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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fourth session

SUMMARY RECORD OF THE 1618th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 25 February 2004, at 3 p.m.

Chairman: Mr. YUTZIS

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth and sixteenth periodic reports of Sweden (CERD/C/452/Add.4; HRI/CORE/1/Add.4/Rev.1; CERD/C/304/Add.103)

1. At the invitation of the Chairman, the members of the delegation of Sweden took places at the Committee table.
2. Mr. EHRENKRONA (Sweden), introducing the fifteenth and sixteenth periodic reports of Sweden (CERD/C/452/Add.4), said that his Government had consulted with Swedish non-governmental organizations (NGOs) in the process of compiling the report. The Government welcomed the opportunity to improve on its work to promote and protect human rights, and in particular to combat discrimination, which was crucial for the integration of immigrants and refugees.
3. In 2001, Sweden had adopted the Action Plan against Racism, Xenophobia, Homophobia and Discrimination, which aimed to make the struggle against those phenomena more systematic, structured and effective (para. 29). New legislation designed to counter discrimination on various grounds, including ethnic origin, had entered into force on 1 July 2003 (paras. 22-23). A commission charged with proposing legislation to counteract discrimination on grounds of gender, ethnic origin, religious or other beliefs, sexual orientation or disability within the educational system in order to implement the provisions of two European Union directives against discrimination would issue its recommendations by 30 April 2004.
4. A report by the commission appointed to compile and analyse information about institutional discrimination on grounds of ethnic origin or religion and propose measures to counteract institutionalized discrimination was due by 31 March 2005. The authorities in the criminal justice system would report to the Government on the efficacy of the anti-discrimination measures (para. 21) that they had implemented in 2004. State funding of local anti-discrimination offices (para. 33) had been substantially increased in 2004, while the State-funded Centre against Racism and Related Intolerance (para. 35) had begun its work, in conjunction with more than a hundred NGOs.
5. Efforts to promote integration were to be stepped up in several areas: for example, an inter-ministerial working group had been set up in order to improve the structure for the monitoring and development of integration policy. The working group, whose work would continue until June 2005, had put forward proposals for targets and indicators in areas such as employment, ethnic diversity and education.
6. Improving the participation of immigrants in the labour market was crucial for their successful integration, but would also help Sweden to overcome the demographic challenge associated with an ageing population. A variety of measures had therefore been taken with that aim in mind. The Government had announced its objective of increasing ethnic diversity among State employees; responsibility for following up on such efforts fell to the Swedish Integration Board and the Ombudsman against Ethnic Discrimination. Preparatory courses for people with

higher education who wished to work in public administration would be organized, by the National Council for Quality and Development, with the aim of improving the chances of immigrants with higher education being recruited for qualified administrative jobs in State agencies.

7. Discussions were being held with trade unions and employers' associations about how to increase labour participation and make more effective use of the foreign-born population. The quality of reception in municipalities for new arrivals was important for their future success on the labour market; the committee mentioned in paragraph 90 of the report had presented its report to the Government, as a result of which a bill on improved municipal reception for refugees would be forwarded to Parliament in 2004.

8. Following the entry into force of legislation on the right to use Finnish and Meänkieli in dealing with public authorities (para. 43), a commission had been appointed to assess the possibility of extending the geographical area for the Finnish language, which would benefit Finnish-speaking Roma as well as ethnic Finns. The results of a two-year project carried out by the Ombudsman against Ethnic Discrimination in order to combat discrimination against the Roma would be presented to the Government in March 2004. Since the number of complaints to the Ombudsman from Roma had increased as a result of the measures taken, which had focused on education and information, the Government had decided to continue funding of the project for 2004.

9. Although Swedish law did not explicitly prohibit racist organizations, the same effect was achieved through the criminal liability of the individual. The dissemination of racist statements or other expressions of racist attitudes or beliefs was criminalized under Swedish law as agitation against a national or ethnic group; the prohibition covered dissemination within racist organizations and the use of Nazi symbols or other expressions of racist opinions in public. A new provision introducing an aggravated form of the crime and prescribing a penalty of between six months and four years' imprisonment had entered into force on 1 January 2003. Racist crimes were also subject to Swedish legislation on complicity in committing crimes, which was far-reaching.

10. In response to the Committee's concluding observations, he wished to clarify that the Swedish Parliament had recognized the Sami as an indigenous people of Sweden in 1977. The Sami were also afforded the rights and protection accorded to national minorities. Thus, Sweden had recognized the Sami languages as minority languages in 2000.

11. Under the Swedish Reindeer Herding Act of 1971, individuals of Sami descent had the right to use land and water to support themselves and their reindeer. Land-use rights were based on customary law and immemorial usage, and were restricted to herding and some hunting and fishing privileges. Since 1995, the two competing rights to herd reindeer and to land ownership had enjoyed equal Constitutional protection. Consequently, a number of bodies had been established to ensure that the exercise of either right was not allowed to infringe on the other, among them the Reindeer Breeding Policy Committee (para. 46) and a boundary commission (para. 47), which it was hoped would help to reduce the number of disputes between reindeer herders and landowners. A commission on hunting and fishing, which had been appointed in April 2003 to clarify the scope of Sami hunting and fishing rights, was to submit its findings in December 2005. The Government intended to ratify the International Labour Organization's

Convention No. 169 on Indigenous and Tribal Peoples as soon as possible. A recent survey had revealed generally positive attitudes towards the Sami people among the Swedish population, despite inadequate knowledge about Sami culture and history.

12. The Government was concerned by unconfirmed reports of increasing anti-Semitism in Sweden, and had taken measures in many areas to counteract both anti-Semitism and Islamophobia. The results of a report by the Swedish Integration Board on the situation of Muslims in Sweden after the events of 11 September 2001 (para. 38) would allow the Government to assess the need for further measures.

13. Mr. SICILIANOS, Country Rapporteur, commended Sweden on the regularity with which it had submitted its reports to the Committee and to the other treaty monitoring bodies. He noted that Sweden had made the declaration under article 14 of the Convention and had ratified the amendment to article 8.

14. Although Sweden was not unique in not permitting information to be collected on ethnicity or religion, the Government should consider the principles set out in the Council of Europe's 1981 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which might offer a solution to the need to protect sensitive data while still compiling reliable statistics, without the need for legislative changes.

15. He wished to have more information about the amendment of the Fundamental Law on Freedom of Expression aimed at improving the possibility of legal recourse against racial agitation (para. 63). He asked whether there had been any evaluation of the efficacy of the measures taken by the Office of the Prosecutor-General and the National Police Board to combat hate crimes (paras. 15-16), which were of particular interest to the Committee in view of the concerns that it had expressed about the problem of racial hatred in its concluding observations (CERD/C/304/Add.103).

16. Sweden's new legislation on the prohibition of racial discrimination was being widely implemented and the adoption of that legislation had increased the scope of the Office of the Ombudsman against Ethnic Discrimination. He wished to know whether the new legislation stipulated that the burden of proof rested on the accused in cases of racial discrimination. Although the Equal Treatment of Students in Higher Education Act had been brought into force in 2002, the Committee had been informed that it was not being applied sufficiently in many universities. Sweden should be commended for having adopted an Action Plan against Racism, Xenophobia, Homophobia and Discrimination, following the Durban Conference in 2001. According to the report (para. 30), the Swedish Integration Board carried out regular evaluations of the Action Plan. He wondered whether such evaluations had begun, and what the results had been.

17. The creation of the Centre against Racism and Related Intolerance (para. 35) should be commended, particularly as the Centre would carry out work against Islamophobia, a problem which had become increasingly serious since 11 September 2001. The Committee required further information on the methods employed by the Centre and other bodies, including the Office of the Ombudsman against Ethnic Discrimination, in dealing with Islamophobia.

18. The Sami, Swedish Finns, Tornedalers, Roma and Jews were officially recognized as national minorities. The Committee welcomed the fact that linguistic rights were granted to Finnish-speaking minority groups. A Boundary Commission had been appointed in 2002 to investigate and define territorial boundaries for reindeer breeding, and make proposals on the scope of Sami hunting and fishing rights (para. 47). The Commission's findings were due to be published in December 2004, and he wished to know whether it was on schedule to meet that deadline. He asked whether any of the members of the Commission were Sami, and what measures would be taken as a result of the Commission's findings. The Committee wished to know whether Sweden would be prepared to ratify ILO Convention No. 169, following the publication of the Commission's report. The delegation should also give details of the outcome of the activities of the Council for Roma Issues.

19. He requested information on the implementation of the Fundamental Law on Freedom of Expression, which had been amended in order to improve the possibility of combating white power music (para. 63). The activities of racist organizations were prohibited, owing to recent amendments to legislation. However, the new legislation did not provide for the prohibition or dissolution of such organizations.

20. The fact that all foreigners living in Sweden for three or more years had the right both to vote and to stand as candidates in local elections should be commended. A new law on citizenship had been adopted that made it easier for foreign children to become Swedish citizens. Several measures had been taken, including the introduction of new legislation, to combat discrimination against minority groups and immigrants on the labour market. Regarding discrimination in the provision of housing, he wished to know whether any information was available on the work of the evaluation programme for local development agreements in distressed areas. According to the alternative report submitted to the Committee, local authorities had difficulty taking measures to prevent de facto housing discrimination. The delegation should provide further information on discrimination in regard to access to public places.

21. The Government should be commended for having taken measures to increase public awareness of and sensitivity towards issues of racial discrimination. Police training programmes on racial discrimination were of particular importance. He enquired whether such programmes were applied in general across the country. The Committee would be interested to see the results of the National Human Rights Action Plan (para. 112) in the next periodic report submitted by Sweden.

22. Mr. VALENCIA RODRÍGUEZ asked whether the reduction in the number of racist offences by the white power movement was due to measures taken by the authorities to eliminate discrimination. The Committee had been informed that complaints of racial discrimination had increased in the labour, housing, education, justice and social services sectors. Further information was therefore required on the effects of new legislation introduced to combat discrimination. The Committee would like to know the results of the implementation of the Group Proceedings Act (para. 28). The delegation should also provide information on activities carried out to disseminate documentation on the outcome of the Durban Conference. More needed to be done to combat the increase of Islamophobia in Sweden.

23. The recognition of Sami land rights and the right to use natural resources was of interest to the Committee. They hoped that Sweden would ratify ILO Convention No. 169 in the near future. Although discrimination against the Roma population had lessened, further measures were still required to combat discrimination against that community in matters of housing, employment, education and health protection. Steps should be taken to eliminate the differentiation between foreign born and Swedish born workers on the labour market.

24. Mr. AVTONOMOV said that official statistics were required concerning the ethnic composition of the population. Sweden's ethnic diversity was apparent as organizations had been founded representing not only traditional ethnic groups such as Roma and Sami, but also relatively new ethnic groups such as the Azerbaijani and Iranian communities. Official statistics were also required on the geographical distribution of immigrants, in order to give a clearer picture of the levels of integration in Sweden. He wished to know why Sweden had still not ratified ILO Convention No. 169. Consideration needed to be given to the fact that different national minorities faced different problems: for some the right to hunt was a cultural issue, whereas for others it was a matter of subsistence. Further information was required on local development agreements in distressed urban areas, for example, what such agreements entailed, who was party to them, and what time period they covered.

25. Mr. THORNBERRY said that a variety of economic activities took place on Sami territory, and although individual mining or forestry projects might not amount to basic interference with the rights of minority populations, the cumulative effect of such activities could amount to a violation of human rights. Careful and constant monitoring was therefore necessary. Regarding equal rights, he wished to know whether the situations of the Sami and the non-Sami were truly equal. It was necessary to achieve equality in fact, rather than formal equality and equality in law. He wished to know whether the rights of the Sami, who were a vulnerable group dependent upon natural resources for their subsistence, were equal to those of outsiders who wished to exploit their territory for the purposes of tourism and industry. The Committee therefore wished to see a sensible application of non-discrimination principles in relations between the Sami and non-Sami populations.

26. The notion of equality was also linked to the participation of the Sami and other minorities in decision-making in areas that concerned them. Accordingly, he asked to what extent the Sami participated in such issues as the granting of licences for mining and logging and the demarcation of Swedish territory for the benefit of the Sami and that of the population as a whole. He enquired whether any of the bodies responsible for such decisions had formal relations with the Sami Parliament. He welcomed Sweden's stated intention to ratify ILO Convention No. 169. It was evident that Sweden gave serious consideration to addressing problems and responding to new developments in the field of human rights.

27. Mr. BOYD said that it was important to understand Sweden's sixteenth periodic report in the context of its commitment to eradicate racial discrimination and to afford the most fundamental human rights to all people living within its borders. It was noteworthy that Sweden had increased the scope of its anti-discrimination protection in areas beyond employment and education. He welcomed the establishment of a commission to investigate and assess structural discrimination based on ethnic origin in several sectors of Swedish society. One of the areas in which racial discrimination had become apparent in Sweden concerned bias-motivated or hate crimes. The delegation should comment upon the reports received from some NGOs concerning

the ineffectiveness of measures aimed at eradicating hate crimes, the increase in the number of such crimes in recent years and the low number of indictments issued. He wondered whether those reports were borne out by empirical data. He asked what the Government was doing or was planning to do to increase the reporting of hate crimes and to improve the effectiveness of investigations into such crimes leading to the indictment and successful prosecution of offenders. He asked what sort of measures had been taken or were planned to assist vulnerable communities, especially with respect to the recruitment and retention of law enforcement officers from the communities in question. That was an important element in enhancing the effectiveness of the actual and perceived protection afforded such communities.

28. He wished to know what consideration had been given to specific credit and lending practices that had contributed to residential segregation and to the lack of access by the Roma community in particular to land ownership, which was important from the point of view of wealth creation and sharing. Those concerns had been expressed in the Committee's latest concluding observations on the thirteenth and fourteenth periodic reports of Sweden (CERD/C/304/Add.103). He asked what was being done to assess and understand those issues, and whether they had resulted from purposeful discrimination or from a discriminatory effect not motivated by any racial bias.

29. Mr. KALITZAY said he wished to know to what extent the Sami had participated in the Boundary Commission to propose a definition of the boundaries for Sami reindeer breeding rights, which was an issue of great importance to that community. He was concerned that Sweden had not yet ratified ILO Convention No. 169. Regarding the "other actors" who would be given an opportunity to discuss the content of that Convention and the implications of ratification (para. 49) of the report, he wondered who those other actors might be and what implications had been identified. It was not clear whether the Sami people were considered a national minority or an indigenous people. He was somewhat dismayed to note that it was necessary in such a well-developed democracy as Sweden to organize an information campaign on the culture of one of its peoples. That led him to suppose that countries with less well-developed democracies might have even less knowledge of their own people.

30. Mr. KJAERUM said that, as a Danish national, he looked to Sweden for inspiration in the field of policy-making. Sweden was able to inspire other countries in that regard because of the earnest single-mindedness with which it addressed problems. The Government's recognition that Sweden had become a country of immigration was important because it came from a northern European country that had historically been characterized by a homogenous population. That recognition, when used as a framework for policy-making, allowed for greater scope in addressing the real problems of integration faced by indigenous people and immigrants in Sweden. It also underlay the Government's strategies to encourage greater ethnic representation in the public service. In that connection, he wished to know whether there were also plans to encourage ethnic diversity in the private sector.

31. Regarding plans to increase ethnic representation in the police force (para. 120), he asked whether any steps were envisaged to keep the 13 to 16 per cent of the police students who were from ethnic minorities from dropping out of the academy or terminating their careers prematurely, as often happened in other countries. The recruitment of students to the Police Academy from the defence forces gave the members of the police force a certain character. He asked whether the Government had considered broadening the basis for recruitment and whether

it might be more important for such students to have completed secondary schooling, rather than to have undergone military training. There appeared to be differing approaches among the police and judiciary for dealing with the actions of Nazi groups, and officials in some municipalities were more lenient than others. He suggested that a national policy should be formulated in that regard.

32. He wondered whether any consideration had been given to revising the Special Control of Foreigners Act, known as the anti-terrorism law, given that it did not allow foreigners suspected of terrorism to appeal a decision to expel them. He noted that the issue of double discrimination was important to the Committee and had been dealt with in its Recommendation XXV on Gender Related Dimensions of Racial Discrimination. The special measures taken by the Government to assist and support girls and young women from immigrant backgrounds were very positive, as was the establishment of an informal working group to strengthen the position of Roma women and to increase their participation in community life. He asked what the outcome had been of those efforts. He enquired whether the practice of female genital mutilation had been criminalized in Sweden and whether such criminalization included an extra-territorial component.

33. He wished to know whether the Sami people had the right to use their native language in dealings with public authorities in all parts of Sweden. He wondered whether any consideration had been given to establishing a national human rights institution that would be guided by international principles, including that of independence. He suggested that Sweden could learn from the experiences of other European countries that had set up such institutions.

34. Mr. de GOUTTES said that the sixteenth periodic report could be considered an update, which was useful because it highlighted the developments that had taken place since the last report. That method should be used by other countries as well. One of the most important developments in the State party was the recognition by the Government that Sweden had become a country of immigration. Numerous positive measures had been taken, including the establishment of various mechanisms to assist and protect foreigners and the enactment of new legislation to combat racial discrimination. Nevertheless, the number of reported crimes with racist and xenophobic motives remained high, despite a slight decrease in 2002. It would be useful for the sake of comparison to include that figure in the next periodic report. He requested a more detailed explanation of the group action provided for in the Group Proceedings Act (para. 28), including the precise nature of the special preconditions that had to be met. Such group action had often been discussed by the Committee and had implications for its individual communications procedure.

35. Regarding the recommendation by the National Police Board (para. 120) that increased numbers of persons from ethnic minorities should be recruited into the police force, he asked what method was advocated to achieve that goal and whether it would include the use of a quota system. Similarly, he wondered how the Government planned to increase the participation of immigrants in the labour market and whether those plans included such encouragements as tax incentives or grants.

36. In view of the fact that hostility against Muslims had risen in Sweden, it was essential for the Government to establish a dialogue with the Muslim community. He requested more detailed information on that issue.

37. Mr. ABOUL-NASR commended the Government for the frankness with which it described the situation of Muslims in Sweden following the events of 11 September 2001. He requested to be given a copy of the report published by the Swedish Integration Board in June 2003 describing that situation. He was surprised to learn that Jews had been recognized by the Government as a national minority and he wondered whether they were seen as representing a race or a religion. He asked for information on the number of Muslims living in Sweden and why they had not been designated as a national minority.
38. Mr. TANG Chengyuan said that the Roma lived in many countries of Europe and usually constituted a vulnerable group. That was also the case in Sweden. He wondered what concrete measures had been taken to help raise the educational and living standards of the Roma and other minorities in order to enable them to lift themselves out of poverty.
39. Regarding the definition of the boundaries for Sami reindeer breeding rights, the reporting State should seek the opinions of the indigenous people and meet all reasonable demands. He enquired what the Government planned to do if projects undertaken on land traditionally occupied by the Sami were found to be detrimental to the traditional way of life of those people.
40. Mr. HERNDL said that the reporting State was a model country in the human rights field, particularly regarding its constant adaptation and improvement of existing laws. The periodic report had been prepared in consultation with several NGOs, which was also an example other States parties would be advised to follow. He pointed out that Sweden was one of the first States to ratify article 8 of the Convention, thereby directly supporting the Committee.
41. Regarding article 4, whilst the measures the reporting State had taken were positive, he wondered how effective they were, and to what extent the scope of pro-racist activities in Sweden had diminished. The information in paragraphs 19 and 20 of the report seemed to be contradicted by statistics published by other organizations, particularly regarding the number of offences involving agitation against a national ethnic group. The European Commission against Racism and Intolerance had asserted that the relevant legislation in Sweden was underused. He wondered whether that was due to a lack of awareness and implementation on the part of the criminal justice system.
42. The Government had still not responded to the clear obligation in article 4 (b) to ban organizations which promoted and incited racial discrimination. He had noted the content of paragraph 73 of the current report and paragraph 54 of the previous report (CERD/C/362/Add.5). Given that the mere existence of such organizations lent support to racist ideas, however, he asked why the reporting State did not comply with the Committee's concluding observations from the previous session by declaring illegal and prohibiting those organizations. The Human Rights Committee had advised the State party to take steps to review its policy towards the establishment and operation of racist, xenophobic and, especially, neo-Nazi organizations in its concluding observations (CCPR/CO/74/SWE, para. 14). Whilst the problem was clearly a concern in other States, he wondered why, if all the activities of an organization were criminalized, the organization itself should not also be declared illegal.
43. Mr. LINDGREN ALVES commented that the report was a model for any country in that it was short, succinct and covered all essential issues.

44. Given that the registration of individuals based on ethnicity or religion was not allowed in the reporting State, he wondered what criteria were used to recognize national minorities that required protection, as stated in paragraph 42 of the report.

45. Awareness should be raised of the fact that Roma children were often taken out of school to undertake other activities. While he fully endorsed the policies in support of Roma women (para. 56), he asked whether such policies might not be interpreted as an encroachment on traditional culture and a violation of cultural rights.

46. Regarding the all-party committee appointed by the Government to study crimes related to certain organizations, he enquired whether the Swedish authorities still considered that taking part in such organizations should not be penalized. If that were the case, he found it surprising, since such a stance was incongruous in a country that had always been a model for human rights.

47. Ms. DAH, after thanking the Committee members for their warm welcome, referred to the networks to be set up by Roma women, and said she would like to know whether the initiative had been taken by the Roma women themselves or whether the Government had been responsible. If the latter was the case, she enquired why there was no evidence of similar support for other groups, especially gender-based groups.

48. Mr. PILLAI commended the State party on the report, particularly the statements in paragraph 3 that Sweden was a country of immigration and that one in five Swedish citizens had a foreign background. That emphasized the State's responsibility to ensure the existence of a tolerant, multicultural and multi-ethnic society in Sweden.

49. Regarding the need to balance freedom of speech and expression with the introduction of reasonable limits on that right, in order to prohibit activities that promoted and incited racial discrimination, he mentioned an alternative report produced by a group of NGOs, where it was asserted that, in relation to the national population, the amount of racist and anti-Semitic material produced in Sweden was considerable. There had also been reports of significant growth in the "white power" music industry, and that daily newspapers accepted advertisements from various "white power" companies. While he did not have details concerning the procedures introduced to counter such activities, he noted that doubts had been raised in the NGO report regarding its efficacy. The report expressed concern that all prosecution depended on the Prosecutor-General and that cases might be lost in the gap between the police and the Prosecutor-General. He therefore sought clarification on whether the police were entitled to carry out far-reaching investigations in such cases and what could be done to ensure that the Prosecutor-General had sufficient evidence to initiate prosecution.

50. Mr. SHAHI said that, according to the delegation, the area of Sweden was 450,000 km², of which 255,000 km² constituted the reindeer herding region, where reindeer herding rights applied. He requested clarification of those statistics, given that 255,000 km² seemed rather a large area of land for a total Sami population of around 20,000.

51. Regarding the Boundary Commission appointed to define those boundaries, he hoped that it would be given sufficient resources to carry out its mandate and that it would consult with the Sami people on the area within which their rights to herd reindeer, hunt and fish would be protected. Given the vast area of land concerned, it should not be difficult to apportion some of

it to different companies for activities such as mining and logging, while setting the boundaries to allow the Sami people to exercise full rights over their land. Any ownership rights given to others should be agreed with the Sami population.

52. He noted that Sweden was considering ratifying ILO Convention No. 169 and hoped that it would do so without undue delay, as it was not sufficient to recognize the Sami as indigenous people without allowing them the benefits of that Convention.

53. He commended the Government on its protection of the Roma people and expressed the hope that further measures would be implemented to prevent discrimination against them in housing and other aspects.

54. He welcomed the delegation's statement that a commission had been appointed by the Government to analyse discrimination on ethnic or religious grounds. Such action demonstrated the Government's concern about expressions of hatred or discrimination on ethnic or religious grounds, which were contrary to its democratic values. The commission was also to study the situation of Muslims in Sweden since 11 September 2001. He hoped that the Government would take further measures in that respect and communicate the results in its next periodic report.

The meeting rose at 5.45 p.m.