Mapping of Policies and Policy Analysis-
the Swedish case

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Integration of Female Immigrants in Labour Market and Society.
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Bibliography
Introduction

In this report we aim to give an overview of the main policies, policy trends and debates in Sweden with reference to female migrants. The report is divided into two main sections. The first section deals with general policies in the area of work and welfare, as well as gender equality. In the second section we focus on policies specifically aimed at migrants and minority ethnic groups. Because of the limited scope of the report we have not been able to cover the different areas in great detail. The report, therefore, should not be regarded as comprehensive. It aims instead to capture some central features, debates, and overall trends.

1. General policies and their effects on female migrants

Before discussing recent policy trends and their effects on female migrants particularly, it is worth recounting some of the distinctive features of the renowned ‘Swedish model’ of the welfare state, currently being revised in the face of wider political and economic changes. In a recent book, Carl-Ulrik Schierup and his colleagues (2006: 200) point towards three key features of the (by now termed the ‘old’) Swedish welfare state: one, ‘(a) programme of economic management premised on a centralised corporatist compact between unions and employers’, two, ‘(t)he long-term political hegemony of the Social Democratic Party’ and three, ‘(a) large universalist welfare state’. A central policy has been the ‘solidaristic wage policy’, in practice implemented through a ‘centralized system of collective wage bargaining’, and in turn this has implied high levels of income equality (ibid 200-1). The ‘Swedish model’ furthermore was premised on the policy of full employment. High levels of employment were achieved partly through an active labour market policy, ensuring that retraining and skills levels followed labour market needs: this ‘work strategy’ is regarded as an important feature. One thing notable in terms of social policy is that the corporatist model has to a great extent meant the marginalisation of ‘hard law’ in favour of policy making and implementation taking place through extensive regulation and education by state agencies in various areas (ibid 224).

From a gender perspective, one important influence of the universalist welfare state concerns comprehensive public care provision, which has facilitated high levels of full-time employment amongst Swedish women (Kofman 2005a). However it is worth noting the different labour market trajectories and patterns of migrant and indigenous women, where arguably the former have been used to fill the gaps left by the latter on their way to equality and female emancipation (e.g. de los Reyes 2000).

In terms of general ideological and policy shifts in the last two decades, a more neo-liberal direction had been adopted by the Swedish government by the late 80s, improving the position of the market while beginning to dismantle the welfare state. That shift in turn went hand in hand with a changing political-economic context in Sweden, part of wider global trends, and particularly their expression in the European context. Importantly, at this point the former corporate structures (the power of the unions and collective and centralized bargaining) declined, and in turn levels of income inequality have increased, to the benefit of the market (Schierup et al. 2006: 203-4, see also Soininen 1999). Although political-economic shifts began before Sweden joined the EU in 1995, trends have arguably exacerbated since

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1 Most of the research for and writing of this report was done prior to the Swedish General Election in September 2006, following which the previous Social Democratic government was replaced by a right-centre coalition. Although some of the political debates surrounding the pre-election debate are noted, it is beyond the scope of this report to speculate in any detail as to the future of the different policies and policy areas covered, although a number of significant changes are likely to take place. These will be discussed in future outputs from the FeMiPol project.

2 However, it is worth noting differences between different parts of the labour market and workforce, and the unions representing them, to some extent discussed in section 1.1.
then, through harmonization of social and labour market policy aimed at facilitating the success of the common market.

The early 90s was a period in Swedish history significant in terms of a shifting political and economic policy. In this period, Sweden faced an economic crisis related to some poorly planned political reforms alongside a shifting global market and the failure of Swedish industry to develop accordingly (Schierup et al. 2006: 202-4). This crisis in turn meant that the state began to reconsider the viability of the ‘old’ Swedish model and the extent of its public service responsibilities (Soininen 1999). The extensive and universal welfare regime formerly in place to ensure good social security for the unemployed was premised on the idea of full employment. It could be argued that it was bound to suffer from the mass unemployment of the early 90s, the point at which the Swedish welfare state began to be significantly transformed, including trends towards ‘an increasingly means-tested social welfare system’ (Schierup et al. 2006: 228).

Schierup et al. (ibid 204-6) suggest that in the last decade or two we have seen a discursive shift in relation to the welfare state similar to the British case. At the same time they find that the Swedish case is still comparatively distinct, with the highest level of social benefits of all EU countries as well as the highest level of unionization. Furthermore, levels of employment have remained high. However the authors importantly insert a question here concerning the kinds of jobs included in employment statistics, and emphasise the growth of the casual sector: including part-time jobs, fixed-term contracts, and jobs related to projects as well as the different programmes included as part of the active labour market policy (ALMP). One of our key informants has questioned the nature of recent versions of the Swedish ‘working line’ by likening it to earlier ‘relief for the poor’ policies through what seems to be an emphasis on getting people into forms of activity in order to prevent them from going under, rather than allowing them to feel a substantive part of a the economy. Schierup et al. speak of a ‘moral underclass’ perspective resembling recent policies in the UK (Schierup et al. 2006: 206; see also Schierup 2003). Such a perspective is visible in some current perceptions of civil servants towards certain groups of migrants as being ‘unwilling to work’ and ‘neglecting their action plans’ (Cederberg 2005).

In terms of the effects of these general trends on migrants specifically, a number of elements are notable. Firstly, the growing casual sector disproportionately employs immigrants and persons with immigrant background. On the one hand, certain institutional regulations point

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3 Many of the general structural and ideological shifts taking place in Sweden in the last two decades have been regarded to a large extent as external and ‘unavoidable’ forces. Sweden’s simultaneously harmonised and antagonistic relationship to the European Union is a case in point. The Swedish decision to join the EU was made only ten years ago, and the vote was very close indeed. Swedes remain amongst the most sceptical Europeans (Sydsvenskan 13 and 15 Sept 2003) and considering the arguments used by Swedish EU critics, it is clear that a main concern is the future of the Swedish welfare state. The social security system is amongst the things where Swedes regard their own society as better than others; environmental policy is another area, and immigration and asylum yet another. Central to the rhetoric of the EU critics before the 1995 referendum was the idea that the best Sweden could do was to stay outside and remain a ‘model’ for other countries to aspire to. However, while the EU critics had up until then managed to avoid membership, at this point it had also become apparent that although formally ‘outside’ the union, Sweden had indeed gone a long way in harmonising its various policies in line with the European. An early nineties saying in Sweden was that ironically Sweden had become ‘more EU-adapted than EU itself’; and indeed the government defended its adaptation with the idea of external forces and the inability to remain outside and unaffected (Alund and Schierup 1991; Geddes 2003).

4 In fact the issue of unemployment was central to the recent pre-election debate, where the Social Democratic government was criticized by the centre-right coalition for failing to create enough ‘real’ jobs, while at the same time not providing enough incentives to work through too generous unemployment benefits: further discussed in section 1.2.
to the vulnerability of migrants, such as the last hired first fired principle, which leaves certain
groups usable as ‘temporary buffers’. On the other hand, changes have also occurred in terms
of new forms of recruitment that are more exclusionary and dependent on access to social
networks (Schierup et al. 2006: 214). Secondly, the economic crises in the early 90s,
combined with the increased visibility of the far right and nationalist groups from the end of
the 80s onwards (Tamas 2002), form both an important context for general changes in the
Swedish welfare regime, and in relation to immigration and integration policy specifically.

1.1 Policies regulating employment in sectors with high participation
of migrant women

The Labour Law (Arbetsrätten) regulates anything related to employment, such as
employment contracts, employee security and rights, including employees’ influence as well
as integrity in the workplace, work hours, time off work in terms of holiday, sickness,
parental leave and grievance, etc, and furthermore protection from discrimination (this
specific feature is discussed in section 2.7).

In terms of important features of Swedish labour law, we can point to a number of factors that
are notable in terms of their centrality in setting out the rights and conditions for workers, and
because of the extent to which they have been the subject of political debates, arguments and
controversies throughout the years. One crucial factor relates to the Law on Employment
Protection (Lagen om anställningsskydd, LAS), first introduced in 1974, which protects
workers from being made redundant as and when this suits the employer. According to this
law, employees are entitled to a non-tenured appointment after six months of working for an
employer. This period of six months was extended to twelve months by a right-centre
government in 1993, but taken back to the initial six months the following year by the Social
Democrats then back in power. The aim for the latter has been to make non-tenured
appointments the norm. However it did nevertheless introduce in 1997 into Labour Law
another form of employment, namely temporary contracts on agreement, limited by
regulations concerning the period for which this was allowed (twelve months out of three
years) and for the number of employees given such contracts. Furthermore, the introduction
on the Swedish labour market of agencies and different ways of subcontracting has opened up
the way for a more casual labour market to develop more generally. The LAS is currently
under fierce political debate following concerns from the centre-right coalition that it is
keeping a great number of people outside the labour market, which, the argument goes, they
would more easily access if the protection of employees were relaxed through the provision
of more temporary and casual employment opportunities.

Another feature of labour law that has attracted much debate concerns priority of workers and
the rule about the so-called last hired first fired principle mentioned earlier. After some
changes back and forth during the nineties as to exceptions allowed, in the year 2000, a
decision was made to allow companies with less than ten employees to get around the general
rule in relation to two of their employees. Critics point towards the risk for certain groups (e.g.
pregnant women) suffering from this exception to the rule, through allowing the employer to
some extent to keep whoever he/she finds most desirable rather than who is entitled to stay if
they followed the last hired first fired principle. At the same time, as mentioned earlier, the
principle may strike disproportionately at other vulnerable groups (e.g. migrants) that remain
as ‘temporary buffers’ on the Swedish labour market.

Other aspects relating to the Swedish Labour Law and central to the ‘Swedish model’ are the
different policies in place to ensure full employment, discussed earlier, and notably the active
labour market measures that aim to ‘catch’ people who have for different reasons lost their
employment, and make sure they are swiftly re-introduced into the labour market. This is
further discussed in sections 1.2 and 1.3. In relation to Labour Law itself, further important Acts include the following:

- Trade Union Representatives (Status at the Workplace) Act (SFS 1974:358)
- Employee's Right to Educational Leave Act (SFS 1974:981)
- Employment (Co-Determination in the Workplace) Act (SFS 1976:580)
- Annual Leave Act (SFS 1977:480)
- Work Environment Act (SFS 1977:1160)
- Employment Protection Act (SFS 1982:80)
- Working Hours Act (SFS 1982:673)
- Parental Leave Act (SFS 1995:584)
- Unemployment Insurance Act (1997:238)
- Employment Funds Act (1997:239)

Aside from the regulations outlined in the legislation, worker’s rights are furthermore controlled through collective agreements between trade unions and employers. A good example is the lack of a national minimum wage. Wages instead are regulated through collective bargaining and agreed praxis in different labour market sectors. However, as noted earlier, the unions are to some extent finding themselves trying to operate in an environment which has in many ways changed during the last decades. One issue of perhaps particular interest to us here concerns the influence of common European labour market regulations on the Swedish political scene. While some parts of the political spectrum argue for the importance of Sweden complying with wider European trends as part of its EU membership, others are concerned to maintain a level of standards they see crucial for protecting the rights and welfare of workers.

A case that brought this debate to the fore (while opening up a number of related debates, such as that of migrant workers) is the so-called Vaxholm-case, where the Swedish trade union for construction workers (Byggnads) fought against a Latvian company that imported Eastern European workers to work for wages below the Swedish collective agreement for this labour market sector. After a long dispute in both Swedish and European courts, the union finally won the case: however not without fierce criticisms from a number of different angles. Central to the criticisms was the view that the union had chosen to protect its own members (i.e. Swedish workers) while ignoring the consequences of this for the migrant workers, for whom, while being paid less than the Swedish workers doing a similar job, this nevertheless was a great opportunity to make much more money than what was possible in their own home countries. The fact that trade union members had stood outside the building site shouting ‘go home’ further fuelled accusations that Swedish trade unions had acted in a racist manner.

Arguments continued in the mass media, where journalists as well as different spokespersons aired their views and explored different dimensions to the events that had taken place (see e.g. Zaremba 2005, Lappalainen 2005). While critics argued for the opening up of the labour market, to enable people suffering from poor opportunities in their own countries take advantage of the wider European labour market, the unions maintained a focus on the importance of retaining certain labour standards and the rights of workers in a situation where many stand at risk of being exploited. Furthermore, a spokesperson for the union organisation the LO (Landsorganisationen) pointed out that the organisation had supported the policy of opening up the Swedish labour market to the new accession countries; hence emphasising that it was not the influx of migrant workers per se they opposed, but wage dumping specifically.

While one of the criticisms against the union’s action had centred on the supposed ethnocentric nature of events while ignoring the perspective of sender countries, an article in the radical newspaper Arbetaren (‘The Worker’), following an inquiry into what union organisations in those countries had to say about the matter, suggests that these shared rather than opposed the views and actions of the Swedish unions (Arbetaren nr4/2006). One Latvian union spokesperson insisted that wage dumping for Latvian workers in Sweden would not have the positive effects on the Latvian labour market they are hoping for; instead they found that when Latvian workers go to Sweden and work for ‘Latvian’ wages, workers from Belarus move to Latvia and work for ‘Belarusian’ wages, hence repeating the pattern of wage dumping with great consequences for workers in all countries. Furthermore, several union representatives of different Eastern European countries were concerned with labour market policies as they are currently developing in the EU. They pointed particularly to the problems inherent to the Country of Origin principle6, and generally emphasised the importance of developing labour regulations and social security and welfare systems valid for everyone.

In the above mentioned article, the journalist notes that while not perhaps disagreeing with the LO’s emphasis on the importance of protecting Swedish labour standards, what he finds is to some extent missing on the Swedish union agenda is precisely the transnational perspective on these processes (ibid). The radical union organisation SAC by contrast strongly emphasises the importance of considering the global nature of capitalism today, and hence suggests that the class struggle needs to be fought across national borders7. This approach forms an important background to their work in the area of organising undocumented workers, to be discussed in section 1.4.

It is worth noting at this point the fact that Swedish unions should not be regarded as either singular or speaking with the same voice. Considering the history of the Swedish unions, aside from common goals of representing workers vis-à-vis employers, we see divisions in terms of ideologies as well as practical ways of working. The LO is the largest and arguably strongest union organisation in Sweden, enjoying a close relationship with the Social Democratic party and a privileged role in the Swedish policy making process, and it is often seen as a good example of union success in Sweden more broadly. However, the radical union organisation SAC (Swedish Workers’ Central organisation) has raised concerns about the extent to which the LO compromises with on the one hand political parties and on the other representatives of Swedish employers (Svenskt Näringsliv) at the cost of the welfare of workers. Another criticism from SAC concerns not only the LO but the other two union organisations TCO8 and SACO9. It first of all questions the division between types of workers or employees into different groups, in favour of a joint collective bringing together and mobilising all workers together against their employers. Secondly, the organisation expresses concerns about the decline of collective bargaining for those two other union organisations, where trends have been towards individual wage bargaining. This, SAC suggests, raises serious issues relating to equal pay and conditions for equal work – put forward as a central principle – and furthermore a question could be raised here concerning discrimination, and who are most likely to suffer from the individualisation of bargaining processes10.

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6 Through this principle employment contracts are set according to the regulations and standards in place in the country from which the company in question is established rather than where the work is taking place.
8 The union organization for civil servants.
9 The union organization for academics.
1.1.1 Policies regulating domestic and care work

While care workers employed in both private and public workplaces are covered by the regulations discussed in the previous section, what is notable with some of the Acts listed above for our purposes concerns the exemption of work performed in the employer’s household. Domestic workers appear to not to be protected by, amongst other social arrangements, the Working Hours Act and the Employment Protection Act.

In relation to domestic workers, a political debate which seems to surface with regular intervals, and has been high on the political scene more recently concerns the so-called ‘maid debate’ (‘pigdebatten’), and the central issue in this debate concerns tax deductions for families that wish to employ maids. A main argument currently used concerns the role of deductions in creating jobs and reducing unemployment, and this has indeed been a central proposal put forward by the centre-right coalition in the debate running up to the election. The Finnish implementation of tax deductions in 2004, which is suggested to have created 100,000 jobs, is commonly referred to, to highlight the positive effects. Furthermore, it is also proposed that it would function to counteract the irregular job market in this area, and hence improve the work and life situation for the workers concerned.

Yet another pro-subsidy argument concerns the role of employing maids in releasing women from the ‘double workload’ and enabling them to participate in the labour market to the same extent as men: hence this argument is to some extent posited in terms of a gender-equality discourse. This idea has been fiercely criticised by the Swedish Ombudsman for Equality (JämO, discussed below in section 2.7), who suggests that such a policy would seriously go against Sweden’s general policy on gender equality, and particularly the struggle towards men and women sharing the unpaid work. It would counteract it by reinforcing ideas that men do not have responsibility for the household, and by implying a transference of the household responsibility from one woman to another, hence reproducing structures and ideologies of gender inequality.

Other arguments against such a policy point towards the negative effects it is likely to have on public services in the areas of work now proposed to be done increasingly in private homes. Public services would be affected, it is suggested, in terms of both levels of provision and quality, for which those unable or reluctant to employ their own ‘maids’ will suffer: notably including the women who are domestic workers themselves.

1.1.2 Policies controlling prostitution

In an attempt to de-criminalise persons selling sex while targeting demand, the Swedish government introduced the 1999 Act on Prostitution: an Act which made it an offence to purchase (or attempt to purchase) sexual services, while ensuring that the persons selling sex – significantly designed ‘the victims’ – do not risk legal repercussions. The Swedish government’s take on prostitution is to regard it ‘as an aspect of male violence against women and children’ (Regeringskansliet 2005), and furthermore as a crucially important part of a gender equality policy, regarded as otherwise incomplete. The Swedish legislation has been praised internationally for taking a clear stance against prostitution while at the same time avoiding the criminalisation of persons selling sex. The Act has since been extended in 2005 to increase the penalties for purchasing sex from children. Aside from purchasing sex, there are also specific clauses prohibiting procuring, relevant furthermore for the trafficking legislation, discussed in section 2.7.

1.2 Unemployment policies

The Swedish social insurance system is built on the idea of an income-related compensation\(^{12}\), designed in order to enable people to maintain a certain standard of living, which would not be possible for systems based on low minimum levels (Ministry of Health and Social Affairs 2003: 16-17). Aside from compensation for redundancy, the social insurance system includes parental benefit, sickness benefit and work injury compensation, etc, that are all related to income or previous income. Participation in the social insurance system is not compulsory, and a basic protection exists for those who do not take part, again related to previous employment (minimum six months).

As noted earlier, the ‘old’ Swedish model was centred on the idea of universal welfare provision, comparatively good financial and social security for the unemployed, in turn premised on the idea of full employment. A ‘new’ model is emerging following periods of mass unemployment that have put to question the viability of previous welfare standards for the unemployed. Sweden’s national action plan against poverty and social exclusion starts by setting out the context of the 90s and the overwhelming changes for Swedish society, and identifying both the positive and negative consequences: the latter focuses on ‘increased unemployment, changes in working conditions, economic problems and decline in mental well-being’, particularly amongst vulnerable groups (ibid 6). The plan is centred on the return to full employment, and amongst the measures set out to achieve this goal are increasing skills in relation to labour market needs to ensure employability as well as economic growth, help and support to the most vulnerable (immigrants are identified as one of the central groups targeted, along with single parents and young people), combating discriminatory processes, but also notably ‘providing incentives to work’\(^{13}\).

This latter component includes a partial revision of the social insurance system outlined above. The system was altered in 2001 according to the principle of ‘encouraging’ people to work: and now ‘active job seeking is imperative’, signified by the fact that unemployed people who decline job offers regarded as suitable for them risk having their benefits reduced (ibid 24).

1.3 Social policies for re-entering the labour market

As we saw from the previous section, unemployment policies are crucially concerned with getting people back into employment through both positive (encouraging) and negative (coercive) means. Training is identified as a central tool in the employment strategy, and key measures are labour market programmes and the so-called activity guarantee, in place to overcome gaps in employment and/or participation in programmes (ibid 23). Aside from these, the notion of lifelong learning is generally promoted, and there are several components of, and bodies related to, adult education. Examples are the adult education programmes and courses provided by local authorities’ systems, the activities of study associations, and the courses offered by both the ‘folk’ polytechnics as well as the higher education system. Note that the fee system in place in countries such as the UK does not exist in Sweden, which follows the principle of free education. In relation to the living costs involved when studying, there is an allowance system in place, while it is also possible to study and receive unemployment benefits (ibid 29-30).

Another significant emphasis in the NAP relating to social exclusion/inclusion concerns the importance of mobilising multiple bodies and agents for achieving the goals set out. One example of this with regards to employment is the so-called ‘work and development centres’

\(^{12}\) The level at which this is currently granted is proposed to be lowered by the new government.

\(^{13}\) Notable is the continuous emphasis in the action plan on mainstreaming both gender and ethnicity in policies to prevent and combat social exclusion.
(arbets och utvecklings centra AUC) in the southern city of Malmö that function as intensive employment initiatives, integrating a number of actors to ensure a comprehensive service and noticeable results. The AUCs are located in areas of the city that are particularly exposed to unemployment and social exclusion, and their work targets specific groups identified as encountering particular difficulties in finding work, including migrants.

The main institution working to help and support people to enter or re-enter the labour market is the public employment service Arbetsförmedlingen. Apart from regular jobs in the labour market, the service provides access to a number of labour market measures, including both training and short-term work contracts, in place to reduce unemployment and increase levels of employability. Furthermore, such jobs can enable people to qualify for the social insurance system.

One example of such measures is the so-called ‘Plus Jobs’ that began in January 2006: these are positions that have not been prioritised by the employer (and hence are not filled), but that would contribute to the quality of the workplace. The ‘Plus Job’ scheme involves the state, through the employment service, paying part of the salary, while the work and pay conditions are the same as for regular employment in similar work. The idea is for the individual to move into a long-term contract. During the period of being in ‘Plus’ employment, the job-seeker will have regular contact with the employment service and be actively seeking work, while at the same time gaining valuable experience as well as a decent income14.

Another example of a current measure in place for immigrants specifically is the ‘workplace introduction’ scheme15. Those who qualify for this scheme get specific assistance to facilitate contacts with employers, as well as six months support once the work practice has started, a support that is extended to both employer and participant. During the work practice period, the participant is entitled to financial support from the state. The idea is that after six months, the participant should be familiar with the workplace and the tasks involved, and the work practice should lead to full employment16. However, the scheme has been criticised for making false promises with regards to the employment supposed to follow, while instead people end up in a continuous cycle of short-term menial jobs designed to ‘introduce’ them to Swedish work-life in a manner some find patronising for individuals.

As noted earlier, migrants are designed as a particularly vulnerable group with regards to social exclusion generally, and exclusion from the labour market particularly, and a number of measures are in place to facilitate moves into employment. These include language training, validation of qualification, supplementary professional training, as well as anti-discrimination measures. Migrant specific policies in this area are covered in more detail in the later section on integration, where we look amongst other things at: work and training as part of a general ‘integration’ process, the targeted policies according to which immigrants are identified as one of several groups particularly vulnerable to social exclusion, as well as issues surrounding former qualifications and competencies, and the validation of these.

### 1.4 Policies combating illicit work

Compared to other EU countries, the informal labour market in Sweden has arguably until recently been rather limited. One reason for this could be found in the comparatively good welfare system, which has “limited the attraction of degraded service jobs for the unemployed” (Schierup et al. 2006: 215). Another has to do with the overarching presence of the trade unions, which according to Schierup et al. has meant that the kinds of policing seen

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14 www.ams.se, accessed 15/05/2006
15 The scheme is on trial until December 2006.
16 www.ams.se, accessed 15/05/2006
in countries such as Germany has not been a feature of Swedish policy\textsuperscript{17}. However, they also note that this great presence of the unions has to some extent shifted also in Sweden, apparently related to EU directives facilitating sub-contracting, which has led to (partly legal) ways of using cheap migrant labour. Furthermore, the growth of different forms of self-employment as well as recruitment agencies has implied a complex scenario for unions to operate in, while at the same time a changing welfare regime might increase the need for informal work to supplement incomes. Importantly for our purposes, the growing informal sector is gendered (ibid 215-7).

In terms of the legal framework in place for combating illicit work, illegal foreign workers are criminalised through the Aliens Act, according to which people without residence and/or work permit do not have the right to remain in Sweden, and should be deported. Recently both the Left party and the LO have made demands for abolishing this policy, and for the de-criminalisation of this group of workers\textsuperscript{18}.

For the LO, issues relating to undocumented migrant workers appeared on the policy agenda as part of the ‘orderliness’ (ordning och reda) programme, instigated in relation to EU’s expansion in 2004, and focusing on issues surrounding labour immigration, foreign labour and economic criminality\textsuperscript{19}. Although there was not an initial focus on undocumented workers or workers ‘without papers’, these soon appeared on the agenda as a related issue that needed attention, and the organisation is currently in the process of developing their approach and preferred policy measures in the area. They have pinpointed three specific areas regarded as in need of attention: the fact that the workers themselves are criminalised, which means that they have no rights in the work-place; the economic criminality surrounding their employment; and finally the links between the asylum system and undocumented workers, where the concern is that if those links (asylum seekers working in the irregular job market) become too apparent, public support for the asylum system might decline.

In terms of rights in the workplace, the organisation emphasises the importance of strengthening workers’ rights in order to make them less prone to exploitation. Through changing the Aliens Act and giving them employment rights, the workers would be entitled to compensation for the conditions under which they have worked, and the commonly low wages they have received. Although the move through which the undocumented worker would report exploitation and demand compensation would be likely to lead to their deportation, because of the fact that they have no residence permit, the organisation thinks that such a move could still be favourable for the migrant in the sense of him/her being entitled to full wages, which could improve his/her position in the country of origin, upon return. Another area in which the issue of undocumented workers has come up concerns the possibilities for the union to represent temporary foreign workers: the idea here would be to facilitate the movement of membership in a foreign trade union to a Swedish trade union for the duration of the working period in Sweden. The LO is currently looking into this possibility, and as part of this they are also looking into options in relation to how to reach people and inform them about their rights.

While the issue has now been put on the agenda, it is worth mentioning here that this has been a bone of contention between SAC and the LO. SAC has been emphasising the importance of being loyal to workers ‘without papers’ and including and representing them in their struggles, while accusing the LO trade unions for limiting their intervention in the area to

\textsuperscript{17} A further specific feature of Swedish regulation noted by Geddes (2003: 112) concerns the system of ID numbers that are almost universally required (for getting a bank account, renting accommodation, etc).


\textsuperscript{19} Information regarding this is partly given by informants as part of the key informants interviews.
reporting undocumented workers to the police and getting them deported, as part of their attempts at ensuring an equal Swedish labour market\(^{20}\).

### 1.5 Gender equality policies

Earlier this year, the government presented its first proposition in the area of gender equality for twelve years\(^{21}\). The proposition builds by and large on the inquiry SOU 2005:66 ‘Power to shape society and one’s own life – gender equality policy towards new goals’. For that, the overall aim concerns precisely women’s and men’s equal power to shape society and their own lives; and four partial aims are outlined. These are: an equal division of power and influence; economic equality, implying financial independence for all; equal division of the unpaid labour; and finally that men’s violence against women should stop (SOU 2005:66: 19-20, 2006: 9).

Equality in power and influence relates to both the political sphere and that of the economy or the market. While women’s participation is found to be statistically rather good when it comes to the area of politics, particularly democratically elected positions, there seems to be a lot left to be done in relation to the labour market. In order to address this, the government initiated a project between 2002 and 2004 entitled ‘Equal at the top’, and some of the companies that took part in that project continued subsequently working in the EU project ‘Women to the top’. In terms of the legal framework, a new directive was put in place 2004 obliging companies to present a breakdown of gender statistics of their directors and board of governors in their annual reports. The government is furthermore considering introducing a quota system with regards to positions of power in trade and industry (2006: 7-8, see also SOU 2005:66). More generally, the inquiry puts emphasis on the importance of enabling women to enjoy equal access to the sphere of decision making, and they appeal to the notion of an ‘active citizenship’, through which not only the formal right but the actual possibility to take a full part in society is emphasised (SOU 2005:66: 19).

When it comes to the labour market, a central aim of the government in the past as well as the future concerns equal rights and access to paid work, to financial independence, and to economic security throughout life. Although the government emphasises that Sweden cannot be regarded as a gender equal society on a number of counts, in international standards the country is nevertheless doing rather well in a number of areas, and notably in terms of women’s participation in the labour market. The success it suggests is strongly related to the ‘general welfare model’, and specifically the social insurance system, a comprehensive system of public childcare and care for the elderly, but also the parental benefits system (föräldraförsäkringen) (2006: 5, see also SOU 2005:66). In 2001, changes to this system increased opportunities for both parents to combine work and family life through giving them more flexibility in terms of how to allocate the hours; it also introduced the right to an additional 30 days of parental leave (2006: 22).

One perhaps notable and distinctive feature of the Swedish approach to gender equality in the labour market concerns the insistence on women’s right to full-time employment, which is regarded as a condition for financial and other forms of independence. This represents a notable difference from the UK gender equality policy, where for example the question of gender equality in power and influence in working life is proposed to be solved through increasing the number of senior part-time positions in companies.


\(^{21}\) The one preceding that was the 1993/94:147 proposition entitled ‘Shared power, shared responsibility’.
For reaching the aim of full-time employment, aside from emphasising the importance of a comprehensive public care system for children as well as the elderly, moves towards gender equality in the unpaid labour are also proposed. The development of the parental benefit system is gradually aiming towards men and women sharing the parental leave. While in theory, they currently have the possibility of taking out an equal number of months, in practice this is often not yet taking place. One possible reason for this is that women’s salaries are often lower than men’s, which means men doing a greater share of paid work may be a way of ensuring the best financial benefits for the family. The government regards this as yet another reason for improving financial equality. Furthermore, it points towards the risks of discrimination in cases where employers choose not to invest in female employees because of the likelihood that they will become mothers, and one solution here is to strengthen women’s employment contracts. Generally, women suffer more from the insecurities and lack of progression relating to temporary work contracts, and the government’s aim towards making non-tenured appointments the norm for all must be regarded as an important step in that direction (2006: 19).

In relation to women’s position in the labour market, the government furthermore wants to strengthen self-employment amongst women, and a project was instigated between 2002 and 2004 giving advice and increasing the relevant competence amongst women, a project that was made permanent in 2005 (2006: 21). However, the SOU 2005:66 inserts a caution with regards to the emphasis on self-employment by pointing out the problems relating to proposing this as a solution to wider problems in the labour market, and to giving individuals responsibility for what are in fact structural issues; they furthermore point towards the risk of self-employment becoming a ‘poverty trap’ for some people (SOU 2005:66: 13).

In relation to violence against women, a significant legal change took place in 1998, when the crime ‘severe insult to women’s peace’ (grov kvinnofridskränkning) was introduced, as well as an expansion of the definition of rape. The change included assignments to public authorities in the area, improved support for both research and organisations working with battered women, as well as competence development and a sensitizing of services to such women (2006: 29). As part of the government’s intention to combat men’s violence against women, the role of the women’s help-lines (kvinnojourer) is strongly emphasised (Skr 2005/06:95: 73-4). However, a recent document notes that not all municipalities offer financial support for the help-lines, which in turn has been a major criticism coming from some NGOs, concerned with the patchy framework of support and assistance for the women (often provided by voluntary organisations rather than the state or local authorities), and arguing for a more comprehensive support system (Skr 2005/06:95: 187). The government has announced its intention to improve the system of support to battered women as part of an investment between the years 2006 and 2008, to some extent focusing on the work of women’s help-lines (kvinnojourer) (2006: 29). Other measures include awareness raising and increasing levels of competence in relevant institutions, including the social services, the police and the judicial system (Skr 2005/06:95: 73-77). Another proposed move relevant for violence against women specifically, but also gender equality more generally, concerns plans to re-shape the current National women’s centre (Rikskvinnocentrum, RKC) in order to build a national institution and a bank of knowledge resources focusing on gender related issues (2006: 11, see also Skr 2005/06: 95: 74).

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22 In 2002 a maximum fee for childcare was introduced, which arguably has been an important step in increasing women’s opportunities (2006: 19).
23 Note that the SOU 2005:66 suggests that while childcare facilities have improved in recent years, this is not the case when it comes to the elderly, where it has been found that female family members particularly are increasingly taking on a caring role.
24 An expansion of the crime of rape was introduced in 2005, after which a greater number of acts can be regarded as rape (2006: 29).
As part of the general focus on combating men’s violence against women, particular attention has been paid to specific groups of women, including women of other ethnic background (2006: 29). In relation to the specific situation facing migrant or minority women, a particular problematic that has come to the fore on the Swedish political scene during the last few years concerns so-called ‘honour related violence’. A major initiative was launched in 2003 aiming to prevent honour related violence, and funds were allocated in the state budget between 2003 and 2007 for work on both national and local levels. As part of this, regional administrations have been assigned to support projects working practically with the issue, through for example educational initiatives or building social and support networks. Another part of the initiative concerns building up sheltered housing, as well as the quality of it in terms of the activities offered and the competence of the staff; yet another concerns further research into the phenomenon and the best ways of tackling it, including prevention as well as victim support (SOU 2005:66, Skr 2005/06:95: 78-81).

2. Policies targeting migrants

2.1 Migration and naturalization policies, policies regulating residence and work (including influences on illegal immigration)

Swedish immigration and asylum policy at the point of establishment (late sixties: the National Board on Immigration was set up in 1969), and some time afterwards, was rather liberal compared to other European countries. In the mid seventies Sweden developed a (formally) inclusive immigrant and minority policy, which has contributed to the country achieving a good international reputation (Soininen 1999: 693-5; see section 2.2). A comprehensive approach to immigrant incorporation can also be seen from the Swedish naturalization policy. Migrants can apply for citizenship after five years of residence in Sweden (only two years residence is required of migrants from other Nordic countries26), and there are no formal requirements on cultural or linguistic adaptation. Compared to other European countries, Sweden has high naturalization rates (Schierup et al. 2006: 195).

In addition, denizens have also enjoyed similar benefits to citizens (including the right to unemployment benefits), and a notable feature of Swedish policy is the early (1976) granting of the right to vote in local elections. Sweden differs from some other countries in the extent to which formal rights have been granted, and this is largely related to its corporatist structure (and the historically powerful role of the trade unions) and social democratic ideology, insisting that migrant labour should not have a wage-dampening effect. In turn, the guest-worker systems established in countries like Germany in periods of high levels of labour immigration have been rejected by Sweden (Ålund and Schierup 1991, Schierup et al. 2006). However, this has not prohibited the development of an ethnically and gender segmented labour market (Knocke 1986, 2001, Schierup and Paulsson 1994, Schierup et al. 2006).

Although the initial liberal refugee and asylum policy had started to be refined already in the late 70s, it became increasingly politicised towards the late 80s (at the same time as important shifts were taking place in the welfare regime more generally, see section 1), and the 1989 Aliens Act signified a substantive tightening up of the asylum policy, combined with an expressed concern that Sweden no longer had sufficient resources to integrate additional immigrants (Westin 2000, Geddes 2003). The decision, according to Charles Westin, was picked up by the far right as a justification for expressing racist sentiment; and indeed shortly after the policy change there was a number of attacks on refugee camps and reception centres

25 One concern raised by a migrant women’s organisation has to do with the vulnerability of women whose residence permit is temporary and tied to a spouse, and the fact that in fear of losing their residence permit, they may not come forward and report the fact that they are being exposed to violence (Skr 2005/06:95: 187-188).

26 Note the 1954 law establishing freedom of movement between the Nordic countries, in place to date.
(Westin 2000: 6-7). Furthermore, the early nineties saw the right wing and nationalist movements gaining in numbers and visibility, as well as the entry into parliament of the Populist Party ‘New Democracy’.

Alongside the economic crisis discussed earlier, the early nineties furthermore saw the influx of a high number of refugees, notably but not exclusively from former Yugoslavia. As the war in former Yugoslavia broke out and created a mass-flight situation, some European countries responded with the development of a temporary residence permit regime, accepted by the UNHCR as a means of encouraging neighbouring countries to open their gates to people urgently in need of protection. Such a policy was established also in Sweden; however, interestingly the centre-right coalition that had recently taken over power from the Social Democrats (in 1991) nevertheless granted the high number of Bosnians that sought refuge in Sweden permanent resident permits. According to Maria Appelqvist (2000) this decision was significantly part of a wider political debate, where the new government (particularly the Liberal Party) prior to election had presented themselves as more liberal with regards to asylum policy. Although the new government ‘resumed a more liberal interpretation of refugee status’ however, it also introduced Visa requirements for the Bosnians in 1993 as a way of limiting the influx (Westin 2000: 23). Furthermore, partly as a result of the economic crisis, the high number of refugees that arrived to Sweden at this point in time found it very difficult to get a foothold on the Swedish labour market, an initial exclusion from which many have subsequently found it difficult to recover. While towards the late nineties, the economy had to a great extent recovered, which opened the doors for some people, others continued to meet great obstacles and largely remained outside the labour market. This highlights that discriminatory processes have also been at play ( Integrationsverket 1999).

A significant shift in immigration policy took place through the 1997 Aliens Act, when the government transformed its asylum and refugee policy to conform to EU standards, which included some further restrictions, increased European collaboration, as well as preventative measures in countries of origin (Schierup et al. 2006: 220). At the same time however Swedish legislation on grounds for protection were extended to include forms of non-state persecution, capital or corporal punishment, and importantly for our purposes, prosecution because of gender or sexuality (Geddes 2003: 110-1). Another important policy change this year was the fact that the former Immigration Board was abolished, and instead two new establishments were formed that divided the work into two distinct halves: migration and integration (see section 2.2).

The most recent governmental reports outlining changes and trends in Swedish migration and asylum policy (Skr 2004/05:47, Skr 2005/06:18, see also Regeringskansliet 2004) emphasise three overarching goals of this policy, namely to protect the right to asylum in Sweden and internationally, to uphold a regulated approach to immigration, and to increase harmonisation at EU level. In terms of recent specific policies, the 2005 Aliens Act has replaced the 1989 Act and subsequent changes to it. Central to this Act has been an attempt to make a clear distinction between the different grounds on which residence permit is given: on the one hand ‘protection-related grounds’ and on the other ‘individual circumstances – such as the individual’s state of health and adaptation to Sweden’27. This means abolishing the distinction formerly made between refugees under the 1951 definition and those otherwise in need of protection. One important move related to this has been the decision to grant refugee status to persons with a grounded fear of persecution due to gender or sexuality (these were formerly included in an ‘other’ category in need of protection). Furthermore, as part of this move, ‘humanitarian grounds’ is replaced by ‘particularly distressing circumstances’ (ibid). Another significant part of the 2005 Act concerns the abolishment of the Aliens Appeals Board for asylum seekers appealing against a negative first decision. Such appeals will now instead be

made to local courts: a move taken to improve transparency in asylum procedures, increase possibilities to orally present one’s case, and to enable people to better understand the decision made (Skr 2005/06:18).

There have been a number of criticisms from NGOs and others in recent years regarding the restrictive tendencies of Swedish asylum and immigration policy as well as problems relating to the implementation of policy. In terms of the restrictive tendencies, it has been noted for example that the Swedish interpretation of international conventions is narrow in comparison to many other countries; another concern is that the European harmonisation process may lead to a minimum level below the desirable standards from a human rights perspective. Furthermore, aside from being too restrictive in granting people asylum, the Swedish Migration Board has also been criticised for not conforming to the principle of non-refoulement by repatriating people to places where their lives and/or freedom may be at risk (see e.g. Skr 2005/06:95; 98-103; 217-224).

Further criticisms relate to the long waiting periods in the asylum process as well as the lack of knowledge or competence of immigration officers on a number of counts, including both Swedish policy and the situation in sending countries. A for our purposes particular issue here concerns an apparent lack of implementation of guidelines for how to deal with the specificities of women’s claims for asylum, in turn to some extent related to the recent addition of gender and sexuality as grounds for persecution, in relation to which questions have been raised as to whether they are in fact enforced appropriately. One of our key informant interviewees speaks of lack of both gender competence and cultural competence within the Swedish Migration Board. If women are highlighted as one particular group of concern in relation to the competence of immigration officers, in terms of how they treat people as well as the decisions they make, another one is children, and particularly children arriving alone and/or those suffering from severe trauma. Aside from the problems relating to the asylum determination process itself, yet another concern has to do with how increased border controls are in fact significantly limiting the ability for people to even arrive and seek asylum in Sweden, in turn increasing their dependency on illegal routes, and furthermore on people who may exploit their vulnerability (ibid: 217-224).

Yet another major issue of concern and debate revolves around the issue of people who are living in Sweden ‘without papers’, some of whom are or have been in hiding. Aside from risks relating to exploitation in the labour market, as discussed in section 1.4, another concern is that of access to healthcare. In terms of healthcare, the Migration Board’s compensation to municipalities for costs does not cover this group; however they are by law entitled to emergency healthcare, although deciding what qualifies as such is left up to individual health workers (ibid: 217-224).

A notable effect of the criticisms levelled at the government and the Migration Board with regards to asylum and immigration policy and praxis generally, and the situation of undocumented migrants particularly, is the introduction of the temporary amnesty law. This gives amnesty to a large number of people that had either been waiting for what was likely to be a negative decision for a long time, or have already been denied asylum but were nevertheless remaining in the country as repatriation orders were unable to be carried out for fear of people’s safety. Priorities were those with ‘long time in the country’ and those ‘of humanitarian urgency’. A particular concern was the welfare of children, taking into consideration on the one hand their physical and mental well-being and on the other the connections and attachments they had developed in and to Sweden28. The law came into force in November 2005 and expired on March 31st 2006. While the law was welcomed by many of the organisations fighting for the rights of the people concerned, it has subsequently been

criticised for applying too narrow criteria in practice and hence excluding a great number of applications, and furthermore arguments have been made for the need of a long term rather than temporary change in policy and praxis in the area29.

Examples of further notable changes in Swedish policy in the area of migration and asylum include a move to limit housing choices for asylum seekers. In waiting for the decision of asylum applications, asylum seekers recently had the choice of either residing in a reception centre, or get financial support in finding their own accommodation (Lappalainen 2004: 14). However, a recent debate about a supposed wide-spread abuse of so-called EBO (eget boende, ‘own accommodation’) support meant that this was withdrawn in March 2005 (although asylum seekers who have been offered or taken up employment are eligible for this support). Another change has to do with the fact that repatriation agreements with third countries have become an important part of Swedish migration policy (Skr 2004/05:47), facilitated through specific repatriation programmes aiding refugees that wish to return, e.g. through financial and other support in setting up businesses.

In 2001, Sweden introduced a law about dual citizenship, and some regard this as a sign that the traditional multicultural outlook of the Swedish government is retained (Gustafson 2002). However, it is worth noting that dual citizenship is a formal principle, which does not automatically grant actual protection from discrimination and disadvantage. In addition, although Sweden has not at this point in time transformed the citizenship regimes along the same lines as some other (formerly) ‘multicultural’ countries (see Geddes 2003, Joppke 2004, Kofman 2005b), to introduce language requirements and citizenship tests, a similar debate was central to the 2002 General Election. In the pre-election campaign, a proposal was made by the Liberal party concerning language tests for people applying for Swedish citizenship. The proposal was to a great extent presented as a solution to the current exclusion of immigrants, and the idea was that if migrants were forced to learn Swedish, they would be more easily integrated into Swedish society. However, critics were quick to pick up on issues marginalised by the sole focus on insufficient language skills as the reason for exclusion, notably discrimination in the labour market along with residential segregation. Another feature central to the Liberal Party’s integration proposal concerned extending the framework for labour immigration, largely on a contracting basis, to meet the needs of the market.

The Social Democratic government was critical of both proposals, pointing firstly to the fact that citizenship is not primarily about language skills, and secondly to the fact that implementing something of a guest-worker system would imply the creation of a second class citizen (DN 3 Sept 2002). The party furthermore emphasised the need to focus on ‘integrating’ those already living in Sweden but without employment. The ‘integration’ debate evolved into something of a slinging match of who was in fact ‘the racist’. While the Social Democrats accused the Liberals using the above arguments, the Liberals accused the Social Democrats for portraying potential labour migrants as a threat to the jobs and welfare of the Swedish people and whipping up xenophobia by emphasising border controls (DN 23 Aug 2002). Generally, the pre-election debate was badly received by many migrants, who felt stigmatised in the harsh climate it produced; furthermore the issue of discrimination was not sufficiently addressed in this debate, which implicitly suggested migrants’ own responsibility for their exclusion (e.g. Östgöta Correspondenten 2 Sept 2002).

The issue of labour immigration has continued to raise strong feelings: on the one hand from an industry that argues for opening borders in order to meet the needs of employers, and in turn demands from the global market, and on the other the trade unions concerned to defend a certain level of market regulation, as discussed earlier. The division is also a clear division in the political spectrum, with the centre-right parties in favour of labour immigration, and the

Social Democrats and the Left emphasising the need to first and foremost integrate into the labour market those currently excluded from it.

The policy on labour immigration is currently under revision though the committee for labour immigration (KAKI), over-looking current legislation with the view of both expanding the practice and making it more flexible, to suit the needs of employers – but notably by also observing developing EU policy in the area as well as taking into account EU expansion (note that Sweden, alongside the UK and Ireland, did not enforce particular rules restricting the EU freedom of movement for citizens of the 10 new EU countries). A central point of departure for the government appointing the committee concerns the importance of the work and social security conditions for foreign workers being the same as it is for indigenous workers. A further point stressed is that legislative shifts in this area of immigration policy must not lead to undermining of the right to asylum.

In terms of current regulations in place, anyone who wants to come and work in Sweden (and who is from outside of the EU/EEA area) needs a work permit, as well as a Visa needed for some country nationals (note the Schengen agreement concerning common Visa rules). For persons intending to stay for more than three months, a resident permit is required in addition. A significant part of the current work permit regulations concern the priority given to Swedish and EU/EEA citizens.

Work permits have to be acquired before arriving in Sweden, and in order to get them, people have to get a written confirmation of a job offer from their employer, accommodation in Sweden has to be sorted out for the employee, and the employee needs to agree to leave the country once the work contract expires. In terms of the work conditions, the employer is obliged to guarantee salary, insurance as well as other regulations corresponding to minimum requirements for the position in question in either collective agreements or general praxis for the sector. Work permits are normally granted on an annual basis. If the job offer concerns a need to fill a temporary need in the labour market, a maximum of eighteen months will be granted. The work permit is restricted to the initial job offer. According to Swedish legislation, the person holding the work and residence permit can bring their spouses or partners as well as children under the age of eighteen, who are allowed to stay for the same period of time as the worker. If the work permit extends beyond six months, the spouse/partner can also be granted a work permit. In terms of access to the labour market, another feature of Swedish policy is worth mentioning here, namely the fact that asylum seekers are allowed to work, as opposed to many other European countries, such as the UK.

A further significant regulation concerns work permits for au pairs. Such work permits are given to persons aged between 18 and 30 who wish to come to Sweden to ‘gain international experience and learn more about the language and the culture of this country’. Similarly to the general work permit, applicants need a written offer from, in this case, the host family. The family is obliged to make the au pair work no more than 25 hours a week, and provide him/her with lodging as well as a salary of at least SEK 3,500 a month before tax. Furthermore the au pair is expected to attend Swedish language classes, and the admission to a course must be attached to the application for a work permit.

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31 Negative responses of residence permit applications can be appealed, but not work permit applications.
32 [migrationsverket.se/informaterial/bob/sokande/at/at_en.pdf%search=%22work%20permits%20migrationsverket%22](http://migrationsverket.se/informaterial/bob/sokande/at/at_en.pdf%search=%22work%20permits%20migrationsverket%22), accessed 10/05/2006
2.2 Integration policies addressing migrants (language, education, culture, etc)

The 1975 Immigrant and Minority Policy, based on the three principles of ‘equality’, ‘freedom of choice’ and ‘partnership’, established the ‘Swedish model’ of multiculturalism. ‘Equality meant living conditions comparable with Swedes. Freedom of choice meant a genuine choice about retaining cultural identity. Partnership meant co-operation and solidarity between Swedes and newcomers’ (Geddes, 2003: 121). Castles and Miller (1998: 249) identify two forms of policies central to the ‘Swedish model’ of multiculturalism: ‘indirect policies’ aiming to guarantee equal access and equal rights to the different spheres of society generally, exemplified by ‘anti-discrimination regulations’ as well as ‘the provision of interpreter and translator services’; and ‘direct policies, which relate to immigrants’ special needs’. In summary, the idea of this policy was to ensure migrants equal rights, including the right to retain their culture.

As Andrew Geddes (2003) rightly emphasises, corporatist political structures were central to how multiculturalism took shape in the Swedish context (see also Soysal 1994). Corporatism implies that people are perceived of as collectives, whereby social identities are created largely through expressions of collective experiences (Ålund and Schierup 1991, 1993), and popular social movements, particularly the unions, have indeed been an important part of Swedish history. As Aleksandra Ålund and Carl-Ulrik Schierup (1993: 111) write, the movements have been ‘the traditional vehicle(s) of political socialisation and moral supervision in Sweden … (and) form the cornerstone(s) of social democratic strategies of popular mobilisation and national integration’. The corporate model is significant also in terms of political decision-making: it means that there is a second route besides voting in elections through which citizens can exercise political influence, namely through the organisations in which they are members. Multiculturalism in the Swedish case then implied collective and representative rights for migrants, through their national/ethnic groups (Schierup et al 2006: 221).

Karin Borevi (2004) suggests that the idea of an ‘integrative potential of associational life’ naturally granted it a central place when Sweden developed its multicultural policies, and she points out that state funding for migrant associations as well as mother tongue teaching were the two practical means by which the principle of ‘freedom of choice’ was proposed to be achieved (2004: 42). The idea was that through forming associations, migrants would be able to nurture the ‘culture’ to which they were thought to belong. Furthermore, following the corporate style of decision-making, the idea was also that migrants would be able at the same time to pursue political interest through associations. Hence they were meant to play two roles: ‘both to retain cultural heritages and as a channel for political influence’ (ibid 31). Following the emphasis on the socialising role of associations, the political function was in turn divided into two parts: on the one hand the migrant associations would function as ‘schools in democracy’: that is, to socialise their members into ‘the types of attitudes and skills that are needed for a successful political participation’, and on the other they would help ‘channel the citizens’ interests upwards in the political power hierarchy’ (ibid 31).

It is in relation to this socialising role that Ålund and Schierup (1991, 1993) found one of the central ‘paradoxes of multiculturalism’: in how the principle of ‘freedom of choice’ was in practice undercut by an overwhelming ‘Swedishization’ process. And indeed, funding of associations (the main control vehicle) was dependent on conforming to certain (Swedish) rules and principles (Borevi 2002, 2004). Assessing Ålund and Schierup’s argument over ten years later, Pontus Odmalm (2004: 114; authors’ translation) concludes that the Swedishization process is still overwhelming. He writes, ‘emphasis is put on becoming familiar with Swedish norms, values and the Swedish culture, which could be regarded as an interesting paradox that the Swedish multicultural politics has caused … in other words,
associations may exercise their cultural specificity as long as this is done in a “Swedish” way.’

The mid-eighties saw a partial step back from the multiculturalism of the 1975 policy, and more particularly from the ‘freedom of choice’ principle. The idea behind this change according to Borevi (2004) was that the sole emphasis on retaining minority culture was hampering migrants’ integration into majority society. The revised policy proposed some limits to the ‘choice’ formerly endorsed and included certain boundaries to conform to Swedish laws and basic values. The wider context of this change is significant according to Allan Pred (2000), who suggests that the beginning of a compromise of the freedom to choose one’s cultural way of life and affiliations should be seen in relation to a changing character of immigration flows and perceptions about ‘cultural differences’.

Looking at historical developments in Swedish ‘integration’ policy, Karin Borevi (2002, 2004) argues that a tension between integrating migrants on the one hand into majority society and on the other into the specific minority group, has been a continuous dilemma for the Swedish state. She suggests that since the first establishment of state funding for migrant associations, a main point of contention has been whether or not these associations lead to isolation rather than integration of minorities. While early policy emphasised their integrative potential, particularly through the idea that they functioned as pools of knowledge and contacts that newcomers could tap into to facilitate their integration in wider society, later a segregated reality has been drawn on to argue that the promotion of difference, e.g. through associations, has hampered rather than facilitated the integration process.

Although multicultural policy began to erode as early as the mid eighties, an important and explicit shift in emphasis took place a decade later, when the government proclaimed that they had made the mistake in ‘pointing out immigrants as different’ (Borevi 2004); and the future would instead be one of ‘integration’, no longer perceived to be achievable though difference. In relation to immigrant associations, the state made efforts to promote activities regarded as working towards the ‘integration’ of minorities into majority society, and the structure of funding (again the main control vehicle) reflected this. Interestingly, following the retreat of the idea of promoting cultural heritage, the idea of representation of interests (the second previously central function of the migrant association) seems to have followed a similar path. In fact, Borevi suggests that more recently, the government has explicitly stated that the associations should not be involved in decision-making processes (ibid).

As noted in the previous section, 1997 signified a shift in the Swedish policy in the area of migration and integration, and we saw the former National Board of Immigration being split into two parts: one particularly concerned with asylum and immigration policy (the Migration Board, established in 2000); and the other, concerned with anything to do with the lives of migrants after their Swedish residence permit has been given (the Integration Board, established in 1998). Through the 1997 Sweden the Future and Diversity: From Immigrant Policy to Integration Policy (Proposition 1997/98:16), the former targeted approach was officially abandoned, and instead ‘integration’ as a general policy was to be the way forwards. This also signified a shift from a group-centred approach to an emphasis on individual rights and responsibilities (Geddes 2003: 122). For this revised policy, it was explicitly stated that the point of departure has to be an acknowledgement of a multicultural reality and the

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34 According to Maritta Soininen (1999), the policy was compromised also through a mid eighties distinction between immigrant minorities and those regarded as national minorities, of whom the latter enjoyed more rights than the former. As Geddes (2003) points out, at this stage not only the indigenous minorities, but also Swedish Finns, Roma and Jews, had come to be included in the latter definition.

35 Note the risk, suggested by Geddes (2003) and others, that such a policy shift (a retreat from multiculturalism as a solution to integrative failures) may suggest that it is the ‘cultural difference’ of the migrants rather than discriminatory processes that lead to segregation and exclusion.
promotion of the value of diversity. Furthermore, racism and discrimination were identified as priorities that need to be tackled in order to achieve the integrated goal (e.g. Schierup et al. 2006).

As discussed earlier in relation to citizenship debates, Sweden has not implemented some of the more direct neo-assimilative policies adopted elsewhere in Europe (Joppke 2004, Kofman 2005b): however similar debates have been and are still taking place, largely framed within a general tendency to culturalise social phenomena. A public debate that has had important effects on integration debates concerns what is popularly termed ‘honour culture’. The debate was sparked by two cases of ‘honour murder’ of Swedish citizens with Kurdish background. After these murders, talk about ‘immigrant girls’ flourished in political debates and the mass media. While the discursive response was protective and claimed to take side with ‘immigrant girls’, it also produced an image of these as incapable, helpless, and implicitly inferior to other girls or women. Following these events, demands were made in public debates for the implementation of a certificate on ‘Swedish values’ to be completed by newcomers as well as the possibility of withdrawing citizenship from people that had committed such crimes (Sydsvenskan 21 Jan 2003, see also the 2002 citizenship debate discussed in section 2.1).

However, at the same time as something of a ‘moral panic’ (de los Reyes 2003) followed the ‘honour murder’ debate, potent with culturalising tendencies (Ålund and Schierup 1991, Schierup et al. 2006), a second discourse quickly developed from the government’s side in response which denied any ‘cultural’ explanations of the crime. Instead it chose to point towards general relations of power between men and women (Minister for Integration Mona Sahlin and Minister for Equality Margareta Winberg, discussed in Daragahi 2002). Through this move, the government managed to mark both their ‘feminist’ and ‘anti-racist’ stance. However, while the government’s stance on the issue is significant, it has also come to strongly emphasise the importance of gender equality as part of the integration agenda (Regeringskansliet 2002), and a number of initiatives concerned with the risks posed to ‘immigrant girls’ and women by ‘patriarchal values’ have been taken in recent years: arguably running the risk of culturalising social and structural factors in the process (Cederberg 2005).

In terms of integration activities and measures currently in place, the municipalities are responsible for putting in place introduction plans for newly arrived migrants, and in turn the municipalities are funded for this by the state. The introduction plans begin once the newly arrived migrant has been registered in the population records of the municipality in which he/she resides. There is a strong emphasis on individualising the plans to fit the specific situation of people, and importantly take into account the person’s background in terms of qualifications and competencies (note that recent criticisms from the Integration Board (2004:01) ask into the actual extent of the individualisation, concerning both people’s competence, and their needs and interests). There is furthermore a marked emphasis on employment being central to integration. Being outside of the labour market is conceived of as the central aspect determining migrants’ feelings of being excluded, and furthermore enabling the migrant to become self-sufficient is in fact defined as the ultimate goal of the introduction programme (e.g. Regeringskansliet 2002).

Aside from a focus on labour market measures in the introduction programmes more generally, so-called ‘introduction benefits’ have been introduced as an incentive to work. The idea is that these should substitute social benefits for those taking part in introduction programmes, but also that they should not be cut if a person becomes employed and earns an income during the introduction period (and instead remain as an added incentive to both work and complete the introduction): however research shows that it is nevertheless cut in most cases (Integrationsverket 2004:01: 18).
According to one recent evaluation of the introduction programme, there seems to be varied success in different municipalities: while some are efficient, in others people have to wait for a long time before being able to take part. Furthermore, the number of hours offered also varies. Another finding was that a gender difference was found in the implementation of programmes: ‘Women have fewer contacts in the labour market than men and they participate primarily in work experience training in the public sector, whilst men’s work experience training is primarily in the private sector’ (Integrationsverket 2005:01: 13). This is particularly the case for lowly educated women (Integrationsverket 2004:01: 19). Women furthermore tended to receive lower rates of compensation than men (note the difference between the ‘introduction allowance’ and social benefits, and the role of the municipality in setting these out).

A central part of the introduction concerns the SFI (Swedish for Immigrants) programme, which aside from language training includes basic knowledge about Swedish society. The programme has repeatedly been criticised for poor organisation that hampers the learning process, notably through low competence of teachers as well as the practice of forming groups randomly, leading to a situation where at an extreme highly educated persons are grouped together with illiterates. However, according to the Swedish Raxen report on education, changes are being made and individual differences and needs are increasingly being taken into account (Mulinari 2004: 28).

In relation to the difficulties migrants face in the labour market, two further routes are particularly noteworthy, namely adult education and the validation of foreign qualifications. In relation to the former, we have already discussed adult education on a more general level as part of universally applied measures for increasing employability. Concerning migrants specifically, the process is as follows: when a person has been registered in the population records, he/she has right to basic education as well as education up until upper secondary level. However, recent findings show that a lot of people who already have those levels of education or more can nevertheless be designed to such courses as part of supposed needs to supplement their previous qualifications (Integrationsverket 2006). The government indeed emphasises its ‘investment in supplementary training for people with foreign academic qualifications’ (Regeringskansliet 2002), and while such measures are important indeed, some migrants find that the idea of ‘supplementary training’ is sometimes taken too far: implying a disqualification of former qualifications and competencies in favour of a need to ‘start from scratch’ and retrain ‘the Swedish way’ (Integrationsverket 2006, Cederberg 2006).

The validation of foreign qualifications is crucially important, not least in order to overcome problems such as those just discussed, ultimately linked to the undervaluation of migrants’ previous education and work experience. Furthermore, as pointed out in a recent report from the Integration Board on progress and persistent problems surrounding ‘integration’ in different areas of society, improving the system of validation is important also to counter the selective validation and processes of de-skilling likely to take place if validation is done entirely on the market’s terms and in relation to its needs. However, the report also points towards some risks relating to validation, e.g. cases where foreign qualifications are in fact de-valued as a way of fitting it into a ready-made and inflexible system of understanding qualifications: this is described in terms of a form of institutional discrimination (Integrationsverket 2006: 153-4). Notably, the issue of validation has recently achieved a high priority on the Swedish policy agenda, where ensuring the appropriate validation of foreign qualification combined with anti-discrimination measures are the main tools with which ethnic inequalities are proposed to be resolved.

36 Although registration in the population records is required for doing this programme, a similar programme is sometimes used for asylum seekers, who have not yet received residence permit and hence become registred.
Another evaluation report of introduction programmes (Integrationsverket 2004:01) points towards problems relating to labour market integration and insufficient collaboration between different actors: on the one hand between the Migration Board and those responsible for introduction programmes in relation to rights and legal status, and on the other between the introduction administration and the employment services as well as employers. It seems as if a lot of the initiatives emphasised in the policy documents are not sufficiently implemented in practice, e.g. in relation to supplementary training and further support that could help migrants gain jobs similar to what they have done previously.

Alongside these more or less on-going programmes and initiatives, we have also seen a great number of different ‘project’ initiatives in the last few years on both local and national level. In some cases, projects have been deemed successful enough to be adopted by local authorities as part of permanent activity. However, it seems more often the case that both successful and unsuccessful projects end at the point when the funding runs out, and indeed this ‘project format’ of integration has been identified as a problem by many people, both those working in various projects and those at which they are aimed (Cederberg 2005).

2.3 Implementation in the national context of EU employment policies

The European Social Fund is based on the European Employment Strategy, and is administered by the ESF Council. Its two programmes are Objective 3 and Equal, running between 2000 and 2006. In what follows, we give a list of themes and priorities of the Equal initiative, which gives an idea of what the Swedish goals are with regards to the EES.

- Corporate social responsibility: increasing the responsibility on the side of companies with regards to discrimination; increasing collaboration between different partners; and illustrating how the anti-discrimination agenda can benefit companies
- Learning environment: increasing knowledge and theories around learning in terms of methods and environments, and hence improving these; developing new ways and arenas of and methods for learning; and overcoming structural obstacles in the way of learning37
- Partnership as a development environment: promoting and increasing partnership in the process of learning38
- Social enterprises as the path to the labour market: the aim is to improve the conditions for disadvantaged groups in the labour market through social enterprise; but also promote social enterprise as a means for extending the labour market and economic growth, and transform the structural and institutional framework of the labour market accordingly
- New ways to the working force: including improved collaboration between the partners in the labour market

In terms of target groups, the following areas are notable:

- Asylum seekers: concerned to combat the discrimination and exclusion experienced by asylum seekers; working with several partners, including bodies concerned with refugees as well as development issues to increase and spread knowledge in the area, affect future policy, and engage in research as well as development work39.
- Gender equality in working life, including both the labour market per se and education or training (as part of labour market entry); furthermore an emphasis on family responsibilities and other forms of unpaid work that needs to be taken into account in relation to the labour market. Activities include improving knowledge

37 www.ntglar.se, accessed 20/05/2006
38 www.ntg-partnerskap.se, accessed 20/05/2006
39 www.temaasyl.se, accessed 20/05/2006

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about equality and obstacles in the way for equality, as well as promoting and spreading knowledge about how best overcome such obstacles; and proposing further measures for improving gender equality in both the labour market and wider society

- Sexual orientation: concerned to combat discrimination of persons because of their sexual orientation

An initiative funded by Equal with particular relevance for our purposes is the ‘cooperation against trafficking’, which brings together a number of actors, including governmental institutions, NGOs, universities, and so on. The work follows three thematic areas: public authority collaboration against trafficking in human beings, the so-called ‘Action Worthy Life’ (which is a network of NGOs), and influencing public opinion and awareness-raising.

2.4 Policies giving access to political rights and participation and enabling migrants to establish associations

This is discussed as part of a more general overview of Swedish immigration and integration policy, see sections 2.1 and 2.2, because associations have been granted such a central position in integration policy generally. Note that although the idea of what (migrant) associations should be doing has shifted gradually during the last two decades (from ‘culture’ to ‘integration’, as reflected in funding practices, see Borev 2004, Schierup et al. 2006), associational life is still granted a place at the heart of the Swedish approach to migrants and minority groups.

In relation to political rights and participation specifically, we discussed in section 2.2 how the corporatist model implied that associations were furthermore meant to play a political role partly in the sense of putting forward member’s interest on the policy scene, but also the view that this role had declined with time (Borevi 2004). Furthermore, some question the ability (in the present as well as the past) of migrant organisations in actually influencing the policy process, pointing towards the fact that while the possibility exists in theory, in practice, corporate decision-making processes have been reserved for the bigger players and notably the trade unions (Odmalm 2004).

In terms of individuals (rather than migrant collectives), some research suggests that despite the official discourse of inclusion and diversity, a similar marginalisation of voices and interests has been and is still taking place both in political parties (Dahlstedt 2002) and the trade unions (Mulinari and Andersson 2003). At the same time a number of prominent positions in political and public life has come to be occupied by persons with immigrant background (notably the women’s section in the Social Democratic Party is currently headed by a Swedish woman with Kurdish background), signifying a shift at one level (Schierup et al. 2006; however note the risk of tokenism).

2.5 Anti-racism, anti-discrimination, equal opportunities and affirmative action policies

As noted earlier, the Swedish corporatist model has favoured a ‘soft law’ approach to policy, made and implemented largely through various state bodies and strategies of regulation and education. This implies a different trajectory from countries like the UK with regards to e.g. equal opportunities and anti-discrimination measures. As a case in point, we see that the Swedish Ombudsman for Ethnic Discrimination (DO) was established in 1986 with the role of promoting equal opportunities and combating discrimination, particularly in the labour

40 www.balticfem.com, accessed 19/05/2006
41 Until recently, the definition of a person with ‘immigrant background’ was a person who has at least one parent born abroad. The definition has now changed to a person with both parents born abroad: a move proposed to help overcome divisions of ‘us’ and ‘them’.
market, while the first actual law against ethnic discrimination in the labour market was in fact not implemented until 1994 (Schierup et al. 2006: 224-5). Analysing the late implementation, Maritta Soininen and Mark Graham (1998) suggest that the historically strong position of the trade unions had meant that the interest of all workers were assumed to be protected. When the question had previously come up, it was dismissed because of a ‘reluctance to interfere in the traditional responsibility of the labour market partners’ (1998: 528; see also Westin 2000). The authors suggest that the final enforcement was the result of the recent notable increase in racist sentiment, discussed earlier, seemingly preventing the government from marginalising the issue (Graham and Soininen 1998: 529-30), but also the pressure at this point was on from the DO (Schierup et al. 2006: 225).

The 1994 law was rather limited and concerned mainly with direct discrimination and ‘obvious and commonly acknowledged forms of open racism’ (Schierup ibid: 225-6). It was complemented in 1999 with a new law, which was much more extensive, including first of all forms of indirect discrimination and structurally embedded discrimination, and second, an emphasis on proactive measures. Diversity programmes have become an important feature of Swedish policy in this area (ibid 226). These laws, and particularly the latter, have been important for the work of the DO, whose role is also to advice and support people who feel they have suffered from discrimination, and who may wish to make a complaint in a court of law. In terms of such complaints in relation to working life, the 1999 law is significant furthermore through shifting the burden of proof, further addressed in the later 2003 Act which implied a shared burden of proof between complainant and defendant.

In relation to ethnic origin and religion there is furthermore the Act on Equal Treatment of Students in Higher Education of 2001 (2001:1286), which covers all grounds of discrimination42. There is also the earlier (1987) Penal Code (16:9) prohibiting discrimination outside working life and higher education on grounds of ethnic origin or sexuality; this code has however in practice been rather limited in the sense that the high levels of proof required for convictions relating to the criminal code means most complaints have not led to a verdict (Lappalainen 2004: 28-9). Yet another piece of relevant legislation concerns the 1948 provision on Agitation against a National or Ethnic Group, expanded in 1970 to conform to the UN Convention on the Elimination of All Forms of Racial Discrimination (ibid 29-30). However, in terms of the effects of such legislation there are some obvious limits set by the Law on Freedom of Speech, and there has in fact been some recent controversy in Sweden surrounding an apparent conflict between the two sets of legislation. This concerned the closing down the website of the nationalist party Sverigedemokraterna in relation to their intention to publish the so-called Mohamed drawings, and the role played by the then Minister of Foreign Affairs Laila Freivalds in the event, which led to her resignation.

In terms of equal opportunities for men and women, the Swedish Gender Equality Act was adopted already in 1980 (significantly earlier than that of ethnic discrimination), and was later amended and extended in 1991 (1991:433). The 1980 Act also established the Ombudsman for Equality (JämO) who is given a similar role to that of DO described above, including both proactive and reactive activities. Concerning the workplace, the law covers work conditions, pay, as well as possibilities for training and other development measures. In 2001 the law was amended to include a demand on employers to map any irrelevant gender differences in pay, and taking steps to overcome those (2006: 20).

Since 2005 the law has been explicitly extended to include persons that are not defined as employees in a restricted sense, including persons doing training or work practice in the work place. The requirements on employers include both prohibitions and positive measures. The latter centres on the promotion of gender equality in the workplace, including in recruitment

42 Two other notable discrimination acts of 1999 concern the Disability Act (199:132) and the Sexual Orientation Act (1999:133).
and wages, as well as a requirement of producing annual equality plans, while at the same time preventing and/or combating discrimination and harassment. In relation to prohibitions, these have been specified in 2005 to cover direct and indirect discrimination, harassment and instructions to discriminate.

The implementation of the EU Directives 2000/43/EC (concerned with race/ethnicity RELIGION) and 2000/78/EC (proposing a general equality framework in working life) extended prior Swedish legislation in areas of both gender and ethnicity, and came to force in 2003. The 2003 law expanded the spheres covered to include fields outside working life (including labour market programmes, self-employment, membership in organisations, in relation to goods and services, including housing, and in relation to the social insurance system and medical and other care facilities, and so on) and in relation to the grounds of ethnic background, religion, sexuality and disability. It covers both direct and indirect discrimination, as well as harassment, instructions to discriminate, and victimisation (Lappalainen 2004: 26-7). In terms of working life, the 2003 Act extended current legislation to work experience or training in a workplace (ibid: 24, 27-8).

In his analysis of current Swedish policy and policy shifts, Paul Lappalainen suggests that there has gradually been an increasing attention towards not only extreme and open forms of racism and discrimination, but the subtle ‘daily’ as well as institutional forms of discrimination (ibid 5, 42-3). However, he also highlights persistent gaps in legislation: notable areas include the education system, which is patchy in areas outside of the higher education sector, as well as that of private individuals. Lappalainen furthermore notes that Sweden has not signed the EC’s twelfth protocol on discrimination, which has been regarded as unclear by the Swedish government, but also problematic in relation to the issue of affirmative action, for which there seems to be no scope in the protocol (ibid 33).

Another significant initiative in this area concerns the government’s 2001 National Action Plan against racism, xenophobia, homophobia and discrimination, through which a number of measures are proposed to limit the growth of ‘attitudes and values that contradict the principle of all people’s equal worth’ (Skr 2000/01:59: 71). One important practical initiative related to the action plan is the establishment of the ‘Forum for Living History’, intended to encourage debates ‘around questions about tolerance, democracy, consideration and everyone’s equal worth’, and around ideas and activities that contest those values, using the Holocaust as a point of reference (ibid 31-2). The idea is that looking back at what happened during Nazi Germany will alert people to the risks posed by the growing power and influence of political fractions today subscribing to similar ideologies (Helene Lööw, the head of the Forum, interviewed in DN 1 July 2003). While not diminishing the importance of such initiatives, it is worth noting that critics have emphasised the significance of these activities being named ‘racism’ while processes of exclusion and disadvantage taking place for example in the labour market are termed ‘ethnic discrimination’, which is different from the British case, where the two terms are perceived as interconnected (e.g. Neergaard 2003, Cederberg 2005).

In the year 2002, the government appointed a committee to oversee the current discrimination legislation. The committee has recently reported back (SOU 2006:22) with a number of proposals to improve the legislation concerning prohibitions, but also a number of active measures, regarded as a vital component. The committee proposes to merge anti-discrimination legislation currently specified into different grounds for and areas of discrimination into a single law covering all aspects and areas. It is stressed that the definition of discrimination should be the same independently of the grounds on which an act of discrimination is committed, which in turn implies the same level of protection. A merger would enable gaps and inconsistencies in legislation, following various changes through time.

43 Two research initiatives from the government seem significant markers of this shift (see section 3).
44 Note this description refers to the project ‘Living History’ which has run since 1997.
to be addressed and rectified. One notable gap mentioned concerns the fact that discrimination on grounds of gender is currently not prohibited in the social services or in health and medical services (ibid 55). The committee similarly proposes to merge the different ombudsman authorities currently existing into a new authority, covering all the different grounds of discrimination. If the arguments for a merger centre on the advantages of a comprehensive and coherent policy in the area, those against warn for the risks entailed in terms of not sufficiently addressing the specificities of the discriminatory issues, causes and patterns concerned.

In relation to more specific legislative changes, notable proposals are to extend coverage to legal persons (and not only natural, as is currently the case, ibid 53), extend protection against victimisation (ibid 61), and further shift the burden of proof towards the defendant. With regards to the latter, it states, ‘we propose that this is formulated in the following way. If there is cause to assume that someone has been disadvantaged in a way indicated by the prohibitions against discrimination or victimisation, it is the defendant who must show that there has not been any discrimination or victimisation’ (ibid 66; note that the (gender) Equality Act has already been amended in 2005 along those lines). Another important proposal with regards to legal proceedings in labour law discrimination cases is to supplement the currently active labour law experts by introducing experts on discrimination issues, or alternatively increase training on discrimination issues in labour courts (ibid 64-5).

The perhaps most significant proposal in terms of legal changes concerns positive special treatment or affirmative action. The proposal is summarised as follows:

‘According to our proposals, positive special treatment on the grounds of ethnic background or sex should be allowed in working life. Exemptions from the prohibition against discrimination in working life are therefore introduced. The prohibition against discrimination does not apply if an employer’s means of acting on matters relating to employment, selection for employment interviews or other measures during the employment procedure, promotion or education and training for promotion, or other education and training, represent a step in an endeavour to promote equal treatment regardless of ethnic background (positive special treatment on the grounds of ethnic background). As regards positive special treatment relating to sex, the existing exclusion for positive special treatment contained in the Equal Opportunities Act (1991:433) is carried over to the new Prohibition and other Measures against Discrimination Act. This discrimination prohibition does not apply if an employer’s means of acting represents a step in an endeavour to promote equality in working life, and it is not a matter involving the application of pay or other terms and conditions of employment for work that is to be regarded as equal or equivalent (positive special treatment on the grounds of sex). We also propose that positive special treatment on the grounds of sex should be allowed in respect of higher education studies, labour market policy activities and memberships, etc. of employee, employer and professional organisations. As regards membership, etc., the existing exemption contained in the Prohibition of Discrimination Act (2003:307) carried over to the new Prohibition and other Measures against Discrimination Act’ (ibid 59-60).

The policy of positive discrimination has furthermore been central to the recent conclusions and policy recommendations following the by the government commissioned so-called ‘power inquiry’. In relation to both sets of recommendations we have seen a lot of discussion

45 see e.g. the response from the Swedish women’s lobby: http://www.sverigeskvinnolobby.se/home/news.asp?sid=2357&mid=3&NewsId=13094&Page=1, accessed 03/10/2006
taking place as to the advantages and disadvantages of such a policy. While those in favour focus on the need for more radical measures in order to rectify structural inequalities, arguments against on the one hand point towards the importance of retaining the principle of equal treatment in the labour market, and on the other question the principle of ethnic registration on a workplace level, which the policy in practice would entail (e.g. DN 23/02/2006).

Finally, in terms of proactive measures, a number of proposals are made. In working life, it is suggested that employers should play a much more active role in achieving equal opportunities on all grounds, in counteracting discrimination in the workplace as well as taking a more active role in terms of recruitment. Amongst the specific proposals are annual plans to be made by the employer, outlining what is needed and what has been done (SOU 2006:22 58-9). Active measures are to be implemented also in all educational establishments covered by the Education Act of 1985, as well as in military and civilian service. Active measures beyond these areas are to be further investigated. Furthermore, active measures are proposed to be extended to all areas/grounds of discrimination (currently sexual identity and orientation, disability and age are not included, ibid 57).

In terms of making policy changes following on from these recommendations, the government is aiming to implement a new legislation by 2008. With regards to measures currently being taken or implemented, a recent document on human rights in Sweden outlines a number of different aspects, including the intention during this year to assign certain public authorities with the task of developing antidiscrimination strategies in collaboration with the different Ombudsmen, as well as making a decision about the introduction of so-called antidiscrimination clauses into the contracts of certain large public authorities, as part of an attempt to increase awareness around the importance of the anti-discrimination legislation. Further measures include the DO pursuing information campaigns aimed at groups found to be particularly exposed to discrimination on grounds of faith or ethnic background, while not sufficiently accessing information about their rights. The government is furthermore currently considering the use of so-called situation testing in order to find out and prove discrimination (Skr 2005/06:95: 29-40).

2.6 Policies combating illegal immigration

Since 1984, to organise illegal immigration into Sweden for purposes of financial gain was made a criminal offence, a policy that was made stricter with Acts of 1994 and 1997 that widened the scope of what was regarded as assistance to illegal immigration, as well as raised maximum sentences (SOU 2002:69: 24). Recent legislative moves in the area of combating illegal immigration have been part of the implementation of EU directives as well as the additions to the UN convention on international organised crime (Ds 2004:38, Skr 2005/06:18: 21-22, see also SOU 2002:69). Punishments have recently been increased in relation to such crimes (Proposition 2003/04:35). A notable Act was introduced in 2004 stating that benefits (for housing and living expenses) can be reduced for migrants that fail to comply with attempts at establishing their identity (Skr 2004/05:47: 11-12). It also introduced requirements on transporters to check passports of persons travelling (related to the European directive 2004/82/EG).

Generally, emphasis on border controls is increasingly becoming part of Swedish policy in this area, following the implementation of the Schengen agreement of 2001. A recent inquiry into border controls (SOU 2004:110) proposes a number of measures concerning person control both outside and inside Swedish borders. Generally, the proposals concern increased collaboration between different bodies of authority in order to reach the aims of border controls: a satisfactory implementation of migration policy as well as Law Enforcement (preventing and combating crime) – and in fact the report following the inquiry emphasises the importance of making this aim explicit. However, alongside the different proposals for
ways of improving collaboration, the report also emphasises the importance that ‘(t)he lines of authority between the Police, Customs, Coast Guard and the Migration Board should be clearly drawn’ (SOU 2004:110: 26)46.

A 2002 inquiry into legislation in the areas of human smuggling and trafficking recommended that earlier laws against organising as well as assisting in illegal immigration into Sweden should be brought under a new headline of human smuggling in the legislation, and furthermore it proposed increasing penalties in the area. The inquiry also suggested the introduction of temporary residence permits as well as short reflection periods for victims of trafficking choosing to, or considering to, cooperate in prosecuting the traffickers, and that during this period, the victims would have access to amongst other things healthcare to an extent similar to that of asylum seekers. It also suggested that in certain cases permanent residence permits could be granted to the victims, for humanitarian reasons (Skr 2002/03:28: 6). This is further discussed in the next section.

### 2.7 Policies combating trafficking of human beings

In terms of legislation against trafficking, a specific clause making trafficking for purposes of sexual exploitation punishable was implemented in July 2002. Aside from that specific clause, the government commonly points towards the general legislation on prostitution, according to which buying (but not selling) sex is illegal, hence criminalising customers rather than the persons selling sex (see section 1.1.2). It is implied that a policy criminalising prostitution by targeting the demand is a vital step also in the fight against trafficking, and indeed the NAP on social exclusion emphasises the positive effects the 1999 Act has had on trafficking, suggesting that ‘human traffickers and pimps no longer consider Sweden a profitable market for their activities’ (Ministry of Health and Social Affairs 2003: 14).

Whilst Sweden has to some extent been praised in the area of tackling sexual exploitation, it has also been criticised for focusing too greatly on that specific area in relation to trafficking. For example, the inquiry into policies in the areas of human smuggling and trafficking, discussed above, pointed towards the need for Sweden to expand this policy if it was to conform to its international obligations (SOU 2002:69: 26). And indeed, such a move was taken in 2004, as part of a ratification of UN Conventions, when the law came to include trafficking for purposes other than sexual exploitation, as well as trafficking within the country’s borders (2006: 30).

In 2003 the government broadened the trafficking agenda to include measures within the area of development work. In the document ‘poverty and human trafficking’, women and children are designed as a priority, and furthermore the ‘worst forms’ of trafficking are emphasised as a priority, namely sexual exploitation, labour exploitation and child labour (2006: 30). The initiative is based on the view that poverty combined with faltering gender equality as well as lack of respect for the rights of children are major factors increasing people’s vulnerability to trafficking (2006: 32). Hence there is a strong emphasis on preventative measures, designed to improve the life chances and safety nets of those in risk of becoming victims of trafficking (UD 2003, SOU 2002:69). Amongst the organisations the Swedish government supports in view of this are UNICEF, ESCAP, IOM, as well as the multilateral and bilateral measures for education and employment, etc, supported by SIDA47. Generally, international cooperation

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46 In relation to the debate on tackling trafficking in the UK, critics have questioned the appropriateness of e.g. airline officers acting as police or immigration officers while lacking the appropriate competence for doing such a job, and a similar concern might be raised in this case. A further concern has to do with what was mentioned in section 2.1 in relation to the diminishing right for and possibilities of people to arrive in a receiving country and seek asylum.

and the strengthening of the relevant international conventions concerning human rights and gender equality is regarded as crucial.

In terms of regional collaboration, the Nordic Baltic action group against trafficking has been running since 2002, starting as a campaign, but developing into a long-term collaboration (2006: 30). The work involves increasing cross-border collaboration on the issue generally, working to exchange information and best practices, but also ensuring that the issue is prioritised on the political agenda in the eight countries involved\(^{48}\). Furthermore, work is taking place on an NGO level, on both a domestic and an international level\(^{49}\).

Aside from preventative measures, protection and support for victims is emphasised. In relation to the protection of trafficked persons, Sweden has endorsed the EU directive 2004/81/EG on granting temporary residence permits to victims of trafficking who cooperate in the persecution of traffickers. The permit is to last for at least six months, while additional reflection time will be given to the victims for deciding whether they will agree to cooperate. During the time of the residence permit, victims will have the right to healthcare and social support as well as judicial assistance and translating services (Skr 2005/06:95: 81-82). The issue of permanent residence permits for victims of trafficking has been discussed in relation to the recent changes in asylum law that introduced persecution due to gender and sexuality as grounds for gaining refugee status (ibid 82).

Calls have been made for the need of a more comprehensive and coherent approach in the area of trafficking, and the government is currently in the process of developing a national action plan, to be finalised later this year. For the purpose of this action plan, two areas of human trafficking are emphasised: on the one hand that relating to sexual exploitation, where a focus is put particularly on women and children; and on the other forms of labour exploitation, but also including trade with human organs as well as other forms of exploitation\(^{50}\).

Although steps have been taken to broaden the policy agenda in relation to trafficking, looking at various governmental websites and policy documents gives the impression that the focus is still hugely on trafficking for purposes of sexual exploitation, while that of labour exploitation comes across as somewhat marginal. For example, it is notable that in a recent national action plan on human rights, the issue of human trafficking is dealt with only as a subtitle to the general headline of ‘men’s violence against women’ (it also features to some extent in the section on the rights of children) (Skr 2005/06:95). Furthermore, judging from the various governmental and related web-places at which the topic of trafficking comes up, we see that it usually starts by noting the growing phenomenon of international human trafficking, ‘for purposes of exploitation in prostitution as well as other forms of exploitation’, and, moving onto what the Swedish government is doing to combat the phenomenon, it starts in a similar manner by recounting the Swedish law against prostitution\(^{51}\). In other words, while forms of trafficking not limited to sexual exploitation are acknowledged and indeed rhetorically emphasised, it seems that other forms of exploitation become always regarded as secondary, and furthermore, what is implied when we talk about ‘trafficking’ is by and large


\(^{50}\) Skr 2005/06:95: 81-82, see also http://www.regeringen.se/sb/d/6932/a/67183?jsessionid=aUC1dHkLaTFa, accessed 30/08/2006

\(^{51}\) see e.g. http://www.manskligarattigheter.gov.se/extra/pod/?action=pod_show&id=100&module_instance=10&top_id=&nav_id=100
that of sexual exploitation. This was to some extent confirmed, both implicitly and explicitly, through the key informant interviews.

3. Specific institutions designing migration and integration policies

The Integration Board (Integrationsverket) has the overall responsibility for the implementation of Swedish integration policies, and it is generally concerned with monitoring and promoting integration in different sectors of society. Its specific responsibilities include designing introduction programmes for the newly arrived. The Integration Board furthermore undertakes as well as commissions a lot of research and evaluations concerning integration and related issues, such as discrimination and exclusion. A central task of the Board is to produce knowledge basis for policy formulation. It has very close relations with the government and is consulted before political decisions are made.

The Migration Board (Migrationsverket) has the overall responsibility for the implementation of Swedish migration policy, and deals with all applications relating to asylum, work permits, residence permits, Visas and naturalization, as well as support for voluntary repatriation. It is furthermore concerned with international work in the area of migration through institutions such as the EU and UNHCR.

Other important actors on the Swedish policy scene include the trade union organisations – the LO, TCO and SACO – with which the Social Democratic government has had close and good relations. According to one of our informants (WP2), the government furthermore has regular contact with ethnic organisations’ national associations/federations (there are around 60 of them).

Another important institution that has been established in the last few years is the so-called ‘Sweden Against Racism’ (Sverige Mot Rasism) centre: a knowledge bank containing information on work being done against racism and discrimination both by the government and related institutions, and NGOs. Information can be accessed through the website www.sverigemotrasism.nu.

The Ombudsman for Equality (JämO) and the Ombudsman for Ethnic Discrimination (DO) are central to the anti-discrimination work in Sweden, and their activities are described in section 2.5. Furthermore, aside from the four Ombudsmen (relating to ethnic origin, gender, sexuality and disability respectively), there is also a significant national network of locally active anti-discrimination bureaus. The bureaus are concerned with on the one hand proactive work, such as influencing public opinion, and on the other providing advice and support for individuals who feel they have suffered from discrimination (of any kind).

A couple of research initiatives taken by the government in order to improve understanding of the structural obstacles faced by migrants and minorities on their way to full participation in Swedish society are worth mentioning here. One concerns the investigation into structural discrimination in different parts of society (SOU 2005:56, Lappalainen), and the second was entitled ‘The Power Inquiry’ (Maktutredningen), the final report of which came out recently (SOU 2006:79).

4. Bottom up activities
(NGO’s, Associations of female migrants, Human rights Movements, Women’s movements, Public Discourses)
In terms of bottom-up activities, there are a large number of both national and local organisations that function to comment on and affect policy as well as public opinion. Some of these have already been mentioned in the previous section, and in fact the distinction between ‘top down’ and ‘bottom up’ can sometimes be difficult to make in any straightforward manner, on the one hand because of the commonplace financial dependency of organisations on the state, which may to some extent control activities on the ground, and on the other because of the fact that despite the at times close relations between the government and organisations, the latter may nevertheless retain a critical stance towards the former.

Aside from the Centre Against Racism discussed above, there is another knowledge base with relevance to our research, namely The Immigrant Institute (www.immigrant.org), gathering information and documenting material (including policy) about immigration, refugee and asylum related issues.

As examples of NGOs relevant for our purposes we could mention Kvinnoforum (The Women’s Forum) and Kvinnors Nätverk (Women’s Network). Furthermore, religious organisations have played an important role in Sweden, particularly in relation to issues of asylum and the rights of asylum seekers and undocumented migrants (notable e.g. in relation to the campaign for an amnesty, discussed in section 2.1). An example of an organisation working domestically, regionally as well as transnationally with a number of issues of our concern (migration, trafficking, etc) is Caritas.

There are furthermore a high number of migrant and/or minority organisations, some of which are based on national or ethnic ties, and others that cross ethnic boundaries and mobilise around other common issues or interests. In terms of ethnic organisations, there is a body through which some of these come together and collaborate, namely SIOS (www.sios.org: collaborative body for ethnic associations in Sweden). This body includes a particular committee dealing with issues of the women’s fractions of the ethnic associations (Kvinno-SIOS).

In terms of migrant women associations, two further national organisations are notable here, namely RIFFI: the national federation of immigration women’s associations (www.riffi.org), bringing together around 20 local immigrant women’s associations, and lobbying to improve the situation and influence of immigrant women in Sweden, and IKF: the international women’s federation (www.ikf-se.com), which brings together international women’s associations throughout country. While the former set of organisations concern migrant women specifically, the latter includes women from all over the world, including Swedish women.

In relation to women more generally, notable actors include the Swedish women’s lobby, as well as its European equivalent.

Another significant set of activities is the work taking place in various research centres concerned with critical analysis of policies in the areas of migration, integration, gender, and welfare and labour market policies. Notable examples of these are CEIFO (Centre for Research on International Migration and Ethnic Relations) at Stockholm University, IMER at Malmö University, the Thematic programmes at Linköping University, including gender and ethnicity, and finally the National Institute for Working Life, that deals with a range of issues relating to the labour market and working life.

5. Concluding remarks
In this report we have looked at the different policies and levels of policy affecting the position of migrant women in Sweden. To conclude, we would like to note a few overall trends that have emerged from this ‘mapping’ exercise.

A first general trend concerns the transformation of the Swedish welfare state following various political and economic shifts, and notably the adoption by the Swedish government of a more neo-liberal approach to the market. This has implied changes to the corporatist structure of policy-making, a casualisation of the labour market, and a tightening up of the formerly universal and comparatively generous welfare regime, to introduce limits as well as elements of compulsion. In their analysis of the welfare state trajectories of different European countries, Schierup et al. (2006) suggest that Sweden and the UK display the most significant transformations along similar lines. However they also note that the Swedish case is still markedly different from the UK: it has not gone as far in adopting neo-liberal principles, and furthermore Swedish trade unions retain a significant amount of power compared to the British.

Historically, the Swedish model of the welfare state has been important also for the specific policy area of migration and immigrant incorporation. Concerned with workers rights and with preventing a division of the workforce that could imply a policy of wage-dumping, the unions and the Social Democratic government alike have insisted on granting migrants similar rights as indigenous people in terms of worker’s rights, rights to welfare, and rights to social and political participation. While more recent changes in both immigration and ‘integration’ policies have to some extent transformed the position of migrants in Sweden, many of these rights are still formally in place, granting migrants good conditions from an international comparative perspective. However, the gap between formal rights and everyday life comes across as significant in the case of Sweden, where subtle and indirect forms of discrimination have played important parts in actual processes of inclusion and exclusion (e.g. Cederberg 2005).

This takes us onto another significant overall feature of the Swedish case with regards to migrants and minority ethnic groups, namely the role of a self-image according to which any significant inequalities come across as more or less impossible and therefore denied. According to some critics, this self-image has for long functioned as an obstacle in the way of understanding and conceptualising the multiple forms of disadvantage that are facing different groups (the late implementation of legislation prohibiting ethnic discrimination in the workplace is a case in point). At the same time a similarly positively evaluated self-image in another area, namely that of gender, seems to have functioned to promote policy development in areas of relevance for our purposes: such as prostitution and gender-specific clauses in the area of asylum and immigration policy.

In terms of policies aimed at migrants and minorities specifically, a main shift has been the move away from the targeted approach implied by the former multicultural agenda to an ‘integration’ approach aimed at society as a whole. For this agenda, a diverse or multicultural basis of society has been taken as a starting point, and furthermore an increased focus has been put on issues of discrimination and exclusion, and ways of combating these. This to some extent signifies a shift from regarding racism and discrimination as a marginal phenomena, towards seeing them as integral parts of mainstream Swedish society and its institutions. This development resembles the (notably much earlier) trajectory of the British Race Relations framework, and could be regarded as a much needed policy area. However, we need to be cautious when estimating its positive effects: similarly to the UK, the development and extension of the anti-discrimination agenda has taken place firstly at the same time as the immigration policy has been gradually tightened up, and secondly as the deregulation of the labour market and weakening of the welfare state is producing further exclusion and disadvantage, particularly amongst the already vulnerable groups, such as women and/or migrants. Such developments are likely to significantly condition any progress.
made in terms of the framework establishing formal rights to equality and from discrimination.

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