

Study on discrimination on grounds of religion and belief, age, disability and sexual orientation outside of employment

Questionnaire to Equality bodies or equivalents

Introduction

The primary aim of this survey is to gather information on the nature and prevalence of particular types of discrimination. As indicated in the introductory email, this assignment focuses on discrimination outside the field of employment on the grounds of religion and belief, age, disability and sexual orientation. The policy domains taken into consideration are health, education, housing, transport, information and advice, social services, social security, insurance and financial services, and access to goods and services in general (restaurants, pubs, shops, swimming pools etc.).

The questionnaire is therefore structured as follows:

- Section A – Data gathering activities on the extent of discrimination in your country
- Section B – The scale of the problem of discrimination on the grounds of age, disability, religion or belief, or sexual orientation outside of employment
- Section C – Enforcement by equality bodies and other actors
- Section D – Legislative and non-legislative measures to tackle discrimination outside the field of employment on grounds of religion & belief, age, disability & sexual orientation
- Section E: Information on your organisation

As we wish to avoid duplication of efforts on your part, we have already consulted information available on your website and annual reports and are in close contact with the Commission concerning recent information submitted to DG Employment, Social Affairs and Equal Opportunities. We would like to thank you in advance for collaborating in this effort to construct a better picture of the extent of these types of discrimination across the EU and in your Member State. We would be very grateful if you would also reflect on any other organisations or institutes in your country that might be able to provide statistics on number of discrimination complaints or have undertaken surveys on this issue. Please note that we are also interested in reports or surveys on the extent to which individuals feel discriminated against (although all these cases are not necessarily reported to any organisation).

The questionnaire consists of 22 questions. However, as not all organisations who act as equality bodies are dealing with all areas of discrimination, fewer questions may be relevant for you.

Please provide your contact details:	
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Section A – Data gathering activities on cases of discrimination in your country

In this section, we are looking for details on data gathering activities by your organisation and by other actors in your country.

Information gathered by your organisation

1. For the year 2006, does your organisation have statistical information on the number of (potential) cases of discrimination reported to you? If yes, please indicate the following:
 - a) How many complaints of discrimination were submitted to your organisation in 2006 by individuals **overall** (including those regarding employment and grounds other than those covered by this assignment, e.g. race)?

Answer: 45 (Please note that this is the number of formal complaints made to the Office of the Ombudsman. In addition to such formal complaints, the Office of the Ombudsman respond to a great number of informal requests for advice of information by individuals whom for different reasons decide not to go forward with a formal complaint).

- b) Please indicate the availability of **statistics within your organisation** by marking an **X** in the relevant box(es):

Table 1 – Availability of data by ground of discrimination			
Discrimination ground	Data collected on policy domain of discrimination		
	Employment	Outside of employment	No info on whether discrimination is employment-related or not
Age			
Disability			
Religion or belief			
Sexual orientation	X	X	
Race or ethnic origin			

Gender			
Other: <i>(please indicate)</i>			

2. For each of the grounds covered in this assignment, **what type of information do you collect** on (potential) cases of discrimination reported to your organisation? Again, please indicate the availability of **statistics available within your organisation** by marking an **X** in the box(es) for which you gather data.

Details collected	Ground for discrimination			
	Age	Disability	Sexual orientation	Religion or belief
Profile of victim			X	
Profile of perpetrator			X	
Domain or field (e.g. health)			X	
Cost to victim				
Action undertaken by victim before contacting your org.				
Action undertaken by your org.				
Outcomes			X	
Other <i>(please specify)</i>				

3. **Trends:** Please provide the numbers of complaints that your organisation received in 2000 and 2003. If possible, please give the number or estimate the share of cases relating to discrimination on the grounds of religion or belief, age, disability and sexual orientation which occurred outside employment.

Type of complaints	2000	2003
Total number of complaints (including employment)	28	50
Total number of complaints related to discrimination outside employment <i>and</i>	22	34

relating to 4 grounds (or estimate share)		
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Information gathered by other actors in your country

4. Additional sources of information:

- a) Have any surveys on the prevalence of discrimination on the relevant grounds outside employment taken place in your country? If yes, please provide the source(s).

Answer: Yes, these are examples of such studies regarding discrimination on grounds of sexual orientation outside employment:

“Upplever man att man blir diskriminerad?”, Statistiska Centralbyrån. 2005.

”Hälsa på lika villkor? – Hälsa och livsvillkor bland hbt-personer”, Statens Folkhälsoinstitut. 2005.

”Våningssäng på bröllopsresan – En kartläggning av hur bra svenska företag är på att bemöta homo- och bisexuella kunder” NTG Fritt Fram 2007.

Example of a summary of a study in English (regarding all grounds of discrimination):

“Discrimination – A threat to public health”. Final report of a joint project between the Swedish Ombudsmen against discrimination and the National Institute of Public Health. 2006.

- b) Please provide contact details of individuals or organisations which might have further information on the scale and the nature of the problem of discrimination on grounds of religion & belief, age, disability & sexual orientation outside employment.

Answer: Regarding sexual orientation:

RFSL, - Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter (RFSL—The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights)

Section B – The scale of the problem of discrimination on the grounds of age, disability, religion or belief, or sexual orientation outside of employment

*In this section, we are looking for further details on discrimination **outside employment for age, disability, religion & belief and sexual orientation**. You will find one sub-section for each of the discrimination grounds below, starting with age. Please note that most questions will only need to be answered by indicating an **X** in relevant fields or by rating the importance of various factors, and should not be too time-consuming. We are aware that your organisation may not have information for all grounds of discrimination. Of course please only answer questions for the grounds which you are dealing with.*

The grounds are indicated in the following order:

- *Age discrimination*
- *Disabilities*
- *Religion & belief*
- *Sexual orientation*

Age discrimination

5. In relation to the cases of discrimination your organisation received (in 2006) on the grounds of **age outside of employment**, please indicate or estimate:

a) The total number of cases of age discrimination outside employment reported to you:

Answer:

b) The **fields** in which these cases predominantly occurred? Please rate their importance. 1 = most important, 2 = second most important etc.

Table 5 – Age: Policy domains in which discrimination predominantly occurred				
Health	Education	Housing	Transport	Information and advice
Social security	Social services	Insurance and financial services	Access to goods and services in general	Other

- c) The **profiles of the victims** who were predominantly subjected to this type of discrimination (i.e. was discrimination based on (being perceived as) being young or old by the perpetrator). 1 = most prevalent, 2 = the second most prevalent etc.

Table 6 – Age: Profile of victims					
Goods consumers – young	Goods consumers – old	Service users – young	Service users – old	Potential goods consumers – young	Potential goods consumers – old
Potential service users – young	Potential service users – old	Other – young	Other – old	Other – young	Other – old

- d) The profiles of the **perpetrators** who engaged in these discriminatory acts. 1 = most prevalent, 2 = the second most prevalent etc.

Table 7 – Age: Profile of perpetrators				
Public authorities	Private service providers	Businesses (other than service providers)	Private individuals	Other

- e) An estimation of the **costs** of these discriminatory acts:

Table 8 – Age: Estimation of costs			
Actor subjected to costs	Describe the type(s) of costs	Estimate the costs	Comments on the calculation of costs
To the victims			
Financially and otherwise to business			
Financially and otherwise to the environment and society at large			
Financially to the agencies handling the claims and challenges			

- f) Was there an EU cross-border issue with respect to the discrimination in question and the options for tackling it? Please describe.

Answer:

- g) If you consider **'hidden' (not reported) discrimination** for this ground to be significant, are there particular policy domains (e.g. health, education, housing,

transport, information and advice, social services, social security, insurance and financial services, access to goods and services in general, other) in which this is particularly the case? Please comment on why you believe so and make a distinction between young and old, if possible.

Answer:

h) Are there policy domains where hidden discrimination is less significant?

Answer:

i) For age discrimination (please make a distinction between whether discrimination was based on being young or old, if possible), please estimate the share in percentage of the cases that are reported to you that:

(i) are taken to court?

Answer:

(ii) result in other forms of actions than court cases to redress the harm suffered by the victim and to punish the perpetrator?

Answer:

Disabilities

6. In relation to the cases of discrimination your organisation received (in 2006) on the grounds of **disability outside of employment**, please indicate or estimate:

a) The total number of cases of discrimination outside employment against disabled reported to you:

Answer:

b) The **policy domains** in which these cases predominantly occurred? Please rate the importance. 1 = most prevalent, 2 = second most important etc.

Table 10 – Disabilities: Policy domains in which discrimination predominantly occurred				
Health	Education	Housing	Transport	Information and Advice
Social security	Social services	Insurance and financial services	Access to goods and services in general	Other

c) The **profiles of the victims** who were predominantly subjected to this type of discrimination (i.e. was discrimination based on (being perceived as) having physical disabilities, mental disabilities or learning disabilities by the perpetrator). 1 = most prevalent, 2 = second most important etc.

Table 11 – Disabilities: Profile of victims					
Consumers – physical disabilities	Consumers – mental disabilities	Consumers – learning disabilities	Service users – physical disabilities	Service users – mental disabilities	Service users – learning disabilities
Potential consumers – physical disabilities	Potential consumers - mental disabilities	Potential consumers - learning disabilities	Potential service users – physical disabilities	Potential service users - mental disabilities	Potential service users - learning disabilities
Potential service users – physical disabilities	Potential service users - mental disabilities	Potential service users - learning disabilities	Other	Other	Other

- d) The profiles of the **perpetrators** who engaged in these discriminatory acts. 1 = most prevalent, 2 = second most important etc.

Table 12 – Disabilities: Profile of perpetrators				
Public authorities	Private service providers	Businesses (other than service providers)	Private individuals	Other

- e) An estimation of the **costs** of these discriminatory acts:

Table 13 – Disabilities: Estimation of costs			
Actor subjected to costs	Describe the costs	Estimate the costs	Comments on the calculation of costs
To the victims			
Financially and otherwise to business			
Financially and otherwise to the environment and society at large			
Financially to the agencies handling the claims and challenges			

- j) Was there an EU cross-border issue with respect to the discrimination in question and the options for tackling it? Please describe.

Answer:

- k) If you consider **'hidden' (not reported) discrimination** for this ground to be significant, are there particular policy domains (e.g. health, education, housing, transport, information and advice, social services, social security, insurance and financial services, access to goods and services in general, other) in which this is particularly the case? Please comment on why you believe so and make a distinction between physical, mental and learning disabilities, if possible.

Answer:

- l) Are there policy domains where hidden discrimination is less significant?

Answer:

- m) Please estimate the share in percentage of the cases (please make a distinction between mental, physical and learning disabilities, if possible) that are reported to you that

(i) are taken to court?

Answer:

(ii) result in other forms of actions than court cases to redress the harm suffered by the victim and to punish the perpetrator?

Answer:

Religion and belief

7. In relation to the cases of discrimination your organisation received (in 2006) on the grounds of **religion or belief outside of employment**, could you please indicate:

a) The total number of cases of discrimination outside employment on the basis of religion or belief reported to you?

Answer:

b) The **policy domains** in which these cases predominantly occurred? Please rate the importance. 1 = most prevalent, 2 = second most important etc.

Health	Education	Housing	Transport	Information and Advice
Social security	Social services	Insurance and financial services	Access to goods and services in general	Other

c) The **profiles of the victims** who were predominantly subjected to this type of discrimination (i.e. was discrimination based on (being perceived as) having a specific religion or belief by the perpetrator).. 1 = most prevalent, 2 = second most important etc.

Consumers – Specify religion or belief	Consumers – Specify religion or belief	Service users – Specify religion or belief	Service users – Specify religion or belief	Potential consumers – Specify religion or belief	Potential consumers – Specify religion or belief
Potential service users – Specify religion or belief	Potential service users - Specify religion or belief	Other - Specify	Other - Specify	Other - Specify	Other - Specify

- d) The profiles of the **perpetrators** who engaged in these discriminatory acts. 1 = most prevalent, 2 = second most important etc.

Table 17 – Religion&belief: Profile of perpetrators				
Public authorities	Private service providers	Businesses (other than service providers)	Private individuals	Other

- e) An estimation of the **costs** of these discriminatory acts:

Table 18 – Religion and belief: Estimation of costs			
Actor subjected to costs	Describe the costs	Estimate the costs	Comments on the calculation of costs
To the victims			
Financially and otherwise to business			
Financially and otherwise to the environment and society at large			
Financially to the agencies handling the claims and challenges			

- f) Was there an EU cross-border issue with respect to the discrimination in question and the options for tackling it? Please describe.

Answer:

- g) If you consider '**hidden**' (**not reported**) **discrimination** for this ground to be significant, are there particular policy domains (e.g. health, education, housing, transport, information and advice, social services, social security, insurance and financial services, access to goods and services in general, other) in which this is particularly the case? Please comment on why you believe so and make a distinction between different religions and beliefs, if possible.

Answer:

- h) Are there policy domains where hidden discrimination is less significant?

Answer:

- i) Please estimate the share in percentage of the cases that are reported to you that
(iii) are taken to court?

Answer:

- (iv) result in other forms of actions than court cases to redress the harm suffered by the victim and to punish the perpetrator?

Answer:

Sexual orientation

8. In relation to the cases of discrimination your organisation received (in 2006) on the grounds of **sexual orientation outside of employment**, could you please indicate or estimate:

a) The total number of cases of discrimination outside employment on the basis of sexual orientation reported to your organisation:

Answer: 37

(Please note that this is the number of formal complaints made to the Office of the Ombudsman. In addition to such formal complaints, the Office of the Ombudsman responds to a great number of informal requests for advice or information by individuals who for different reasons decide not to go forward with a formal complaint).

b) The **fields** in which these cases predominantly occurred? Please rate the importance. 1 = most prevalent, 2 = second most important etc.

Table 20 – Sexual orientation: Policy domains in which discrimination predominantly occurred				
Health	Education	Housing	Transport	Information and Advice
5	6	4	8	7
Social security	Social services	Insurance and financial services	Access to goods and services in general	Other
n.a.	2	n.a.	3	1

c) The **profiles of the victims** who were predominantly subjected to this type of discrimination (i.e. was discrimination based on (being perceived as) being lesbian or gay by the perpetrator).. 1 = most prevalent, 2 = second most important etc.

Table 21 – Sexual orientation: Profile of victims					
Consumers – Specify sexual orientation	Consumers – Specify sexual orientation	Service users – Specify sexual orientation	Service users – Specify sexual orientation	Potential consumers – Specify sexual orientation	Potential consumers – Specify sexual orientation
Potential service users – Specify sexual orientation	Potential service users – Specify sexual orientation	Other - Specify sexual orientation	Other - Specify sexual orientation	Other - Specify sexual orientation	Other - Specify sexual orientation

Answer: *Unable to respond. Taken overall about 2/3 of the complaints made to the Office of the Ombudsman are made by gay/bisexual men and about 1/3 of the complaints are made by lesbian/bisexual women.*

- d) The profiles of the **perpetrators** who engaged in these discriminatory acts. 1 = most prevalent, 2 = second most prevalent etc.

Table 22 – Sexual orientation: Profile of perpetrators					
Public authorities	Private service providers	Businesses (other than service providers)	Private individuals	Other	
1	2	3	5	4	

- e) An estimation of the **costs** of these discriminatory acts:

Table 23 – Sexual orientation: Estimation of costs			
Actor subjected to costs	Describe the costs	Estimate the costs	Comments on the calculation of costs
To the victims	Unable to respond	Unable to respond	Unable to respond
Financially and otherwise to business	Unable to respond	Unable to respond	Unable to respond
Financially and otherwise to the environment and society at large	Unable to respond	Unable to respond	Unable to respond
Financially to the agencies handling the claims and challenges	Unable to respond	Unable to respond	Unable to respond

- f) Was there an EU cross-border issue with respect to the discrimination in question and the options for tackling it? Please describe.

Answer: There was no cross-border issue involved in the complaints made to the Office of the Ombudsman in 2006. It should be underlined, however, that the existence of a legal framework on discrimination at the European level is of great importance in the development of effective legal mechanisms prohibiting discrimination at national level.

- g) If you consider '**hidden**' (**not reported**) **discrimination** for this ground to be significant, are there particular policy domains (e.g. health, education, housing, transport, information and advice, social services, social security, insurance and financial services, access to goods and services in general, other) in which this is particularly the case? Please comment on why you believe so.

Answer: Whilst there clearly exists a significant number of cases of unreported or “hidden” discrimination on the grounds of sexual orientation in many different areas in the Swedish society (note e.g. the significantly higher number of requests for advice and support made to the office of the Ombudsman, compared to the number of signed formal complaints eventually submitted by individuals) there are no studies on which to base any conclusion as to the relative incidence of such discrimination in different areas.

h) Are there policy domains where hidden discrimination is less significant?

Answer: See above.

i) Please estimate the share in percentage of the cases that are reported to you that

(v) are taken to court or

Answer: approximately 1/100

(vi) result in other forms of actions than court cases to redress the harm suffered by the victim and to punish the perpetrator?

Answer: approximately 2/100 are resolved through formal out of court settlements entailing *inter alia* the payment of economic compensation to the individual concerned. In addition, a significant number of complaints are resolved when the party alleged to have engaged in discrimination agrees to amend its practices or to cease actions that are considered discriminatory.

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Section C – Enforcement through equality bodies and other actors

This section concerns both your role as equality body (or equivalent) and enforcement efforts by other actors.

9. How were these cases of discrimination on the grounds of age, disability, religion or belief, and sexual orientation, all outside of employment, brought to your attention?

Answer: Formal complaints from the individual concerned. The Office of the Ombudsman may also act independently and on its own initiative as a result of information received *inter alia* from the media.

10. What actions are generally taken by your organisation when someone who feels discriminated against contacts you? Please comment on whether you have a general approach or if there are any differences depending on ground for discrimination.

Answer: The alleged perpetrator is contacted and requested to respond in writing to the individual's complaint. Meetings may also be held with the individual concerned and the alleged perpetrator in order to seek to clarify what has occurred. After the investigation into the facts of the case is completed, the Office of the Ombudsman will adopt its position as to whether discrimination has occurred. If the matter is not resolved e.g. by a friendly settlement, the Office of the Ombudsman may initiate a legal action for damages.

11. Who are the key actors involved in the enforcement of the legislation on discrimination outside your organisation and what is their responsibility? Again, please comment on whether this varies depending on ground for discrimination?

Answer: The Office of the Ombudsman against discrimination on grounds of sexual discrimination deals exclusively with discrimination on that ground. There exists three other Ombudsmen against discrimination dealing, respectively, with discrimination on the grounds of ethnicity and religion, gender equality and disability. There also exists 25 regional/local non-public discrimination bodies which in their way of functioning resemble the "Citizens Advice Bureaus" that exist in the UK. It should be noted, however, that unlike the citizens advice bureaus, these regional/local discrimination bodies solely deal with discrimination issues.

12. What kinds of remedies and sanctions are available in cases where there was a finding of discrimination on the grounds of discrimination covered in this assignment (e.g. sanction imposed on the perpetrator, compensation for the victim, other remedy)?

Answer: The legal framework against discrimination in Sweden provides for sanctions in the form of the award of economic damages to the individual concerned. Employers are vicariously liable for the discriminatory actions of their employees. Under certain circumstances an individual that undertakes a discriminatory act may be found guilty of a criminal offence ("unlawful discrimination") that carries a sentence of imprisonment of up to 1 year, or a fine).

13. Do you consider the current approach to enforcement effective? Why or why not? (E.g. sufficient or insufficient number of activities, particular types of activities missing, power of actors involved, numbers of staff members etc.) If possible, please also comment on actions undertaken by other actors than your organisation concerning enforcement of relevant legislation.

Answer: Please refer to the answer to question 14.

Section D – Legislative and non-legislative measures to tackle discrimination on grounds of religion & belief, age, disability & sexual orientation

In this section we are interested in your views on the effectiveness of national legislation and other measures that are non-legislative (awareness raising campaigns, initiatives by businesses etc.).

14. Do you consider current national legislative measures effective in discouraging discrimination outside of employment? Please comment on any differences between the relevant grounds for discrimination (age, disabilities, religion & belief and sexual orientation).

a) If yes, why and how?

Answer:

b) If no, please indicate how the current situation could be improved.

Answer: The current national legislative measures contain unwarranted differences between different grounds of discrimination and also between different areas of society. In the opinion of the Office of the Ombudsman there are a number of ways in which the current legal framework may be improved. Among these are: (i) the extension of the prohibition of discrimination to cover additional areas of society; (ii) the extension of the legal requirement for the actors involved to take proactive measures to combat discrimination into additional areas of society and; (iii) the introduction of sanctions, where lacking, for such proactive measures to be taken.

15. Is the government considering any changes to the legislative framework?

Answer: The Government is currently considering a significant reform of the legal framework and a legislative proposal is expected to be submitted to the Swedish parliament in the near future. The proposal will include merging the existing separate statutes prohibiting discrimination into one unified act and the establishment of a single Ombudsman against discrimination covering all existing grounds of discrimination. As the Government has not yet submitted its proposal it is not known to which extent the new legislation will contain additional substantive rules prohibiting discrimination in new areas/for additional grounds of discrimination.

16. Do you consider national non-legislative measures and initiatives (e.g. initiatives set up by businesses, exchange of good practice, empowering communities, strategies developed by those who are discriminated against, etc.) effective?

a) If yes, why and how?

Answer: Non-legislative measures can be effective in preventing and remedying discrimination and harassment as well as to promote equality of opportunity and treatment, but cannot replace legislation. While legislation is not enough to do away with prejudices and discrimination they are necessary to counteract the effects on individuals of such prejudices and discrimination. As an example the sphere of education in Sweden may be mentioned. Until legislation prohibiting discrimination in this field entered into force (in April 2006) it was difficult to engage those responsible at national or local level in any concrete action against discrimination on the grounds of sexual orientation. Following the adoption of the Act (which prescribes sanctions in the form of economic damages to be paid to victims of discrimination and harassment at schools) there has been a dramatically increased interest in advice and information on this topic from the relevant actors in the education field.

b) If no, please indicate how the current situation could be improved.

Answer: See above

17. Please indicate if there are any movements within the country to mobilise support for changes to the legislative framework or for non-legislative initiatives? If yes, please specify.

Answer: Civil society is involved in the current process to reform the current anti-discrimination legislation by the creation of a single act and a single anti-discrimination Ombudsman.

Section E: Information on your organisation:

In this section we would like to obtain some background information on your organisation.

18. Is this body under the auspices of a government department (if yes, which?) or is it an independent authority or organisation?

Answer: The Office of the Ombudsman is under the auspices of the Department of Integration and Gender Equality.

19. How many staff members are employed in the body? (Please provide as full time equivalents).

Answer: 9 staff members

20. Has this number increased in recent years? If yes, please describe size and rationale for this expansion.

Answer: The Office of the Ombudsman was established in 1999. Since then the Office's staff has increased by approximately 1 staff member each year.

21. Please estimate how many of current staff members are specialised on dealing directly with cases of discrimination?

Answer: 2 ½ staff members (lawyers) are currently working predominantly with the handling of cases of discrimination (including individual complaints and investigations on the Ombudsman's own initiative).

22. Please provide the annual budget for the following two years: 2000 and 2006.

Answer:

2000: 2.8 million Swedish kronor (SEK) (approx. 305 000 EUR)

2006: 9.6 million Swedish kronor (SEK) (approx. 1 050 000 EUR)

THANK YOU FOR YOUR KIND COLLABORATION!