THE LEGAL STATUS OF ISLAMIC MINORITIES:
THE CASE OF SWEDEN

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Abstract
La Svezia è nota come uno delle nazioni più secolarizzate d'Europa e un riflesso di ciò si trova anche nella sua legislazione. Per quanto lo Stato dia un sostegno economico ai gruppi religiosi e li riconosca come partner con cui cooperare in diverse commissioni, essi hanno pochi diritti collettivi specifici. Questa relazione intende esporre nel dettaglio la situazione legale della popolazione musulmana in Svezia.

Sweden is known to be one of the most secularised countries in Europe, this is reflected in its legislation. Even if the State gives economic support to religious groups and acknowledge them as partners to cooperate with in different councils etc., religious group have few specific collective rights. This paper gives detailed information on the Islamic population's legal situation in Sweden.

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Introduction
Sweden has a tradition of being highly centralised. No territory of Sweden is self-governing. It is only during recent decades that a certain decentralisation has taken place. The country is divided into 290 kommuner (municipalities) but also into 21 län (counties). The counties are the prolonged arm of the State and are supposed to help co-ordinate activities effecting more than one municipality for example in the areas of environmental care and public transport.

There are 94 judicial districts for general courts and each has their own Tingsrätt (District court). Further, there are six Hovrätt (Courts of Appeal) and above them, Högsta domstolen (the Supreme Court). Sweden also has 23 judicial districts for administrative courts and each district has its Länsrätt (County Administrative Court). The next instance is Kammarrätten (Administrative Courts of Appeal) of which there are four, and finally Regeringsrätten (the Supreme Administrative Court). For further information in English, see www.llrx.com/features/Swedish2.htm.

Compared to many other countries Swedish law emphasises stature law. Still, case law has an important function especially for the interpretation of new laws. One of the

1 Parts of this text have been used earlier in Otterbeck 2002.
important functions of the Supreme Court is to establish precedents for the benefit of other instances. Regarding religious matters, Svenska kyrkan (the Church of Sweden), which is divided into thirteen stift (dioceses) and into slightly more than 2,500 parishes, has had the responsibility to administer national registration. Since 1991 this is a concern of Skattemyndigheterna (the Taxation Authorities). In most municipalities it is the local parish of the Church of Sweden that is in charge of the cemetery. Religious civil societal organisations have played an important role, maybe not when it comes to juridical matters but to civil life. Religious organisations, both the Church of Sweden and the free churches, have for example offered social and economic aid, adult education, and formed sports clubs. Sweden has a Christian Democratic Party formed in 1964 that tend to get some 4-12 per cent of the votes at national elections. Most national parties also have Christian sub-branches and as many as 25 per cent of the elected to parliament were engaged in such a branch in the later half of the 1990’s according to the Christian daily, Dagen. The most influential is the Social Democratic Party’s Broderskapsrörelsen (the League of Christian Socialists, see homepage) formed in 1929. The addresses of homepages are listed in the reference list under the heading “Homepages”.

The relations between state and religious denominations

Ever since the reformation in the sixteenth century, Sweden has had an Evangelical Lutheran State Church, but the 1 of January 2000 the State and the Church of Sweden separated. In periods, for example in the seventeenth century the belonging to the Lutheran Church was the condition to be considered a Swede and harsh laws regulated the movements and practice of individuals belonging to other denominations. During the eighteenth and nineteenth century, Jewish individuals and families were gradually gaining the right to settle, practice their religion, and finally to become full citizens of the Swedish national state. Jews were given the right to settle in any cities in 1854 and they could own property anywhere from 1860. They were given the right to hold local public office in 1862, the right to inter-marry in 1863 and finally the right to be eligible for parliament in 1870 (Alwall 1998:154). Even thought the Jews were a small minority group they were the only non-Christian group. They had to deal with discriminatory laws and practice themselves. During the first half of the twentieth century Swedish politics was influenced by the ideas of social engineering and became obsessed with creating a healthy people. In its eagerness to educate and foster the citizens discriminatory practices were developed towards those not fitting in, especially disabled individuals and persons from other ethnic groups. Religion was however not at the centre of discussion. But in another field, it was a big issue. The Social Democratic Party struggled to break the power of the Church of Sweden. The Religious Liberty Act, which was passed in 1951 and took effect on 1 of January 1952, was an important step in this direction. Article four of the act was probably the most important one, guaranteeing freedom from religion. During the 1950’s and the 1960’s new legislation restricted the influence of the Church of Sweden in several fields for example the public school changing RE instructions from instructions in Christianity to about Christianity and other religions. Thus, there are no religious leaders teaching religion in public schools. In the second half of the twentieth century Christianity lost influence in every public sphere, even in cultural discourse. But during the 1990’s there was a renaissance when religious and spiritual matters once again became part of public culture through books, articles in
newspapers, New Age, an increased visibility of immigrants with ethno-religious dress, etc.

In the 1970’s an important change affecting Muslims took place. The Swedish government proclaimed the country to be a multicultural society in 1975 after a long period of political discussion and commission investigation. All Swedes, immigrants as well as non-immigrants, were to have full equality and freedom of cultural choice, and the relations between all groups in society were to be characterised by cooperation and solidarity. At the same time as this political process was going on, the Swedish Council of Free Churches was given a broader mandate. It was to include the so-called immigrant churches that eventually included non-Christian groups and in 1974 it was renamed Samarbetsnämnden för statsbidrag till trossamfund (SST, Commission for State Grants to Religious Communities, see homepage). In 1975 FIFS (see below) became the first Islamic organisation supported by SST. In 2001 SST gave economic support to 852,672 believers of different faiths through national umbrella organisations (SST 2003). SST belongs to Kulturdepartementet (Ministry of Culture) and its activities are regulated in law SFS 1999:975.

Over time, the Church of Sweden has held a clearly privileged position as State Church. After the separation between the State and the Church of Sweden, rules and regulations have been adjusted so that the Church of Sweden will be treated as equal to other denominations. It will probably hold the position of foremost among equals for some time to come. About 83 per cent (7.4 millions) of the total population of almost nine million belong to the Church of Sweden. There are to be no discrimination between different denominations and there is no particular status for Islam.

**Islamic minorities**

In March 2003, the total population of Sweden was 8,946,304 according to Statistiska Centralbyrån (Sweden’s agency for statistics, see homepage) but no statistics covers religious affiliation. If counting immigrants coming from countries with significant Muslim populations and then estimating the number of Muslims from the percentage of the population of the country of origin one arrives to estimations around 270,000–350,000 including children born in Sweden. If one, on the other hand, only counts those who participate in activities arranged by Muslim communities entitled to obtain state grants, one will reach the figure 100,000 (SST 2003). Thus, between 1 and 3 per cent of the total population of Sweden are Muslims. According to a rough approximation, it is likely that a third or more of the Muslim population is below the age of 20.

Sweden’s Muslim population origins from several countries and there is not a dominant group. More than 40,000 Muslims from Iran and from Bosnia respectively are living in Sweden, and more than 20,000 origins from Turkey, Iraq, and Lebanon. If looking at ethnic belonging, we find that several of the immigrants from Iraq and Turkey are Kurds. There are approximately 10,000 Afghans, Somalis, and Albanians from Kosovo. Stateless Palestinians is another fairly large group. Because of return migration some groups have decreased slightly during the 1990’s like the Turkish group who was larger ten years ago. Most Muslims are Sunnis, but Shias are not insignificant. Shitites are mainly from Iran or Iraq. To some extent Sweden has Shiite groups from Uganda (Indian descendan Muslims who were thrown out of Uganda during the Idi Amin nationalist campaigns in 1972). They are well organised and concentrated in Trollhättan (and to a certain degree in Mårsta) where they have had their own mosque since the middle of the 1980’s.
Muslims tend to live in the major city areas as Stockholm (South and North–West of the city), Gothenburg (North, East and South of the city) and Malmö (City centre, South and East of the city). However, there are quite a few active Muslim communities in mid-size cities (population of 30,000 to 90,000). Muslims have formed parishes in 112 of the 290 Swedish municipalities. The major cities tend to have a large amount of parishes. Gothenburg, for example, has at least 35 different Islamic parishes.

In the 1960’s, the main reason for Muslim migration was labour migration. Family reunion started in the late 1960's with an acceleration from 1973–1974 and onwards. Refugees started to come from Muslim countries from 1979 and onwards (apart from one earlier wave from Uganda in 1972). During a period from 1984 to 1993, 48 % of the immigrants (from countries outside the Nordic countries) came as refugees, 46 % came as family and only 6 % for other reasons (Lundh & Ohlsson 1994:58). From the beginning of the 1980’s we can start to talk about a significant Muslim population of Sweden. Earlier it was only a small, fairly anonymous minority. In several of the areas of Swedish cities with a high unemployment rate and low participation in elections, individuals coming from countries with large Muslim populations are numerous. Even though there is not valid statistics, I think it is not speculation to claim that the Muslim population of Sweden is economically and politically segregated. There are but a few well-known individuals with Muslim names active as politicians or moulders of public opinion. Most of them do not want to represent the Muslim population at large; rather they see themselves as politicians or journalists.

**Gender-related issues in general**
Gender-related issues are integrated below the other headings.

**Public financing of Islamic associations and activities**
*Samarbetsnämnden för statsbidrag till trossamfund* (SST, The Commission for State Grants to Religious Communities, see homepage) has the task to create communication between the State and the different communities in Sweden. SST gives each community some financial support according to the size of the community (i.e., the number of members). Often this support is used to cover rental costs and / or costs for an imam or employed administrator. There is special support to obtain when the communities open up new fields of activity, for example women’s groups, adult education or imams visiting sick or inmates. In its latest yearbook (SST 2003), SST states that the Islamic umbrella organisations serve 100.000 persons. In 2002, the Islamic umbrella organisations received 4.145.000 SKR in organisation grants, 126.500 SKR to be able to established new activities, and 12.000 SKR in additional grants. This roughly equals 471.000 Euro.

**Bodies representing Islamic communities and associations**
Three national, umbrella organisations are supported by the government through SST. Another one is called associated and is likely to be acknowledged during 2003 (Sven-Eric Andersson, 2003-06-17). Together they co-operate in *Islamiska Samarbetsrådet* (IS, the Islamic Co-operation Council) formed in 1988, its principal function being to collaborate with SST. The organisations represent local communities and organise about 75 per cent of all Muslim communities. They are not clearly ethnically or religiously divided.
*Förenade Islamiska Församlingar i Sverige* (FIFS, United Islamic Communities in Sweden) was formed in 1974 to fill the need among the Muslim communities for an
umbrella organisation. This need was created by the structure for state support that presupposed a national organisation that would distribute economic support to the different local communities. Thus, FIFS organised all kinds of Muslim communities including Shias, Sunni communities of different ethnic background, etc. However, Ahmadiyya has a separate organisation.

Due to the sensitivity of economy matters, there were quarrels and some choose to leave FIFS and form Sveriges Förenade Muslimska Församlingar (SMuF, United Muslim Communities of Sweden) in 1982. These were mainly Sunnis with an Arabic language background, but the organisation also contains Shia communities. In 1984, a new split occurred and Islamiska Kulturcenterunionen (IKUS, Union of Islamic Centres of Culture) was formed. IKUS has a leaning towards the Turkish Süleymanlı interpretation, but they also co-ordinate quite a few Somali communities (which is obvious when reading their stature which among other things talk about actions to be taken against female circumcision and the chewing of Kat). In IKUS there are no Shia communities.

Svenska Islamiska Församlingar (SIF, Swedish Islamic Parishes) is the youngest of the organisations formed in 2002 as a result of a conflict between the leaders of IKUS. SIF has just been admitted in as an associative member of IS and will probably be part of the council within the year. The mother organisation of SIF is Svenska Islamiska Samfundet (SIS, Swedish Islamic Society) formed in the beginning of 2000 but it is already a registered denomination.

The leaders of FIFS, SMuF and SMR are considered close to the Muslim Brotherhood and some have been closely connected to Saudi Arabian Rabitat al-alamî l-islami but, financially, they disregard the support of the Saudis because of Saudi actions all through the 1990's. The leaders of IKUS tend to lean towards a revivalist, law school bound, Turkish Sunni Islam that accepts Sufism as a form of intellectual piety. Milli Görüs only has local groups and does not seem to have a strong influence.

There are other national organisations, co-ordinating local communities that do not receive grants from the government partly because FIFS, IKUS and SMuF work against this, and partly because they are quite newly formed. But according to Jan-Eric Andersson (2003-06-17), working on SST, a reorganisation of IS has lead to a change of strategy which opens up for new members. The organisations include a Bosnian organisation that co-operates with SMuF, a Muslim youth organisation and a strictly Shia organisation (rumoured to be the next to enter into the IS after SIF). All of the organisations co-ordinate local activities, form discussion groups or groups to deal with specific questions like adult education, marriage licences, burial, etc.

Some Muslim councils or organisations are formed to deal with information about Islam or to deal with special issues. Islamiska informationsföreningen (IIF, The Islamic Information Association, see homepage) was formed in 1988 with the special task to issue an Islamic monthly, Salaam (Otterbeck 2000). During its existence, IIF has published several booklets often translations from the Leicester based Islamic Foundation's catalogue. IFF has offices in Stockholm, Gothenburg and Uppsala. Most of the leading activists of IIF have been converted women.

FIFS and SMuF formed Sveriges Muslimska Råd (SMR, The Muslim Council of Sweden) in 1990 to be their active part in their relations with the Swedish majority society. The most active person in SMR is Mahmoud Aldebe who also is active in other organisations such as the IS mentioned above. SMR can to some extent be seen as his project. The specific mission of the SMR is to create mosques and
Islamic schools, publish information material about Islam directed towards the non-Muslims in Sweden, and take active part in the public debate in society. Another similar council formed recently is Svenska islamiska akademin (SIA, Swedish Islamic Academy, see homepage) which is part of SIS. It was set up by Muslim academics, most of them Swedish converts to Islam, to promote a more open discussion on Islam. Several of the founding members were already publicly known Muslim faces having lots of experience as activists in different organisations and local communities. Together the members of the council have come to function as spokespersons for Islam (rather than for Swedish Muslims) in media. SIA has started a theological / Cultural magazine, Minaret, with four issues a year, and it has managed to plan an education for imams together with Ersta Sköndal University College in Stockholm, a Christian deacon centre in Stockholm (see below). Ahmadiyyas are scarce, but they do have a mosque of their own in Gothenburg and a centre in Malmö. The mosque was founded in 1976 and is the oldest mosque in Sweden.

Building of mosques and Muslim cemeteries

There are four Sunni (Malmö, 1984, Uppsala, 1996, Västerås, 1997, Stockholm, 2000), one Shiite (Trollhättan, 1985), and one Ahmadiyya (Göteborg, 1976) mosques that are purpose built or fully renovated to serve as mosques. Furthermore, at least one hundred fifty prayer rooms in rented apartments and other smaller places (musallas) scatter the townscapes of Sweden. There are some on-going building projects and some plans for new mosques. To apply for the right to build a mosque you turn to the Stadsbyggnadskontoret (City Planning Office) of the municipality. Together the initiative taker and the City Planning Office try to find a suitable location. Questions about financing, the views of potential neighbours, etc. are discussed. In several cases, plans have been aborted already at this stage for financial or suitability reasons. Most fulfilled mosque projects are the results of long processes (often years) of trials and errors. The general public has reacted very differently to different mosque projects. In some cases, resistance has been strong and in other there has only been some minor complaints (Karlsson & Svanberg 1995). The Church of Sweden’s parishes manage the cemeteries in most municipalities. In some cases, like in Stockholm, it is the local municipality that is in charge. The responsible authorities are commissioned by the State (according to law SFS 1990:1144) to offer cemeteries or at least a burial-place for non-Christians, this is not always easily provided, in most cases because of lack of preparation for this new situation. Länsstyrelsen (the county administrative board) has the responsibility to appoint representatives for the non-Christians; these are appointed for a period of four years. Well-established denominations might apply for the right to set up their own burial-grounds. I have not heard of any initiatives in this direction from any Muslim organisation. There are approximately ten established Muslim cemeteries. The major cities all have burial-grounds for Muslims that have been in use for a couple of decades now, the oldest being the one in Skogskyrkogården in Stockholm where the first Muslims were buried in the 1950’s. The Muslim cemetery in Malmö was set up in 1974. A new upcoming problem is that space is becoming narrow and there is a need to expand. The generation that came during the 1960’s as labour migrants is now getting old. Some still chose to be transported to a country of origin to be buried, but this is expensive and as migrants increasingly come to consider Sweden as a home country, more are buried here. A new area of Skogskyrkogården
was opened up in 1985 but was full in 2000. The Muslims of Stockholm are now directed to Strandkyrkogården, 5 km from the former one (Börje Ohlsson, 2003-06-05).

Religious education and religious schools and universities, the training of Imams
The first Islamic Friskola (private school) started in Malmö in 1993. Today there are almost 20 private Islamic or Arabic schools. The reason for this increase is the private school reform from 1992 when the economic conditions for private schools were improved and it was facilitated to open private schools. Since then there has been an ongoing ideological struggle between liberals, wanting to promote private schools, and socialists, wanting to limit this phenomena. However, most Muslim youths are pupils in the public school, some taking afternoon or weekend classes about Islam at mosques. Some of these classes are financed through support from SST.
During spring 2003, a television documentary filmed with a hidden camera caused a chock wave through Sweden. It dealt with the bad conditions in Arabic and Islamic schools showing head masters bragging about keeping Swedish authorities out and admitting the use of corporal punishment in the school, etc. As a result of the documentary some of the head masters interviewed have been reported to the police and Skolverket (the National Agency for Education) have started investigations about the conditions in the schools. How this will affect the role and reputation of the Islamic and Arabic private schools is yet too early to tell.
There are no Islamic universities. The Swedish Islamic Academy (see above) has initiated an imam training programme together with Ersta Sköndal University College in Stockholm, a Christian deacon centre. The head of the responsible department at Ersta Sköndal, Jonas Alwall, says that courses in Islamic studies started the autumn semester 2002 and have continued for two semesters now. This far, everything is quite tentative and it is difficult to judge about the future of the project (Alwall, 2003-06-02). The imams in Sweden are either schooled in other countries, sometimes only working in Sweden for a couple of years, or unschooled and appointed because of personal qualities rather than formal religious education.

Ritual slaughter and halal food
Halal slaughter without pre-stunning the animal is not permitted, but it is legal to import halal slaughtered meat from other countries. If pre-stunning is accepted (and most Muslim public voices in Sweden seem to accept it), halal slaughter is legal, and during the autumn of 2001 the first all Islamic slaughtering house was opened. Before that (and still) Muslim butchers have slaughtered according to halal laws (with pre-stunning) in other slaughtering houses. Poultry is an exception to the rule; it has always been legal to slaughter poultry without pre-stunning.
During the 1990’s, two official reports on ritual slaughter (both Jewish and Muslim) were made pointing in different directions. The first one, Slakt av obedövade djur (Slaughter of not stunned animals, 1992) was conducted by Jordbruksverket (Swedish Board of Agriculture), generally in charge of questions related to slaughter. This report has been criticised for not considering the value of religious plurality and liberty of religion. The second one was conducted by an historian of religions commissioned by the Government Commission on Swedish Democracy, and was published as a Statens Offentliga Utredningar (SOU, Government’s Official Reports) in 1999 (SOU 1999:9). It paints a far more complex picture than the first one and also
comments on some relevant EU laws that have changed the basis for Swedish legislation. This includes laws designed to protect religious diversity and for example suggesting exemptions regarding pre-stunning and ritual slaughtering. It is rumoured that a change is on its way, but one must not underestimate the animal rights lobby that is both strong and influential.

Even though Sweden is an urbanised country and most farms are semi-industrial there are still a number of smaller farms. I know through personal information and through media that a few Muslim families have aligned themselves with farmers, buying and slaughtering animals at such farms. This is however done on a very small scale, only for personal use.

**Religion and medical treatments**

Some Muslims inspired by resurgent movements wanting the Islamization of all sectors of life have argued about medical treatments. Most discussants focused on the presence of alcohol in medicine and on the applicability of Islamic homeopathic medicine. This discussion was made public in the second half of the 1980’s through the publications of the interconnected organizations SMR and IIF (see above). It was never any big deal, and conflicts between medical staff and Muslim patients are rather based on the perception of gender, different explanations for decease and sickness, and in differences in understanding and expressing authority. Some expected conflicts about for example autopsy have occurred and has created a need for knowledge about Islam and Muslims among the medical staff. Some consultants and some academics have engaged in trying to explain cultural differences in books and lectures, running the risk of stereotyping individuals and locking them up in different clearly defined cultural cages.

Patients at hospitals have the right to special food be it for religious or health reasons. At times patients (or relatives of a patient) might demand to be examined by a doctor of the same sex. This seems to be highly disliked by the staff at hospitals (personal information). The staff tries to satisfy these demands but can not always do so. The patient has no legal rights to demand this.

Female Genital Mutilation (FGM) is abhorred by most Muslim religious experts, but allowed (and then often only in its mildest form called Sunna, clitoridectomy) by some scholars, especially Shafi’i, in certain regions. FGM is forbidden in Swedish law since 1982 (Law: SFS 1982:316). Two amendments, in 1998 and in 1999, have been made. There have been no court cases yet, but some social workers and health care personal claim young girls from West and (North) East Africa run the risk of FGM when visiting countries of origin. In a recent dissertation it is claimed that this is a misconception and that the majority of for example Somalis in Sweden are resisting FGM, viewing it as a damaging old practice (Johnsdotter 2002). Midwives and medical doctors sometimes encounter circumcised women when delivering children. Some of these women have to be cut open since their labia major have grown together. After delivery medical personal have to sew the labia together again to stop the bleeding. These women are offered plastic surgery (personal communication with midwife from Stockholm). Most Muslims are not affected by FGM.

In 2002 a politician from the leftist party put forth a motion on male circumcision with the explicit aim to outlaw the practice on children. The motion argued that any infliction done on a body will have to be agreed upon by the individual and a boy is not in a position to say no until the age of 15–18. Of cause religious groups affected were outraged and much debate followed. The motion was turned down in Parliament. There were two reasons behind the motion. The anti-circumcision
movement has grown strong internationally during recent years, probably as a result of the much more focused question on FGM. The second reason is that new laws had recently been passed that explicitly mentioned religious circumcision of boys as legal (Law: SFS 2001:499). It was legal before but it was not regulated under law. Circumcision is to be performed by medical doctors but the law gives denominations a possibility to apply for permission suggesting equally qualified persons to perform the circumcision. Socialstyrelsen (The National Board of Health and Welfare) treats applications. The practice had been subsidised economically by the state until the middle of the 1990's when subventions were lifted and the price for an operation became three times as high. Suddenly, a black marked was created for unauthorised circumcisers of different skills. After some circumcisions with severe complications for the boys involved, a debate followed leading to the new laws.

A Swedish-Turkish doctor of medicine, Yüksel Peker, has founded an organisation called SWIMA (Swedish Islamic Medical Association, see homepage) with the aim of co-ordinating Muslim medical expertise in Sweden to be able to address problematic issues among other things. SWIMA has contacts with FIMA (Federation of Islamic Medical Association, see homepage) formed in USA in 1981. SWIMA is fairly new and I have no knowledge of how it has been received or if it is successful in its ambitions.

**The observance of daily and Friday prayers and holidays**

In the discrimination laws it is stated that no one shall be discriminated against because of faith (law: SFS 1999:130). Furthermore, in paragraph H of the UN's “Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief” (resolution 36/55 of 25 November 1981) ratified by both EU and Sweden, it is stated that religious groups are to be able to celebrate holidays and observe days of rest. Working Muslims, who need to be free for a couple of days, use days of their holidays or parental contact days. Muslims who are studying are allowed to have an examination moved if it collides with a holiday. At places of work with several Muslims, it is fairly common that some space is offered for the daily prayers. This is still a problem for many Muslims working at places with only a few or no other Muslims. The Friday prayer can be an obstacle for Muslim workers who can not arrange anything at work.

Since a couple of years several places of work have beside the gender equality plan also written a diversity plan. While you have to have a gender equality plan, the diversity plans are only recommended this far. However, public authorities have to have one. The issue of religious and cultural holidays is a typical thing to address in the diversity plans, but it is not easy to form functioning strategies and the plans tend to stop at rather open formulations about the importance of accepting a plurality of cultural and religious practices. The plans will also specify how to take action against racist behaviour and discrimination at work.

**Wearing the hijab at school or at work**

There has not been a headscarf affair in Swedish schools, but certainly some more or less publicly noted events on the labour market. But let us start with the school. Pupils are allowed to express their faith in schools and do not need to hide symbols, etc. But as in most European countries, Islam is associated with female suppression by many non-Muslims and the hijab is made a symbol of that suppression. As a result some individual teachers have a hard time accepting pupils who wear the hijab and discriminate against them. This conflict is indirectly built in to the national curriculum
promoting the ideas of equality between the sexes, democracy, individuality and cultural diversity. But what if cultural diversity among other things at instances mean fixed gender characters in clothing and possibly other accompanying values? Interestingly enough, many non-Muslim, maybe also non-believing, teachers tend to accept the hijab of a pupil if it can be seen as a “personal choice”, because if the hijab is not chosen due to group pressure it is more acceptable.

The labour marked in Sweden had its first “head scarf” affair in 1986. In a case taken up in Arbetsdomstolen (Swedish Labour Court, see homepage) the transfer of a Sikh man employed as tram driver to another post by the Gothenburg municipality was discussed. Eventually the municipality won since it had not fired but transferred him when he refused to wear the suggested cap of the uniform, wanting instead to keep his turban. The key issue was the uniform and its by the court acknowledged importance for the recognition of who is staff for, for example, security reasons. Things have changed since then. Today Diskrimineringsombudsmannen’s (DO, discrimination ombudsman) homepage give several examples of recent agreements reached in conflicts between employers and qualified Muslim women either seeking employment wearing the hijab or who have started to wear it at work. In most cases the employers seem to be ignorant of present day laws actually giving women (and men for that matter) the right to wear essential religious clothing. If possible, uniforms should be redesigned to meet the demands of the employee. The shift had taken place during the 1990’s.

According to Muslims, journalists and social scientists engaged in questions on racism and discrimination, Muslims are frequently discriminated against when applying for work, the headscarf being one key issue. Most cases are not tried or even reported.

There was however a change in the autumn of 2002. Nadja Jebril, a twenty years old graduate from a Upper secondary school with a media profile, who had supported herself as a journalist for a year after graduation was denied the post as hostess for Mosaik, a television program focusing on multicultural Sweden. She had previously worked as a journalist for Mosaik and had since she did well been offered to take up the position as hostess of the program. Learning that Nadja Jebril would wear a headscarf when hosting the show the board of the state owned Swedish public service television company, Sveriges Television, denied the request of Mosaik to employ Nadja Jebril. There was a national outcry, or rather several. Promoters of multiculturalism, liberalism, and secularism debated. Anti-sexist, Anti-Islamic Marxist Iranians wanting to forbid the use of the headscarf for girls under the age of sixteen voiced their opinions. Muslims wanting to wear the headscarf protested. Academics tried to explain and nuance the discussion and politicians made statements and took sides. This was on everyone’s lips. A private owned television channel made a local broadcasting with the newscaster wearing a hijab without being Muslim. Nothing had every caused a comparably strong protest from the viewers. Eventually the board changed their minds and asked Nadja Jebril to host the show, and immediately after that it was announced that Mosaik was to be closed down after several seasons. I do not know if the later decision is older that the former.

Initially I said there was a change and there was. This affair put focus on things not before discussed in public discourse to any extent. Because of this discussion and Najda Jebril’s cleaver and calm ways of discussing things – never aggressively demanding her right rather showing her competence and suitability by being able to discuss this issue – I claim that many Swedes who never felt a need to have an opinion about these matters, formed one.
Religious guidance and assistance in hospitals, prisons and the army

Even if the fact that new comers to Sweden and the socially marginalized are over-represented in prison is well known, it seems like the prisons have had a problem structurally adjusting to the new demographic conditions. I have however found very little material to base this part on. Local communities might ideally take upon them to visit sick and imprisoned. This is considered an important humanitarian act by some. But this activity is not especially financed or regulated by the State and is of less interest in this context.

The Stockholm based SMR (see above) co-ordinates eighteen prison imams who have the role to cater for the spiritual needs of Muslim inmates. They co-operated with the staff of different prisons who call SMR if a Muslim inmate wants to see an imam. SMR has got some support from the State to finance this project that has been going on for at least seven years. SMR also offer this service to hospitals and the armed forces.

The Swedish armed forces (SAF) are built upon compulsory military service, together with a cadre of professional commanders and reservists. According to Mats Normman, minister of staff at the headquarters of the SAF and responsible for questions on sexual, gender and ethnic diversity, the SAF is responsible by law to provide an environment acceptable to all (Norrman 2003-06-04). Most conscripts are members of the Church of Sweden, but lately there has been an increase of Muslims. The priest at all units have been informed of addresses to Muslims organisations that they can turn to if a Muslim within SAF wants spiritual guidance. According to Norrman they have an established contact with SMR. He also states that demands for spiritual guidance from Muslims has not been an issue this far.

Recognition of the rights of the Muslim family

Islamic law has no legal statues in Sweden. The imams of some associations legally accepted by Kammarkollegiet (Legal, Financial and Administrative Services Agency) as registered denomination (in Swedish: registrerat samfund) have the right to wed couples (but this includes sending in a registration form to the state, without which the marriage is not valid.) For example in Malmö, five imams have the right to wed couples according to Ali Ibrahim, one of those imams. Muslim lawyers have tried to merge Swedish law with Islamic by designing marriage contracts, wills, and other important legal documents that are as Islamic as possible. These are available via the Islamic umbrella organisations.

At times, some Muslims leaders have voiced demands or at least wishes for an increased recognition of Islamic law. But since this often means a change of equal individual rights much cherished in Swedish society towards a situation where rights and duties are gendered, these wishes and demands are not likely to have any effect.

Polygamy is not legal in Sweden but is accepted if the marriages are already entered into when first coming to Sweden. But there are loopholes used. Couples have been known to enter polygamous marriages making them religiously legal through Islamic contracts, registering only one marriage through Swedish bureaucracy. It is difficult to estimate the number of such marriages but they are not likely to be more than a few. In divorce situations it has been tradition in Swedish law to consider women as the most important of the parents. In most Islamic legal traditions, children are seen as part of the man’s family and of his (economic) responsibility. Competing views on law and justice have complicated some cases of divorce. Recently Swedish courts have
in an increasing manner given shared custody to parents thus enhancing the male parents' position. Still, this is not compatible with for example classical Sunni family law.

Discussion
William Barbieri (1999) takes domination as a starting point when discussing individual and collective rights from a Human Rights perspective. He claims that group rights are important but that they have to be limited by individual rights. Group rights can be accepted and promoted as long as they are not used to dominate or restrict an individual. Group rights are set up to avoid other collectives to dominate less powerful groups not to put restrictions on members of the group holding the rights. Swedish law is in line with the first two generation of Human Rights, the liberal heritage, regulating the relation between state and individual, and the socialist heritage, stressing the importance of social rights for example acceptable living conditions. The third generation focusing on minority rights and cultural rights began to affect Swedish legislation during the 1970's when focus was directed at national or ethnic minority rights regarding for example language. Religion was not an issue until 1990's. Before, the State operated from a non-verbalised presumption that religious belonging and faith were private matters. Because of the increased contact with EU legislation, the legislative authorities have taken an interest in religion as a possible factor for discrimination and also for positive collective rights. Every step in the direction of group rights is carefully monitored and often criticised by liberals wanting to hinder any restrictions on the individuals rights and leftist intellectuals criticising all kinds of stereotyping, racialisation, culturalisation, etc. Many social scientists have observed that gender equality is of the most central ideological values of Swedish public discourse and in the discussion of group rights it is very much so. Together with a concern for what is best for the children, gender equality is often used when a critique of group rights is voiced as mentioned above in connection with divorce and circumcision. To summarise, Swedish legal tradition is slowly taking group rights into regards, but still most rights that religious groups enjoy are general rights like freedom of expression and freedom of assembly.

Literature
Lundh, Christer & Rolf Ohlsson, 1994, Från arbetskraftsimport till flyktinginvandring. Stockholm: SNS.
SOU 1999:9, Att slakta ett får i Guds namn – om religionsfrihet och demokrati.

Homepages
(Most homepages are in Swedish, but several of them have English sections.)
Arbetsdomstolen (The Labour Court): www.arbetsdomstolen.se
Broderskapsrörelsen (the League of Christian Socialists): www.broderskap.se
Diskrimineringsombudsmannen (DO, The Discrimination Ombudsman): www.do.se
Federation of Islamic Medical Association (FIMA): www.fimaweb.org
Islamiska informationsföreningen (IIF, The Islamic Information Association): http://hem.passagen.se/iif/, http://home.swipnet.se/~w-67715/
Kammarkollegiet (Legal, Financial and Administrative Services Agency): www.kammarkollegiet.se
Samarbetsnämnden för statsbidrag till trossamfund (SST, Commission for State Grants to Religious Communities): www.sst.a.se
Statistiska Centralbyrán (Sweden’s Agency for Statistics): www.scb.se
Svenska islamiska akademien (SIA, Swedish Islamic Academy): www.svenskaislamiska.org
Swedish Islamic Medical Association (SWIMA): www.swima.com
Swedish laws on line: www.lagrummet.se/index.htm?page=logo.htm&0
www.llrx.com/features/Swedish2.htm