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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fourth session
23 February - 12 March 2004

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 fifteenth and sixteenth periodic reports of Sweden, which were due on 5 January 2001 and 2003 respectively, submitted as one document (CERD/C/452/Add.4), at its 1618th and 1619th meetings (CERD/C/SR/1618 & 1619), held on 25 and 26 February 2004. At its 1638th meeting, held on 10 March 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party in a timely fashion, and the additional oral and written information provided by the delegation. It expresses its satisfaction over the progress reported and the information that non-governmental organizations were consulted in the preparation of the report. The Committee further acknowledges the quality of the report, which is in conformity with the reporting guidelines of the Committee, and expresses its appreciation for the constructive responses of the delegation to the questions raised during the consideration of the report.

B. Positive aspects

3. The Committee commends the adoption, in February 2001, of a National Action Plan to combat Racism, Xenophobia, Homophobia and Discrimination, as an important tool to implement the Durban Declaration and Programme of Action, and the adoption, in January 2002, of a National Plan of Action for Human Rights.

4. The Committee welcomes the adoption of a series of legislative measures undertaken by the State Party to combat racial discrimination, including inter alia:

- a) The new Prohibition of Discrimination Act, which entered into force on 1 July 2003. It takes note with satisfaction that this new Act broadens the scope of protection against ethnic discrimination, requires the complainant to establish only a prima facie case of discrimination and extends the field of supervision of the Ombudsman against Ethnic Discrimination.
- b) The new Group Proceedings Act, which entered into force on 1 January 2003, providing the possibility, in specific circumstances, of instituting class action suits in cases of alleged discrimination.
- c) The amendments to the Fundamental Law on Freedom of Expression, which came into force in January 2003, improving the possibilities of introducing legal action against racial agitation.
- d) The new Act on Citizenship, which came into force on 1 July 2001, accepting the possibility of dual citizenship and facilitating the acquisition of Swedish citizenship for children of foreign background.

5. The Committee takes note, with satisfaction, of the creation in 2003, with State funding, of the "Centre against Racism and Related Intolerance", consisting of more than a hundred non-governmental organizations working in the field of racial discrimination.

6. The Committee is encouraged by the initiatives taken by the State party to increase knowledge of the Sami people among the general society, including the initiation of an information campaign.

C. Concerns and recommendations

7. The Committee takes note of the State Party's position regarding the determination of the ethnic composition of the

population, but remains concerned that such information has not been provided in the State Party's report.

In the light of the absence of statistical data on the ethnic composition of Swedish society, the Committee recommends that the State party provide an estimate of the demographic composition of the population in subsequent reports, as requested in paragraph 8 of the reporting guidelines, and draws the attention of the State party to its General Recommendation VIII concerning the self-identification of members of particular racial and ethnic groups.

8. While the Committee takes note with satisfaction of the State party's efforts to combat hate crimes, it is concerned about allegations that few of these reported crimes have led to prosecutions and that the relevant domestic legal provisions are rarely applied.

The Committee recommends that the 2002 instruction from the Office of the Prosecutor General to public prosecutors to give priority to these kinds of crimes be actively implemented and that the relevant criminal law provisions be effectively applied in practice. It recommends that the State party provide statistical information on prosecutions launched, and penalties imposed, in cases of offences which relate to hate crimes, and where the relevant provisions of the existing domestic legislation have been applied.

9. While the Committee welcomes the new Equal Treatment of Students in Higher Education Act, which entered into force on 1 March 2002, and which contains prohibitions on direct and indirect ethnic discrimination against students and applicants in the field of higher education, it takes note that it is reportedly not being implemented in some Swedish universities.

The Committee invites the State party to provide an assessment on the implementation of this new Act.

10. The Committee takes note of the fact that the State Party continues to uphold its interpretation of the provisions of article 4 of the Convention, maintaining that criminal acts committed by the members or supporters of a racist organization may be prohibited and penalized by law, but not the existence of, and participation in, racist organizations.

The Committee draws the State party's attention to its General Recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination, as well as recognizing participation in such organizations

as an offence punishable by law. Accordingly, the Committee recommends that the State Party reconsider its position and adopt the necessary legislation in order to ensure full compliance with article 4(b) of the Convention.

11. While the Committee acknowledges with satisfaction the initiatives taken by the State party to improve the situation of the Roma, such as the establishment of a Council for Roma Issues in 2002 as an advisory body to the Government, it remains concerned about the difficulties still faced by a large part of the Roma community in areas such as employment, housing and education.

The Committee draws the attention of the State party to its General Recommendation XXVII on discrimination against Roma and encourages the State party to intensify its efforts to implement national strategies and programmes in these areas, including the biennial strategic programme of the Ombudsman against Ethnic Discrimination, with a view to improving the situation of the Roma and their protection against discrimination.

12. While the Committee welcomes the appointment of the Boundary Commission in 2002 to formulate proposals for the definition of the boundaries for Sami reindeer breeding areas by the end of 2004 as an important step towards securing the rights of the Sami people, it remains concerned that the issues related to the Sami land rights remain unresolved.

In the light of General Recommendation XXIII on the rights of indigenous peoples, the Committee encourages the State Party to ensure that the Boundary Commission fulfills its task within the scheduled time. Consequently, it also recommends that the State Party introduce adequate legislation, in consultation with the Sami people, regarding the findings of the Boundary Commission, in order to remove the legal uncertainty relating to Sami land rights.

13. The Committee notes that the State party has so far not been in a position to ratify ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. In this connection, it takes note of the State party's observation that in order to make ratification possible, it is necessary to define at least the outer boundaries for reindeer husbandry more clearly than at present.

The Committee invites the State party to accelerate all preliminary work in order to proceed with the ratification of the Convention as swiftly as possible.

14. The Committee notes the allegations that in cases of land disputes between Sami and non-Sami in courts of law, the interests of the non-Sami frequently override those of the Sami, and that the latter are allegedly not provided with financial means to support litigation in respect of their rights to land.

The Committee requests that the State party provide information on this issue, as well as information on the outcome of cases related to these claims and the compensation granted, if any.

15. The Committee takes note of the Special Control of Foreigners Act, which allows the Government to expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or participate in crimes involving violence, threats or coercion for political purposes, without the possibility of appealing against such decisions.

While acknowledging the State Party's national security concerns, the Committee reminds the State Party of the need to balance those concerns with its human rights obligations. In this regard, it draws the State Party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, color, descent, or national or ethnic origin". The Committee invites the State party to reconsider this Act to the extent that it provides for the possibility of expulsion without a right of appeal and to provide additional information on this issue in its next periodic report.

16. While the Committee is encouraged by the State party's affirmation that Sweden is a country of immigration and that integration policies to counteract the social exclusion experienced by some persons born abroad are a priority, it remains concerned at the persistence of discriminatory attitudes faced by persons of immigrant origin in certain areas, such as the labour market, housing and access to public services.

The Committee encourages the State party to pursue and strengthen its efforts in these areas, in accordance with article 5(e) and (f) of the Convention.

17. The Committee encourages the State party to continue to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

18. The Committee recommends the State party to disseminate widely information on the available domestic remedies against acts of racial discrimination, on the legal avenues to obtain compensation in cases of discrimination, and on the individual complaints procedure under article 14 of the Convention accepted by Sweden.

19. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

20. The Committee recommends that the State Party submit jointly its 17th and 18th periodic reports in one document, due on 5 January 2007, as an updating report addressing all points raised in the present concluding observations.