of victims of discrimination in judicial or administrative procedures. In practice though this has yet to apply to NGOs as they do not have the necessary financial means (and thus often lack the expertise required).

**28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?**

NGOs/trade unions are able to pursue class actions in appropriate cases.

**29. Do they do other practical work? ( e.g. assistance to victims or potential victims, social assistance, etc)**

The national NGOs provide some advice to victims and potential victims. The provision of legal advice is something that the anti-discrimination bureaus are particularly involved in. The level and extent of the advice depends on the local organisation involved. The unions as a rule provide the assistance their members have a right to.

**30. Do they advocate changes in legislation and policies?**

The NGOs advocate changes in legislation and policies, particularly concerning their more specific issues. But in some cases they are involved on a broader basis. In particular the Center Against Racism has developed a five point anti-discrimination platform. 1 – A comprehensive law against discrimination (all grounds, all fields of life and including allowing positive treatment concerning ethnicity and greater damages) and a combined equality ombudsman. 2 – A government regulation demanding the introduction of an anti-discrimination clause into all national public contracts. 3 – The development of anti-discrimination plans in all government agencies. 4 – Anti-racism and anti-discrimination education in the schools. 5 – Equality in voting rights at the national and local levels.

**31. What are their relations with the central government?**

The relations of the NGOs vary given their particular weight in society. The RFSL, the Women's Lobby, the HSO are more or less established within Sweden. Although new, Forum 50 Plus is probably in the same position. The Center Against Racism, being both new and having had substantial internal conflicts is in a fairly weak position in regard to the new central government.

The position of the unions is uncertain at the moment. Although the new government is a conservative coalition, and has been heavily criticised by the unions, their exact relations are somewhat unclear. As a general rule though, the unions usually have substantial influence even with conservative governments.

**32. With regional governments or municipalities?**

The relations of the NGOs can be said to be ok. But this depends to a great extent on the makeup of the governing coalition. For example, some of the local/regional anti-discrimination bureaus receive some support from local governments.

**33. For the trade unions, with the employers organisations?**

The trade unions seem to have very good relations with employers' organisation, particularly given their cooperation in the Council for Integration.

**34. Do they have relations with the specialised bodies/ombudsman?**

The various NGOs have relatively good relations with "their" ombudsman. This excludes Forum 50 Plus as there is no corresponding ombudsman. The anti-discrimination bureaus even have specific contact persons at the respective ombudsmen.

The unions also have relatively good relations with the ombudsmen. This is necessary as the ombudsmen must check with the client if he or she has first approached their union concerning representation.

**35. What are the qualifications of the staff?**

The qualifications of the NGO-staff, particularly at the anti-discrimination bureaus, vary substantially – from activists to lawyers. This also varies in regard to the specific organisation, from RFSL which has 10-15 employees to the Center Against Racism which has recently reduced its staff from 6 to 3 persons. The qualifications of the anti-discrimination bureau staff varies. Some bureaus have younger lawyers employed who are fairly qualified. Others are staffed more by activists who have developed a knowledge of the relevant laws.

**36. What training has the staff had in relation to anti-discrimination work?**

Again, this varies substantially depending on the organisation. At most the bureaus (and other organisations) have 1-2 salaried employees. Their basic education and training varies. In some cases they have lawyers, although they are usually at the beginning of their careers. There has been an increasing tendency towards employing lawyers in the past few years. In many of the others, the staff tend to be activists with some legal training.

**37. Are they trained in writing funding proposals and reporting?**

Again, this varies substantially depending on the organisation. Some of the anti-discrimination bureaus are quite good at writing funding proposals and reporting. Others are still developing these qualities. The various larger organisations tend to survive on project funding and thus have developed quite high skill levels in this regard. This applies in particular to RFSL and the Swedish Disability Federation. The latter two had substantial involvement for example in the EQUAL projects funded over the past few years, particularly in comparison with the involvement of ethnic and/or anti-racism organisations.

**38. How do they evaluate their “success” and the quality of their anti-discrimination work?**

Again, this varies substantially depending on the organisation.

**III. Needs and problems of NGOs/trade unions working to combat discrimination**

**39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?**

NGOs. For the national NGOs the main problem is their tendency to focus on that which divides them from other the other NGOs. This then leads to an inability to focus political efforts on common issues, and thus less of a chance to influence the current policy agenda. In dealing with each other as rivals, then those who want no change concerning anti-discrimination policy can rely on the NGOs to create confusion – which then becomes a reason to maintain the status quo. This is a problem even within particular discrimination grounds, as the various NGOs see themselves as rivals for limited funds/recognition instead of working with each other as potential allies.

Although this is a very broad generalisation, the main problem of the unions is their inability to see beyond more short-sighted union interests in regard to anti-discrimination issues.

**40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?**

The lack of staff/funding/expertise is a major problem for NGOs. And as long as they split their energies and fail to focus on commonalities, this lack will continue to be a problem. And then while the unions cannot be said to have these problems concerning staff etc, these problems lead to the inability of NGOs to help give direction to the work of the unions.

**41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?**

The problem is somewhat more refined. At least some NGOs lack an understanding of how to influence policymakers. The RFSL has been quite successful in advocating various positions and influencing policy concerning sexual orientation. This has been based on the ability to get affiliate organisations to give priority to a small number of issues, the ability to think long-term, the ability to build alliances and move neutral actors in the right direction.

**42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?**

They both need help in realizing and understanding the commonalities between the different discrimination grounds.

**43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?**

The problem is not necessarily in understanding the technicalities of national anti-discrimination legislation. It is more in understanding the concept of discrimination and why it is necessarily difficult to get policymakers to understand discrimination, whether or not it is covered by law.

**44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?**

See the answer to 43. It might be more important to understand the process that led to the development of European anti-discrimination legislation.

**45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?**

Again RFSL has been relatively successful in formulating legislative and policy proposals. However, NGOs as a norm focus more on explaining the problems related to their focus but they fail to present constructive proposals. This is where the EU race directive could provide important lessons about how NGOs can influence policy – the movement beyond problem description to developing concrete proposals, building support, developing alliances and making compromises.

Unions know these basics, though they often lack the right anti-discrimination focus.

**46. Do they need to do more to promote their anti-discrimination role?**

Yes, NGOs in particular. Again, they need to develop a deeper understanding of discrimination. That will help improve their work that involves the law, as well as helping to improve the law.

**47. Do they need to “do more” with victims, clients or potential clients, members or potential members?**

Yes. The major need is finding good test cases. But to do this they have to have the confidence of the potential clients. Improved policy work and public relations may help to bring in the key clients.

**48. Do they need to “do more” with government – to increase their credibility and status?**

They need to learn to develop concrete constructive proposals that can be promoted time and time again until they are adopted. And this should also include the need to be part not only of policy formulation but policy implementation as well.

**49. For the trade unions, do they need to “do more” with the companies/employers organisations?**

The trade unions need to learn more about discrimination itself and the idea that consensus thinking too often leads to the lowest common denominator concerning anti-discrimination work.

**50. Would they need to “do more” with public opinion and awareness raising?**

NGOs in particular need to help unions become more aware of the problems so that the unions use their strength to promote anti-discrimination.

**51. What would they need to develop?**

Again, the NGOs need basic skills concerning advocacy of social change.

## **c) National legislation in the field of anti-discrimination**

### **1. The transposition of the Directives into national law**

There have been substantial developments in the field of anti-discrimination legislation in recent years. This is a result not only of the transposition process but also a national process. In any case the transposition of the Directives has been effected through amendments adopted in regard to pre-existing laws and through the adoption of new laws. It can also be said that the legislation as a whole goes beyond the Directives in that the requirements of the race directive have to a large extent been extended to the coverage provided to the other grounds of discrimination. For example, the ban on discrimination in regard to goods and services, in addition to race/ethnicity, extends to religion and other belief, gender, disability and sexual orientation.

It is hard to say that the directives themselves have been the subject of much debate. They have added though to the pressure to improve the laws against discrimination, about which there has been an increasing debate over the last 10 years. The lawyers, politicians, NGO:s and others who are knowledgeable in the field are aware that the directives have played an important role not just in the legal developments in this field, but the more general policy developments as well.

The following are the main laws against discrimination in Sweden.

The (1991:433) Equal Opportunities Act (jämställdhetslagen).

The (1999:130) Act on Measures against Discrimination in Working Life on grounds of Ethnicity, Religion or other Belief (lagen om åtgärder mot etnisk diskriminering i arbetslivet).

The (1999:132) Prohibition of Discrimination in Working Life of People with Disability Act (lagen om förbud mot diskriminering i arbetslivet av personer med funktionshinder).

The (1999:133) Act on a Ban against Discrimination in Working Life on Grounds of Sexual Orientation (lagen om förbud mot diskriminering i arbetslivet på grund av sexuell läggning).

The (2001:1286) Equal Treatment of Students at Universities Act (lagen om likabehandling av studenter i högskolan).

The (2003:307) Act Prohibiting Discrimination (covering areas outside of working life e.g. goods and services).

The (2006:67) Act banning discrimination and other degrading treatment of children and students.

The first four laws prohibit discrimination in working life. They are ground specific covering gender; ethnicity, religion and other belief; disability; and sexual orientation.

Outside the fields of employment and occupation there are four additional laws. The three mentioned here are within the field of civil law. The 2003 Act Prohibiting Discrimination (2003:307), which broadly covers discrimination outside the workplace and education, originally applied to ethnicity, religion or belief, disability, and sexual orientation. Gender was added in 2005. The prohibition against discrimination in this law applies various activities such as job placement services and in connection measures included in labour market policy activities, starting or running a business, occupation qualifications etc., membership of or participation in an employees' organisation, employers' organisation or occupational organisation, in the professional provision of goods, services or housing, social services etc., the social insurance system and related benefit systems, unemployment insurance, public student aid, and health and medical care and other medical services.

Then there is the Law on Equal Treatment of Students in Higher Education (2001:1286), which applies to discrimination on the grounds of gender, ethnicity, religion or other belief, disability and sexual orientation.

The most recent law is the Law banning discrimination and other degrading treatment of children and students (2006:67). Even though it seems to be falling into disuse, the older criminal law ban on unlawful discrimination (penal code 16:9) concerning the provision of goods and services can also be mentioned.

It can also be stated that the anti-discrimination legislation as a whole goes beyond the minimum requirements of the directives in that the other grounds have to a large extent been given the same protection as is given to race and ethnicity by the race directive.

The most notable gap in terms of transposing the Directives is in the failure, thus far, to ban age discrimination in working life. This will presumably be corrected within the near future. A government inquiry, in its proposal for a comprehensive law against discrimination has included age discrimination. The government has stated that a comprehensive law will be adopted and go into effect in 2008.

Another possible gap that may be remedied by the comprehensive law is in regard to the seemingly low levels of damages that have been awarded in the past few years in discrimination cases. A clear argument can be made that the low damage amounts thus far are hardly sanctions that are “effective, proportionate and dissuasive” as is required by the directives.

There are four government authorities that are responsible for providing assistance in the enforcement of these laws. They are the Equal Opportunities Ombudsman (gender – JämO), the Disability Ombudsman (HO), the Ombudsman against Ethnic Discrimination (DO) and the Ombudsman against Discrimination due to Sexual Orientation (HOMO). They have the right to bring cases on behalf of individual complainants. They also have a duty to be proactive in different ways in the promotion of equal rights. In general it can be said that they live up to the requirements of the Directives.

Just as there has been increasing public debate on discrimination, the amount of research with a discrimination focus is increasing. Although in practice banned as a research method during the 1990s, situation testing is becoming more common. During the past six months, two studies have been released showing discrimination in employment and two others have demonstrated the occurrence of a relatively high level of discrimination in regard to housing.

As to various details in the laws, the following definitions and rules are basically found in each of the laws.

Direct discrimination is when an individual is disadvantaged by being treated less favourably than someone else is being, has been or would have been, treated in a comparable situation, if such treatment is associated with the person’s sex, ethnic origin, religion or other belief, sexual orientation or disability;

Indirect discrimination is when an individual is disadvantaged by the application of provisions, criteria or practices that are apparently neutral but in practice are particularly disadvantageous to individuals of a particular sex, ethnic origin, religion or other belief, sexual orientation or disability, in so far as these provisions, criteria or practices cannot be justified by legitimate aims and the means are appropriate and necessary for achieving these aims.

Harassment is defined as conduct that violates a person's dignity and is associated that person’s sex, ethnic origin, religion or other belief, sexual orientation or disability.

Sexual harassment is defined as unwelcome conduct of a sexual nature that violates a person’s dignity.

Instructions to discriminate are orders or instructions to discriminate against an individual that are given to someone who is either in a subordinate or dependent position relative to the person who gives the orders or instructions or who has undertaken to act on that person's behalf.

Victimisation is prohibited. A person who has allegedly discriminated against someone under the terms of this Act may not subject an individual to victimisation because he or she has reported or drawn attention to the discrimination or taken part in an investigation into the discrimination.

The rule concerning the burden of proof states that if a person, who feels that he or she has been discriminated against or subjected to victimisation, can point to circumstances that support such a claim, it is up to the respondent to show that discrimination or victimisation has not occurred.

## **2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation**

In addition to other supportive factors, the transposition of the Directives into national law has been an important stimulus in the improvement of the anti-discrimination legislation. There has been a continuous raising of the bar – both in theory and in practice. However, it should also be noted that the implementation process is a rather slow one. Open acts of discrimination that violate the laws are infrequent. This means that other types of support structures are required if the case law is going to develop in this field so that the laws not only help individuals after discrimination has occurred but also fulfil a normative and preventive function. This means structures, in addition to the existing government authorities, such as access to other lawyers who are trained in anti-discrimination, the availability of funding at least for strategic litigation and the active participation of interest organizations. To complement the laws, other administrative measures can promote their normative and preventive purpose. Examples of these are anti-discrimination clauses in public contracts and anti-discrimination conditions in the liquor licences of nightclubs.

### **2.A Employment and occupation related - all grounds**

#### **a) Remedies**

There are a variety of remedies which exist at the local and national level in regard to employment and occupation related discrimination on the grounds of race or ethnic origin, religion or belief, gender, disability, age or sexual orientation. They are informal resolution, negotiations with a trade union, employer's internal grievance procedures, complaints to the various ombudsmen and various types of civil law remedies.

The remedies available may differ in certain cases depending on whether a public authority or private body is accused of discrimination. Some public authorities can have special grievance procedures that include even discrimination complaints. Also, many universities have set up special anti-discrimination grievance procedures that also include certain complaints concerning employment. These special grievance procedures complement the normal complaint procedures but do not necessarily replace those possibilities.

The specific legal remedies provided for in the antidiscrimination laws concerning working life are damages and the power to declare a contract provision void if it requires discrimination.

b) Identify applicable situations, e.g.

In general it can be said that the laws are applicable to the following situations: advertising of posts, recruitment procedures, selection, terms and conditions, pay, discrimination in the workplace, dress codes, working hours, suspect groups e.g. part time workers, workplace disciplinary procedures, promotion, allowances and bonus payments, dismissal (procedural and substantive), social security payments (in as much as they are classified in EU law as “pay”), occupational pensions, issuance of permits and licences and access to vocational training.

c) Which internal or administrative remedies (if any) have to be exhausted before recourse can be had to the remedies set out at (5) to (9) above?

There are no particular internal or administrative remedies that must be exhausted first. On the other hand, recourse to more informal resolution procedures may have advantages for the individuals involved.

For example, as part of a negotiated settlement, the complainant can be given the job or achieve other remedies that are not within the jurisdiction of the court to provide. A court can basically only issue a judgement for money damages. A court cannot order an employer to give the complainant the job he or she has applied for.

## **2.B Non-employment or occupation related - race and ethnic origin**

There are a variety of remedies which exist at the local and national level in regard to fields other than employment and occupation related discrimination on the grounds of race and ethnic origin. The specific legal remedies provided for in the antidiscrimination laws are damages and the power to declare a contract provision void if it requires discrimination. The procedures for dealing with discrimination are informal resolution, complaints to the Ombudsman against ethnic discrimination (DO) and various types of civil law remedies.

In addition, there are criminal sanctions available under the provision concerning unlawful discrimination by e.g. merchants in accordance with 16:9 of the Penal Code. Penal Code 16:9 will not be discussed here as it has limited connection to the directives. Also, the new civil law from 2003 prohibiting discrimination outside the workplace can be said to have a broader reach than 16:9.

The remedies available may differ in certain cases depending on whether a public authority or private body is accused of discrimination. Some public authorities can have special grievance procedures that include even discrimination complaints. Also, many universities seem to have set up special anti-discrimination grievance procedures that also include certain complaints concerning employment as well as other types of discriminatory situations.

These special grievance procedures complement the normal complaint procedures but do not necessarily replace those possibilities.

## **2.C What avenue for an employment or non-employment complaint**

The choice of avenues for raising an employment related discrimination complaint differs somewhat from the situation regarding non-employment related complaints.

Concerning employment related complaints, individuals are to turn to either their union, an ombudsman against discrimination or bring the complaint themselves (with or without the help of a private lawyer). The usual course is turning to an ombudsman or the union. A union can be said to have priority in that the ombudsmen must first see if complainants have turned to their unions.

If the union for some reason decides not to represent their member, or if the member does not want union representation, the ombudsman can take the case. The advantage with having a union or ombudsman dealing with the case is that they will pay for the costs of the case if the complainant loses. The complainant can also bring the case to the courts by themselves. In this case, however, the complainant runs a substantial economic risk if he or she loses. They will pay not only their own costs, but also the winning party's costs.

Concerning non-employment related complaints, individuals can turn to an ombudsman against discrimination or bring the complaint themselves (with or without the help of a private lawyer). The advantage with having an ombudsman dealing with the case is that they will pay for the costs of the case if the complainant loses. The complainant can bring the case to the courts by themselves. In this case, however, the complainant runs a substantial economic risk if he or she loses. They will pay not only their own costs, but also the winning party's costs.

In some types of legal cases, the financial risks can be lowered if the legal insurance in the complainant's home insurance provides for compensation in the particular case.

Group complaints are allowed today under Swedish law. However, as the idea is still fairly new in Swedish law, lawyers have not yet tested the different types of cases which may be appropriate for this legal tool. There is an interest though among certain lawyers in bring the right type of discrimination case within the framework of a group complaint.

Concerning the bringing of cases for purposes of awareness raising, this is not yet a common strategy for Swedish lawyers. However, a number of the experts working in the discrimination field are developing a number of ideas around strategic litigation, including awareness raising. This is what occurred in 2005 when a number of young people with an immigrant background tired of the exclusionary and discriminatory practices of some restaurants and nightclubs. They took matters into their own hands through secretly filming discrimination tests that they arranged. Often working with three groups of male testers, they sent in one team of "Swedes" and one team of "immigrants" and again a team of "Swedes". They generated a large part of the increase in complaints to the DO during 2005. Some of the complaints were also turned over to a private law firm. Given the films as evidence, combined with the testimony of the teams of testers, it is no surprise that there was a large increase in the number of conciliated cases as well as cases where the courts awarded damages.

## **2.D Technical procedural requirements of each available remedy**

The Ombudsman against Ethnic Discrimination (DO) is an independent government agency. The task of the DO is to ensure that discrimination relating to ethnic origin, religion or other belief does not occur in Swedish society. Contact information: D0, Box 3045, Drottninggatan 89, 103 64 Stockholm. Tel 0046 (0)8 508 887 00, email [do@do.se](mailto:do@do.se), [www.do.se](http://www.do.se)

The Swedish Disability Ombudsman (Handikappombudsmannen - HO) provides assistance to people who are the targets of discrimination due to a disability. The HO is an independent government agency. Contact information: Postal address: Office of the Disability Ombudsman, Box 49132, SE-100 29, Stockholm, Sweden. Tel 0046 (0)8 20 17 70, textphone: 0046 (0)8 406 65 59, email [info@ho.se](mailto:info@ho.se), [www.ho.se](http://www.ho.se)

The Equal Opportunities Ombudsman (JämO) is an independent government agency that deals with sex discrimination. Contact information: JämO, Box 3397, 103 68 Stockholm. Tel 0046 (8) 440 1060, email [info@jamombud.se](mailto:info@jamombud.se), [www.jamombud.se](http://www.jamombud.se)

The Ombudsman against Discrimination on grounds of Sexual Orientation (in Swedish with the acronym HomO) is an independent government agency. The Office of the Ombudsman has the general assignment to counteract homophobia and address discrimination on grounds of sexual orientation in all areas of Swedish society. Contact information: HomO, Box 3327, 103 66 Stockholm, Sweden, tel 0046 (0)8 508 887 80, email [homo@homo.se](mailto:homo@homo.se), [www.homo.se](http://www.homo.se)

Sweden has an open evidentiary system. This means that basically the only requirement concerning evidence is that it is relevant. For example, newspaper reports may have some relevance. But on its own such “soft” evidence will hardly be sufficient to prove a discrimination case.

The time limit that applies in regard to non-employment discrimination complaints is two years. The time limits in regard to discrimination complaints concerning employment are relatively short. They also vary in regards to specific issues including whether or not it is a union or an ombudsman that is representing the complainant.

The following information basically applies to cases submitted to the ombudsmen.

#### *Employment*

A complaint may concern, for example, the fact that you have lost your job or become the subject of harassment by your employer or other fellow employees.

If you are a member of a labour union the Ombudsman must first find out whether or not your union is going to take your case. If the union decides that it is not going to represent you, the Ombudsman can investigate the complaint. If the parties can not come to an amicable settlement, the Ombudsman can as a last resort file a lawsuit against the employer in the Labour Court, which can order the employer to pay economic compensation. You cannot be made liable for the trial costs in a case where the Ombudsman presents a case to the Labour Court on your behalf.

#### *Students at colleges and universities*

Discrimination of students at universities on grounds of gender, ethnicity, religion, disability and sexual orientation is prohibited under the Equal Treatment of Students at Universities Act (2001:1286).

A complaint may concern, for example, the fact that you have been subjected to discrimination when a university decides on entry to higher education or if you have been harassed during your studies.

The Ombudsman tries to come to an agreement through negotiations with the university. If that fails, the Ombudsman can as a last resort file a lawsuit in the District Court against the university. The sanction against a university consists of payment of economic compensation. You can not be made liable for the trial costs in a case where the Ombudsman presents a case to the District Court on your behalf.

#### *Schools*

Discrimination in school on grounds of gender, ethnicity, religion, disability and sexual orientation is prohibited under the Discrimination and Other Degrading Treatment of Children and Pupils Act (2006:67).

A complaint may concern, for example, a pupil being harassed on grounds of ethnicity or sexual orientation by a teacher or another representative of the school. A complaint may also concern a situation where the school neglects its duty to investigate and take action against harassment by other pupils (bullying).

The Ombudsman tries to settle the matter through negotiation. The aim is to solve the situation in interest of the child subjected to discrimination. If that fails, the Ombudsman can as a last resort file a lawsuit in the District Court to seek redress and economic compensation. You can not be made liable for the trial costs in a case where the Ombudsman presents a case to the District Court on your behalf.

#### *Provision of goods and services, including housing, and public services*

The Discrimination (Goods and Services) Act (2003:307) prohibits discrimination on grounds of gender, ethnicity, religion, disability and sexual orientation in relation to provision of goods and services, including housing.

A complaint may concern, for example, less favourable conditions regarding pensions or insurance, or access to restaurants and bars, or housing. People can also be dissatisfied with how they are treated by public agencies, for example, in dealing with social services or the health care system.

Discriminatory treatment by providers of goods and services or public employees can also constitute unlawful discrimination, according to the Swedish Penal Code.

The Ombudsman tries to come to settlement through negotiation. If the Discrimination (Goods and Services) Act applies, and the parties cannot come to a settlement, the Ombudsman can, as a last resort, file a lawsuit to seek redress and economic compensation for the person discriminated against. You cannot be made liable for the trial costs in a case where the Ombudsman presents a case to the District Court on your behalf.

The rules concerning unlawful discrimination are found in Chapter 16, Section 9 of the Penal Code. The police and the public prosecutors are responsible for dealing with such complaints. The DO and/or HomO can not bring such cases to court. On the other hand the Ombudsman can provide advice concerning which rules apply and how you can proceed to enforce your rights. It is also possible to file a copy of a police complaint with the Ombudsman so that the handling of the case can be followed up. Sometimes it is also possible for the Ombudsman to contact the person accused of discrimination to see if a settlement of the issues can be achieved out of court.

#### *Complaint forms*

There are four different complaint forms:

##### *Complaint concerning employment discrimination*

A complaint can be submitted electronically but should preferably be printed and be signed before it is sent in by regular mail or fax.

##### *Complaint concerning discrimination at universities*

A complaint can be submitted electronically but should preferably be printed and be signed before it is sent in by regular mail or fax.

### *Complaint concerning discrimination at school*

A complaint related to a covered ground concerning discrimination or harassment in school should be sent to the Ombudsman via e-mail, fax or a regular mail. A complaint may also concern a situation where the school neglects its duty to investigate and take action against harassment, its duty to promote equal treatment. If your complaint concerns other degrading treatment with an apparent connection to any particular prohibited ground for discrimination, you need to address the Swedish National Agency for Education, Skolverket. Your letter or e-mail can be short in length, but have to contain information such as your name, how we make contact with you, which school you attend and details about what has happened.

### *Complaint concerning discrimination in other areas such as provision of goods and services, including housing and public service*

A complaint can be submitted electronically but should preferably be printed and be signed before it is sent in by regular mail or fax.

## **2.E Existing support and obstacles at national level**

As has been pointed out, a complainant runs no direct financial risk if an ombudsman or the union brings a case to court on behalf of the complainant. There is however a substantial financial risk if the party brings the case on their own. Sweden has a loser pays system. If a complainant loses, they not only have to pay their own legal costs, but the legal costs of the opposing party as well. This applies to both employment and non-employment complaints.

Sweden has a legal aid system which can provide assistance in certain cases. The problem is that once an ombudsman and/or union have said that they do not want to pursue a complaint, it is doubtful that the legal aid authorities will conclude that the case has sufficient merit to be pursued. The legal insurance available through home insurance may pay for some of the legal costs in some types of cases, but even here it is likely that coverage will be refused due to lack of merit, if an ombudsman and/or union have refused to bring the case.

One initial support that has been developed in recent years is the support provided to so-called local/regional antidiscrimination bureaus that are run by NGOs. Basically they provide advice and support to persons who are the targets of discrimination. Today there are about 20 bureaus around the country. In part this is a complement to the work of the ombudsmen. The ombudsmen are all located in Stockholm, which may make some people hesitant to contact them. A bureau can provide initial advice about where the complainant can turn. The bureaus are to provide assistance concerning all of the discrimination grounds covered by law – gender, ethnicity, religion and other belief, disability and sexual orientation. However, it should be pointed out that thus far a majority of the complaints have involved discrimination due to ethnicity and religion. This is presumably due to the fact that the other grounds have other better-established channels within civil society.

## **2.F Referrals to the European Court of Justice**

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a **definitive** interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

At least thus far no antidiscrimination cases have been found that have been referred to the European Court of Justice.

## **2.G Petitions to the European Parliament**

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

At least thus far, no antidiscrimination petitions have been found that have been referred to the European Parliament.

## **2.H Alerting the European Commission to discriminatory administrative practices**

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
  - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
  - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
  - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community made good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

At least thus far, no antidiscrimination communications have been found that have been referred directly to the Commission.

## **2.I Complaints to the European Court of Human Rights**

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if the country has ratified it, under Protocol 12 to the Convention.

Sweden has neither signed nor ratified Protocol 12.

Collective complaints can also be made under the Council of Europe's European Social Charter.

At least thus far, no antidiscrimination cases have been found that have been referred to the European Court of Human Rights.

## **2.J Other international remedies**

Where the state is a party to the 1<sup>st</sup> Optional Protocol to the International Covenant on Civil and Political Rights, or has accepted the right of individual petition under the Convention on the Elimination of all forms of Racial Discrimination or the Convention on the Elimination of Discrimination Against Women, complaints can be brought to those Committees.

NGOs/trade unions should also ensure that they alert the Committees which examine the State's periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

At least thus far, parties in Sweden have not been particularly aware or effective in using international remedies or reporting opportunities.

## **2.K Professionalism**

The NGOs mentioned above known as antidiscrimination bureaus are developing an increasing level of professionalism. Originally many were made up of grass roots workers. To the extent they were lacking the bureaus are developing an increasing level of professionalism while hopefully maintaining their status as *independent* NGOs.

The unions have long had primary role in negotiating on behalf of their memberships, both in regard to collective agreements as well as in regard to providing representation in individual cases. One of the problems though has been that in spite of the primary role that unions are given by law in regard to the enforcement of the relevant anti-discrimination laws, union representatives have not dealt with these as constituting key issues within the framework of labour law. There have been increased educational efforts by the central unions in recent years, which hopefully means that this situation is changing.

## **3. Societal issues**

Sweden has changed. It is today a multiethnic society. This does not mean that those with power in society necessarily recognize this. They received their educations and socialisation in another time period. Particularly concerning the ethnic composition of the society this causes problems. Sweden has long had a self-image that it is a champion of human rights.

This is particularly applicable to foreign policy. To some extent refugee policy has been an extension of this policy. Developing countries need our help, and letting refugees into Sweden is one more way of helping “them”. The combination of a high self-image concerning the promotion of human rights has limited the ability of politicians, civil servants, employers, unions, the media and researchers to see inequality in Sweden in terms of ethnicity. It has been easier for Sweden to deny that racism in a broader sense is a part of Swedish society. This denial contributed to Sweden’s failure to live up to its commitment, established in the UN convention on the elimination of race discrimination, to adopt a law against ethnic discrimination in working life for over 20 years. In particular, the combined efforts of the unions together with employers’ organisations in putting forth the argument that race and ethnic discrimination is not a problem in Swedish workplaces, was successful. It was also pointed out that these same interests would take care of any problems if and when they arose. It is worth noting that these parties have also chosen to jointly criticize certain parts of the proposal for a comprehensive law. They do not want positive treatment to be allowed in regard to ethnicity and they do not want larger employers to be required to produce annual equal treatment plans that cover all discrimination grounds. This is at least an indication that there are still substantial pockets of denial among those with substantial influence in Sweden.

As part of this denial, it seems that some more established organisations (NGOs) are starting to move in the direction of discrimination as a Swedish issue. The Red Cross, for example, has started examining where its own problems lie in regard to the failure to recruit employees and members who reflect Sweden as it is today. The unions also seem to have a somewhat schizophrenic handling of discrimination issues.

They want to maintain their primary role in regard to labour law (including antidiscrimination laws concerning working life). They want to see themselves as the representatives of their members in all their diversity. At the same time they are willing to ally themselves with employer’s organisations to weaken future legislation – at least in regard to all grounds other than gender. But this seems to be changing. Some unions have taken a more progressive stance, and it is that stance that will presumably take precedence in the future – if for no other reason than that the changing membership will demand it.

Another major problem is the conflicts that seem to exist between the different groups that are subjected to discrimination. Those concerned with discrimination related to ethnicity and/or religion may often carry substantial prejudices concerning those who are the targets of discrimination due to sexual orientation, and vice versa. Also, within the interest groups themselves there can be serious levels of prejudice. They can be sufficiently serious so that they paralyze the promotion of common positions. For example, groups with different ethnic and/or immigrant backgrounds have their own ethnic prejudices. The inability of the ethnic minority community was one of the reasons that Sweden could so long ignore the UN and fail to ban ethnic discrimination in the workplace. In recent years though this has been changing. Given the focus on ethnic discrimination, on diversity that respects individual competence, and on empowerment, there have been the beginnings of a positive spiral in the field. This will hopefully also lead to a positive spiral within the general field of antidiscrimination. The targets of discrimination have that issue in common. If they find common ground for supporting specific reforms that they all benefit from, that should lead to greater respect for individuals and their competencies, which should in turn lead to greater empowerment of the targets.

Concerning race/ethnicity/religion and other belief there are major problems with discrimination within various fields of society. The major fields are employment, housing, the legal system, democracy and the media.

Concerning disability the major problems with discrimination presumably relate to employment and the lack of accessibility in general as it affects various fields of society.

Concerning sexual orientation the major problems with discrimination presumably relate to treatment in the workplace as opposed to access to employment as well as the lack of recognition in various fields of society.

Concerning age the major problems with discrimination presumably relate to employment. Age has also often been an accepted excuse for discrimination that may be a cover for discrimination due to ethnicity and/or gender.

#### **d) Funding opportunities in the field of anti-discrimination**

##### **1. EU funding for NGOs/Trade Unions operating at the EU level**

###### **a) *European-level NGOs***

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme. Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: [http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: [http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

## *b) European Trade unions*

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

[http://ec.europa.eu/employment\\_social/social\\_dialogue/grants\\_en.htm](http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm)

### **2. EU funding for national NGOs/Trade Unions**

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

[http://ec.europa.eu/employment\\_social/emplweb/tenders/index\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm)

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

[http://ec.europa.eu/employment\\_social/esf2000/2007-2013\\_en.html](http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html)

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

[http://ec.europa.eu/employment\\_social/emplweb/esf/esf\\_matrix\\_en.cfm](http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm)

## **II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL**

### **1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc). Is it easy to access such funding? What are the conditions to receive such funding?**

The European delegation in Sweden does not provide for any specific funding for NGOs/trade unions working on non-discrimination at national level.

### **2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

The government provides some subsidies to local/regional antidiscrimination bureaus. They are often run by a coalition of local NGOs. They are to work on all discrimination grounds covered by law.

It is important to note that Sweden has not yet banned discrimination due to age. In addition the government has over the past few years provided funding to the Center against racism – an umbrella organisation for about 100 grass roots organisations. The funding for the Center was reduced in 2007 and will not be available at all after 2007. The government has also provided funding for various anti-discrimination projects. The unions and employers' organisations received special funding of about 1.5 million Euros for education projects on integration and non-discrimination.

Beyond this the funding provided through EQUAL needs to be mentioned. The combined funding came from both the European Commission and the Swedish government. Anti-discrimination and empowerment in regard to the labour market were key elements. NGOs and trade unions participated in various EQUAL projects. On the other hand, the evaluators of EQUAL have questioned the anti-discrimination aspect of many of the projects that received funding. It was pointed out that many seemed to have a focus on getting the targets of discrimination into to the labour market (employment strategy which has little to do with discrimination) as opposed to getting those same persons into jobs that are relevant to their competence (an anti-discrimination strategy). It was also pointed out that the targets of discrimination had little influence on problem definition, strategy development or implementation.

The 2007 European Year of Equal Opportunities for All seeks to combat discrimination and promote all people's rights to equal opportunities regardless of their sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Delegation for Human Rights in Sweden has been appointed the implementation body of the national campaign in Sweden. The various projects and other activities associated with the year in Sweden can be found at [http://www.manskligarattigheter.gov.se/extra/pod/?id=46&module\\_instance=2&action=pod\\_show&navid=46](http://www.manskligarattigheter.gov.se/extra/pod/?id=46&module_instance=2&action=pod_show&navid=46)

**3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)**

Core funding is provided to some NGO umbrella organisations as well as to the anti-discrimination bureaus. In addition, there is some project funding provided.

The Center Against Racism has received state funding through the Swedish Integration Authority from 2003 to 2007. The new government that came into power in 2006 has stated that the Center will no longer receive specific state funding after 2007. The anti-discrimination bureaus also receive funding through the Integration Authority. The new government has stated that they will continue to receive funding. The Integration Authority has also funded various types of anti-discrimination projects concerning ethnicity and religion over the past few years. The Authority has also provided funding to various ethnic organisations that have worked on discrimination-related issues.

Concerning NGO funding in fields other than ethnicity, the funding is mainly through various public sources. For example, the Swedish Disability Federation as well as other national disability organisations receive core funding through the national budget decided by Parliament. In addition funding is provided through public subsidies for various projects. The RFSL (sexual orientation) on the other hand is funded mainly by participation in a variety of projects. The RFSL participated in e.g. the EQUAL theme group known as "NTG Fritt Fram" (concerning information and communication efforts) and the project called "Under ytan" (Beneath the surface – understanding and changing norms and values in the schools). In addition, RFSL took active part in an EU-commission financed anti-discrimination project entitled "Access to Justice". The project covers three discrimination grounds: disability, sexual orientation and age.

Concerning Forum 50+, which was started in 1993, a great deal of the financing has come from public sources. In later years, the Svenska ESF-Rådet has provided financing for participation in EQUAL project as well as other EU projects. The Swedish ESF Council (ESF-Rådet – [www.esf.se](http://www.esf.se)) is the authority responsible for the implementation of the programs Objective 3 and Equal, which are in effect for the period 2000 to 2006. In addition local financing has been received from other government sources such as the regional office of the Swedish Labour Market Administration and the Stockholm regional division of the National Social Insurance Office.

The sources of funding other than the National Integration Authority can range from the ESF-rådet, to various ministries, to the National Youth Board ([www.ungdomsstyrelsen.se](http://www.ungdomsstyrelsen.se)) to various local governments. Concerning discrimination this depends on whether or not the funding providers are interested in giving priority to these issues at the time.

**4. Is it easy to access such funding? What are the conditions?**

It is not easy to access such funding as right now it seems that funding is being cut back. It could also be said that more well-established NGOs such as the Red Cross and Save the Children (Rädda barnen) have an easier time accessing funding, particularly in comparison to anti-racist and/or ethnic organizations or organisations working on the other grounds of discrimination.

**5. In case of federal countries, are there funding possibilities at the federated level?**

Non Applicable

**6. Are there other governmental funding possibilities at regional level? At municipality level?**

Both regional and municipal governments usually provide at least small amounts for various NGOs. Some core funding is provided at the local level. In addition project-based funding can also be provided. One example is that some of the local/regional anti-discrimination bureaus receive added funding from local governments.

**7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?**

Sweden is not known for its private funding possibilities. Even larger NGOs like the Red Cross and Save the Children are heavily dependent on government funding.

**8. Are there any other sources of funding?**

No.

#### **IV. Diversity Management seminar**

##### **Design of the training**

Compared to the Anti-Discrimination seminar, it was more difficult to get people interested to attend the Diversity Management seminar. Can you give an indication of why? Maybe refer to what is mentioned in the introduction about companies interest in DM. (Does the DM trainer share this analysis?) We focused on getting the right layout for the invitation to attract company directors to the seminar. We got the Director of Swedish Banking to host the seminar and the Swedish State Secretary of the Ministry of Enterprise and Energy to open the seminar. The names of these two were a strong pull factor in themselves. We purchased names and addresses of all Swedish company executives of companies with more than 5000 employees. We invited ca 20.000 people with personal invitations by post and email. Originally we had about 100 people that signed up and out of those around 60 actually came to the seminar. We had room for 500 participants. It was the most difficult of the seminars to arrange because of the low budget. This should have been the seminar with the highest budget, considering the target group and the difficulty of attracting that group to the issues



*The Swedish State Secretary of the Ministry of Enterprise and Energy Jöran Hägglund*

##### **Carrying out the seminar**

The participants were ca 80% employers and directors of large companies, 10% were employers and directors of smaller companies, 5% were consultants and 5% government representatives. The business cases presented was of Volvo, IKEA and Swedbank.

##### **Strategy**

The main strategy was to involve companies with experience in diversity management in the planning process together with the trade union. Swedbank, IKEA and Volvo were asked to participate. Swedbank accepted to be the main partner of the seminar. Diversity managers from IKEA and Volvo were booked as speakers.

To attract the target group of the seminar we had to set up a program with speakers who represent a company with a good reputation for their work with diversity management.



*Britt Älvsäter – Thomasson from Volvo*



*Amanda Jackson from Swedbank*

### *Program*

*The program was a mixture of experts from companies, debates and training sessions. Before lunch the program had four different speakers. The trainer made an overview of the project, presented the manual the awareness training and "value" training.*

*The speakers were selected from big companies with knowledge of DM and from the Trade Union UNIONEN that we partnered up with for this seminar.*

*The representative from the government talked about the need of diversity and about the specificities of SMEs. UNIONEN talked about the need of DM in working places to get a better understanding and use the competence of the staff.*



*Jahved Akhterf from the Trade Union UNIONEN*



*Participants, mainly company Directors and employers*

The international trainer had an important role in the seminar. The participants saw her as a representative from the European Commission, which shows that EU understands the importance of the DM in Europe. The speech of the International Trainer was a necessary piece in the seminar.



*The international trainer Kailash von Unruh*

### *Themes*

The themes were:

How can DM be a win-win situation for organisations?

What can we learn from others and each other?

How can my organization develop and implement DM?

### *Background*

The background to the themes is the fact that DM is still quite unknown in organizations. The trend of an increasing diversity in the society and in the working places requires a better awareness in the organizations of how to manage the new situation. The global/international companies are much for advanced in this respect than SMEs and the public sector. We also tried to give examples from these sectors to increase the awareness and interest for DM.

### *Aim*

The aim of the seminar was to increase the awareness of DM, develop the knowledge and start up a structure for future work with DM in organisations and companies in Sweden.

### *Result*

The result was more than expected. The participants were very satisfied. The representatives from the government found the seminar very interesting and would like to see more activities to involve SMEs in the future. The participants received a solid base for future work with DM. Swedbank and other international companies supported the seminar in an excellent way.

The participants of the seminar also decided to start a network for DM to exchange experience and support each other in DM-work. The first networking meeting is in TeliaSonera the 13<sup>th</sup> of May in Stockholm.

After the seminar the process has been going on and for example a 3-days course in DM has been organized for some of the participants from the seminar.

A project for SME and DM in Sweden is in the process of planning.

Cooperation and meeting between the Swedish and the Finnish DM-trainers.

Contact with an English consultant firm to start some research about DM.

### **Main lessons learned**

The main difficulty was to interest many people to participate in the seminar. DM is not an area which

companies know a lot about, which makes people hesitate to spend a whole day in a seminar. In our seminar we found it more important to have participants who were interested in the subject. Quality is sometimes better than quantity. We got interested participants who will go on working together. Through networking we will disseminate the idea of DM.

### *Material*

The material could have been developed among the countries in some kind of networking but there was no money for that. Sweden used the material as a Swedish smorgasbord (buffet). We chose the "dishes" we liked the best and the material which fitted into the program of the Swedish seminar. The most used tool was the manual which presented a number of companies in Europe working with DM.

### *Form*

We are very satisfied with the result of the seminar and it has given us a start for future work which was our aim. As a trainer I have been thinking of the form for the seminar. Is one whole day the best? Or could half a day be preferred? (Some people left during the last two hours of the seminar.) After evaluating between us in the team we agreed it might be best to have a whole day after all. One important reason is to give people outside Stockholm a chance to participate. You do not travel a long distance for half a day seminar.

### *Cooperation*

The cooperation between the coordinator and the trainer has been brilliant. When we met the international trainer in Stockholm we saw the potential in working together in a team with DM. The time and the money have been limiting the development of cooperation.

The Swedish partnership has supported me as a trainer and we have been cooperating in a very constructive way. The support from Swedbank played an important role for our success.

### *Future activities in Sweden*

As a trainer I am involved in the networking activity during the umbrella of TeliaSonera. I have also got the opportunity to take part in cooperation with Finland and England.

Just now the partnership in Sweden are planning for an application concerning SME and DM. For me personally I have got a lot of new experience and contacts through the project for the future.

### *Next DM-project*

The lesson learned is that diversity management is a journey and this project just helped us to leave the station. We would like to reach the next station for our journey and a new project could help us with that.

The subjects concerning diversity management which are in an urgent need of development are:

- developing the training material which can be used EU wide
- train the trainers
- national and international networking
- more research about diversity management

## Annexes

### The role of trade unions combating discrimination

#### Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

#### **1. What is a trade union?**

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

#### **2. What is the role of a trade union in combating discrimination?**

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.

- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.
- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.

- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.
- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

### **3. What activities can a trade union do to combat discrimination?**

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
  - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
  - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
  - Promote female members and members from a minority background in positions of decision-making and leadership.

### **4. What does a trade union need to fulfil its role?**

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.

- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

**5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?**

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

**6. What are the obstacles for trade unions and how might these be overcome?**

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.