



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/SWE/CO/18
21 August 2008

Original: ENGLISH

**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**
Seventy-third session
28 July - 15 August 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

SWEDEN

1. The Committee considered the seventeenth and eighteenth periodic reports of Sweden (CERD/C/SWE/18), submitted in one document, at its 1894th and 1895th meetings (CERD/C/SR.1894 and CERD/C/SR.1895), held on 11 and 12 August 2008. At its 1901st and 1902nd meetings (CERD/C/SR.1901 and CERD/C/SR.1902), held on 15 August 2008, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's report, which has been prepared in conformity with the reporting guidelines, and its comprehensive written replies to the list of issues. It commends the efforts by the State party to address the issues raised by the Committee in its previous concluding observations (CERD/C/64/CO/8).

3. The Committee appreciates the frank and open dialogue with the delegation composed of experts from different ministries, including the Ministry of Integration and Gender Equality, and the State party's frank acknowledgment of the existence of racial discrimination within segments of Swedish society, as well as the increase in crimes motivated by xenophobia, Islamophobia or anti-Semitism. Such acknowledgment is an important step in implementing the Convention.

B. Positive aspects

4. The Committee welcomes the adoption of a new Anti-Discrimination Act (*Ett starkare skydd mot discriminering*) by the State party in July 2008, which merges the existing anti-discrimination legislation into one law and extends the scope of protection.

5. The Committee commends the State party for the forthcoming merger of the different Ombudsmen into a single institution and recommends that the new consolidated institution, once established, seek accreditation through the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

6. The Committee welcomes the adoption of the Aliens Act in 2006, which provides for the right to appeal to an independent appellate body and the increased use of oral hearings in asylum proceedings, expands the scope of application of the definition of refugees to include women escaping gender-based violence, and offers complementary forms of protection to persons escaping generalized violence.

7. The Committee welcomes the adoption of a second National Action Plan for Human Rights for the period 2006-2009, with a focus on protection from discrimination, and the forthcoming follow-up seminar on its implementation.

8. The Committee notes with appreciation the efforts by the State party to promote the rights of the Roma minority, including convening a working conference on Roma women's rights in December 2007, aimed at sharing information and best practices among policy-makers and Roma networks across Europe.

9. The Committee notes with appreciation the State party's acceptance of new methods to investigate and combat discrimination, including pilot projects in situation testing and anonymous job applications, and for substantially raising the level of damages awarded to victims of racial discrimination.

C. Concerns and recommendations

10. The Committee, while noting the State party's position regarding the collection of data on the ethnic composition of the population, reiterates its concern about the paucity of such data at its disposal for the monitoring of the Convention and regrets the lack of information on the criteria used for collecting data concerning mother tongue tuition.

In accordance with paragraphs 10 to 12 of its revised reporting guidelines (CERD/C/2007/1), the Committee recommends that the State party provide information on the composition of its population, the use of mother tongues, languages commonly spoken or other indicators of ethnic diversity, together with any information from targeted social surveys conducted on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, so as to be able to evaluate the situation of its population in the

economic, social and cultural fields. The State party should also provide the Committee with information on the ethnic composition of the prison population.

11. The Committee is concerned that the transfer of the mandate and functions of the former Swedish Integration Board to various Government agencies, including the Swedish Migration Board and the incumbent Ombudsman on Ethnic Discrimination, may result in the loss of the holistic approach to the collection of data and subsequent analysis of racial discrimination in the State party. (art. 2)

The Committee recommends that the State party take measures to ensure that the closure of the Swedish Integration Board does not detract from a holistic approach to the development of strategies to combat racial discrimination in the State party.

12. While noting the existence, in the area of the application of the Convention, of a diversified non-governmental organization (NGO) community in the State party, the Committee wishes to emphasize the importance of providing adequate support to these institutions. (art. 2(1)(e))

The Committee recommends that the State party may consider providing the NGOs engaged in the field of human rights and, in particular, in combating racial discrimination with adequate support to enable them to perform their functions effectively.

13. The Committee is concerned that the new Anti-Discrimination Act of July 2008 does not provide for the adoption of special measures regarding vulnerable racial or ethnic groups, with the exception of certain measures related to immigrant employment agencies. It recalls that special measures for the advancement of certain groups are required when circumstances so warrant, provided that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups. (arts. 1(4), and 2(2))

The Committee encourages the State party to review its position regarding special measures in view of the persisting inequalities experienced by minority and indigenous groups as well as foreign-born persons.

14. While noting the existence of legal provisions giving effect to article 4, and the State party's position that its legislation meets the requirements of the Convention, the Committee remains concerned about the absence of any explicit criminal law provisions declaring illegal and prohibiting organizations promoting and inciting racial hatred. (art.4)

The Committee reiterates its recommendation that the State party review its position on the prohibition of racist organizations and amend its legislation to bring it in line with article 4(b) of the Convention. In this regard, the Committee recalls its general recommendation no. 15 (1993) on

article 4 of the Convention, according to which all provisions of article 4 are of a mandatory character.

15. While the Committee welcomes the State party's efforts to combat hate crimes, including by new tracking methods in the judicial system, it is concerned about the increase of reported racially motivated hate crimes since 2000, as well as the spread of white power music and propaganda. It also expresses concern that the objectives of the relevant laws and policies are not being realized fully in practice, and that the Attorney-General initiated criminal proceedings only in a limited number of cases of agitation against ethnic minorities. Furthermore, the Committee is concerned that the judiciary, the prosecution authority, and the police force use different definitions of hate crime. (arts.4 and 6)

The State party should intensify its efforts to prevent, combat, and prosecute racially motivated offences and hate speech, and to ensure that relevant criminal law provisions and existing policy directives are effectively implemented. In this regard, the Committee recommends that the State party replicate best practice examples, such as the hate crime unit in Stockholm. The Committee also requests that the State party provide orientation courses in order to sensitize prosecutors to the general importance of prosecuting racist acts, including hate speech. The State party should introduce a common definition of hate crime to be used by all the authorities involved in combating such crimes.

16. The Committee, while noting relevant studies undertaken by the State party, is concerned about discrimination in the judicial and law enforcement systems against persons of non-Swedish background. The Committee is particularly concerned about allegations of racial prejudice among judicial personnel and about the lack of legal interpreters. (arts. 5(a) and 6)

By reference to its general recommendation no. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee encourages the State party to develop and strengthen its programmes aimed at combating discrimination in the judicial and law enforcement systems. In this regard, the State party is encouraged to implement the recommendations contained in the study entitled "Discrimination in the Criminal Justice Process" by the National Council of Crime Prevention in 2006, in particular by providing effective interpretation and translation facilities to all persons appearing before institutions of law and justice, and by actively recruiting staff with foreign backgrounds into the law enforcement authorities and the judiciary.

17. The Committee notes the State party's continued commitment to the integration of foreign-born persons. Nevertheless, it remains concerned that despite such efforts, de facto discrimination against persons of foreign origin persists in a number of areas. It is particularly concerned about the lower employment rate among persons of immigrant origin, especially women. It regrets the lack of information on concrete measures taken

to prevent discrimination in the area of health. The Committee is also concerned about the prevalence of de facto discrimination in the housing sector. (arts. 5 (e) and (f))

The Committee recommends that the State party intensify its efforts to combat discrimination against persons of foreign origin. In particular, the State party should improve the effectiveness of its legislation and policies aimed at eliminating discrimination in the labour market and improving employment opportunities for persons with immigrant backgrounds. The State party is invited to provide additional information on the results of the project of anonymous job applications, which is aimed at providing equal access to employment, in its next periodic report. The State party is also encouraged to review its health-care policies, with a view to offering equal access to health care to all persons, irrespective of ethnic origin. The Committee recommends that the State party strengthen its efforts to combat de facto discrimination in the housing sector, including by ensuring transparent and clear criteria in allocation of public housing.

18. While welcoming the efforts made by the State party to eliminate discrimination against the Roma, such as the establishment of a Delegation for Roma Issues in 2006, and noting the establishment of a working group on education within the framework of this Delegation, the Committee remains concerned about the limited enjoyment by members of the Roma community of the rights enshrined in the Convention, especially the rights to education, employment, housing and access to public places. (arts. 2, 5, and 6)

In light of its general recommendation no. 27 (2000) on discrimination against Roma, the Committee recommends that the State party strengthen its efforts to increase the level of education of members of Roma communities, inter alia by raising awareness about the possibility for Roma children to receive instruction in their mother tongue, and by further promoting the recruitment of Roma teachers. It also encourages the State party to increase employment opportunities for Roma, including by training unemployed Roma for the labour market, as well as ensuring that they have equal access to housing and public places, by effectively enforcing existing policies on the protection of minorities. The State party should also increase its efforts to combat negative attitudes and prevailing stereotypes concerning Roma.

19. While noting the State party's stated intention to address the reports of various inquiries regarding Sami land and resource rights¹ in a bill to be submitted to Parliament in March 2010, the Committee reiterates its concern about the limited progress achieved in resolving Sami rights issues. It is also concerned about the restrictive terms of reference of the Boundary Commission and other inquiries tasked with the study of Sami rights, as well as the lack of resources allocated to these inquiries. (arts. 5(d)(v), 5(e)(vi), and 6)

¹ Boundary Inquiry, the Inquiry of Sami Hunting and Fishing rights and the Reindeer Hunting Inquiry

The Committee recommends that the State party take effective measures to ensure that studies conducted in the area of Sami rights result in concrete action, including the adoption of new legislation, in consultation with the communities affected. The State party is also invited to initiate further studies into methods by which Sami land and resource rights may be established, taking into account the oral tradition of Sami culture, as well as any limitations in written documentary evidence of Sami title.

20. While noting the State party's assumption that no further legal actions by Swedish landholders against Sami reindeer herders are to be expected, the Committee reiterates its concern regarding such land disputes. It is particularly concerned about past court rulings which have deprived Sami communities of winter grazing lands. It is also concerned about de facto discrimination against the Sami in legal disputes, as the burden of proof for land ownership rests exclusively with the Sami, and about the lack of legal aid provided to Sami villages as litigants. (art. 5(a), 5(d)(v), 5(e)(vi), and 6)

The Committee recommends that the State party grant necessary legal aid to Sami villages in court disputes concerning land and grazing rights and invites the State party to introduce legislation providing for a shared burden of proof in cases regarding Sami land and grazing rights. It also encourages the State party to consider other means of settling land disputes, such as mediation.

21. The Committee, while commending the State party for its active participation in the initiative of a Nordic Sami Convention, is concerned about the slow progress in its further development. It is also concerned that the State party has deferred its ratification of International Labour Organization (ILO) Convention No. 169 (1989) on Indigenous and Tribal Peoples in Independent Countries. (art. 5(e)(vi))

The Committee encourages the State party proceed expeditiously towards the goal of adopting a Nordic Sami Convention and of ratifying ILO Convention No. 169.

22. The Committee expresses concern about the continuing discrimination against the Sami in many segments of Swedish society. It is also concerned that despite the State party's effort to increase awareness of the possibility of schools providing mother tongue tuition, such awareness remains low among members of the Sami community. (arts. 5 (e))

The Committee encourages the State party to implement the recommendations contained in the study by the Ombudsman on Ethnic Discrimination published in July 2008. The State party is encouraged to raise greater awareness among the Sami regarding the availability of mother tongue tuition and to implement distance learning programmes as a measure to avoid teacher shortfalls and lack of funding. The Committee

encourages the State party to learn from best practices in other countries with Sami communities.

23. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

24. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chapter I), when implementing the Convention in its domestic legal order, particularly as regards articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee also encourages the State party to participate actively and comprehensively in the Preparatory Committee for the Durban Review Conference, as well as in the Durban Review Conference in 2009.

25. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and national languages.

26. The Committee recommends that the State party continue to consult with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

27. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

28. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 15, 16, and 20 above.

The Committee recommends that the State party submit its nineteenth, twentieth, and twenty-first periodic reports in a single document, due on 31 July 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.