

SWEDEN

CERD 28TH No. 18 (A/9018) (1973)

296. The initial report of Sweden, submitted on 5 January 1973, was considered by the Committee at its eighth session (158th and 159th meetings).

297. Members welcomed the Declaration of the Government of Sweden recognizing the competence of the Committee under article 14 of the Convention. Some members observed that a government Commission had been appointed to review existing legislation in order to ascertain the extent to which it met the requirements of the Convention; by that action, the reporting State's obligations under article 2, paragraph 1 (c) and (d), of the Convention had been discharged. They took note of the statement that it had not been found necessary to introduce new legislation of a general character; that, on a few specific points, new legal rules had been found to be required, and that such new rules were enacted in 1970 and 1971, to satisfy some of the requirements of articles 4, 5 and 6 of the Convention.

298. Some members observed that while distinguishing between instances where it was felt there was a need for new legislative measures and instances where Swedish law was considered adequate, the report was too succinct and did not provide sufficient detail about the existing legislation. With reference to some articles of the Convention, it referred to Swedish law without indicating its content. Some members noted that the information contained in the report related exclusively to legislative measures and did not deal with judicial, administrative, or other measures, as required under article 9, paragraph 1, of the Convention. In this connection, it was observed that, with respect to article 7, the report noted that that article "concerns policy rather than legislation" and did not indicate "any special implementation rule in Swedish law". Some members expressed the opinion that Swedish law, as amended, did not fully satisfy the mandatory requirements of article 4 of the Convention; on the basis of the information contained in the report it was not possible to determine whether all the undertakings made by States parties in that article had been complied with by the reporting State. Some members felt that, on the basis of the information contained in the report, it was difficult to reach the conclusion that the reporting State had fulfilled its obligation under article 3 of the Convention to "condemn racial segregation and apartheid".

299. Some members asked about the immigration policies applied by the reporting State and requested information on the ethnic composition of immigrants. An inquiry was made about migrant workers and the measures adopted to ensure their protection against possible racial discrimination. Interest was expressed in the Ombudsman and his relevance to the terms of the Convention - particularly article 4, paragraph (c), and article 6 - and information on that subject was requested. Some members asked for information on the demographic composition of the population and on the status of the relations of the reporting State with the racist régimes in southern Africa.

300. Commenting on the observations made by members of the Committee with respect to article 4 of the Convention, the representative of Sweden stated that the Penal Code had general provisions concerning incitement to crime and assistance in committing a crime. Since, under those provisions,

the prohibition of agitation against ethnic groups also applied to accessories to such agitation, there was no need to amplify chapter 16, section 8, of the Penal Code, as amended in order to meet the requirements of article 4, paragraph (a), of the Convention. Any member of an organization that incited to racial discrimination would be penalized under the existing law, and other members of such organizations could probably be prosecuted as accessories to the crime. Consequently, it had not been felt necessary so far to penalize the formation of such organizations, particularly in view of Sweden's tradition of freedom of association. He pointed out that the purpose of the Ombudsman was to receive complaints from citizens against the activities of public officials. As far as he knew, the Ombudsman had not had to deal with any case of racial discrimination imputed to State authorities or officials. The representative of Sweden expressed surprise at the question concerning his country's relations with the racist régimes in southern Africa; he thought that his Government's attitude towards apartheid was well known.

301. The Committee decided to consider the report, together with the statement by the representative of Sweden, satisfactory and expressed the hope that the Government of Sweden would continue to co-operate with the Committee.

CERD 30TH No. 18 (A/10018) (1975)

125. In considering the second periodic report of Sweden, members of the Committee took note of the additional information transmitted to the Committee to supplement that report, and in particular the summary of the final report of the Commission on Immigration and the terms of reference given by the Government to a Commission on Municipal Franchise and Eligibility. The Committee took note of the statements contained in the report to the effect that, during the period under review, no legislative measures giving effect to the provisions of the Convention had been adopted or found necessary, and that no cases of violations of provisions of the Convention had been the subject of decisions of courts or administrative authorities. It also took note of the statement that, in view of the manner in which Swedish statistics are presented, it was not possible to furnish information on the demographic composition of the reporting State in terms of the categories used in article 1 of the Convention.

126. Some members pointed out, however, that, although the report stated that it had not been found necessary to introduce new legislation against racial discrimination in connection with the Convention, the Commission on Immigration had felt that certain measures were necessary. Questions were raised about the nature of the residual legal distinctions between Swedes and foreign nationals, referred to in the report of the Commission; and the hope was expressed that the Government would take the Commission's recommendations for their elimination into account. It was hoped also that information on the progress achieved towards that goal would be included in the next report. Surprise was expressed by some members at the statement that information on the demographic composition of the population was not available, particularly since the Commission on Immigration had been able to find such information.

127. Regarding the statement that there were no cases of violations of provisions of the Convention to be reported, the question was raised as to whether some violations might not have been reported to the Ombudsman.

128. Noting that the text of chapter I, article 8, of the Constitution, which was appended to the report under consideration, referred to courts and administrative authorities, members of the Committee inquired whether there were similar provisions of the Constitution which were binding upon the legislature. They also asked what judicial mechanism existed in Sweden, in accordance with article 6 of the Convention, to ensure that the right of individuals to seek redress could be effectively exercised.

129. Referring to the supplementary information concerning the implementation of article 4 submitted in response to Committee decision 3 (VII), members of the Committee observed that chapter 16, section 8, of the penal code, as amended, now seemed to comply with article 4, paragraph (a), of the Convention, but that they were unable to determine, without having received the exact text, whether that section and section 5 of chapter 16 complied with paragraph (b) of article 4 of the Convention. A request was made for the text of chapter 16, section 5, of the penal code, to be transmitted to the Committee.

130. In his statement before the Committee, the representative of Sweden read out the text of

chapter 2, article 1, of the Constitution of Sweden, which demonstrated that no distinction was made between citizens and non-citizens, except that non-citizens could not participate in the electoral process. He informed the Committee, however, that the Government was currently investigating the possibility of aliens participating in municipal elections. With regard to the right of legal redress, provided for in article 6 of the Convention, he referred to a new Act on damages, formulated in 1972, which filled the gap in Swedish legislation in the matter of legal redress. With reference to the question of violations reported to the Ombudsman, he expressed the opinion that any actions by the latter would have been referred to the courts. On the subject of article 4, paragraph (b), of the Convention, he referred to the report of the Commission set up to study the Swedish legal system before the ratification of the Convention, (with particular reference to the requirements of article 2, paragraph 1 (d), of the latter), on the basis of which the Swedish authorities had decided that it was not necessary to promulgate a special law to give effect to article 4, paragraph (b), of the Convention. Finally, he referred to Sweden's opposition to racial discrimination and any ideology based on such discrimination, and stated that such opposition had been illustrated by Sweden's "support of the three United Nations trust funds for southern Africa and its support of the liberation movement".

CERD A/32/18 (1977)

202. The third periodic report of Sweden was considered by the Committee together with the introductory statement made by the representative of the Government of Sweden. Members of the Committee noted with satisfaction the extensive comments contained in the report before it on the observations and inquiries made by members of the Committee when the second periodic report of Sweden was considered at an earlier session.

203. It was observed that the measures taken in favour of the Lapps were preservation measures, whereas the special measures envisaged in article 1, paragraph 4, and article 2, paragraph 2, of the Convention were clearly not intended to be of indefinite duration.

204. Some members observed that, under article 4, paragraph (a), of the Convention, all the acts described in that paragraph shall be declared offences punishable by law, whereas chapter 16, section 5, of the Swedish Penal Code provided that no punishment shall be imposed if there was “only insignificant danger that the urging or the attempt might be followed”. Some members of the Committee were of the opinion that chapter 16, section 5 and 8, of the Swedish Penal Code did not give effect to the mandatory requirement of the first part of article 4, paragraph (b), of the Convention, to “declare illegal and prohibit” certain organizations engaged in racist activities; one member of the Committee disagreed with that assessment, however.

205. Some members of the Committee thought that it would be desirable for the Government of Sweden, in future reports, to specify legislative measures corresponding to each of the rights mentioned in article 5 of the Convention, as well as supply information on how those measures were applied. With regard to immigration policy, some members asked whether the Swedish Government made a distinction between the nationals of other Scandinavian countries, the nationals of other European countries, and those of non-European countries, and whether a quota system was in effect. Members of the Committee welcomed the new wording of section 9, chapter 1, of the new Swedish Constitution, as well as the new provisions in section 15 of chapter 2 of that instrument, guaranteeing equality before the law and prohibiting racial discrimination, respectively; section 20 of the same chapter, extending to aliens in Sweden the same protection given to Swedish nationals by section 15, was also viewed as representing substantial progress. Information was requested on the conditions of employment of foreign workers and on the social security system applicable to them as compared with the situation of Swedish nationals.

206. In connection with the rights mentioned in article 6 of the Convention, some members noted with satisfaction that persons claiming that they had been victims of racial discrimination were free, under Swedish legislation, to institute criminal proceedings if the public prosecutor was unwilling to prosecute. It was asked whether there was a conflict of competence between the Ombudsman and the Chancellor of Justice. A desire, expressed at an earlier session, to have the text of the Act of 1972 regarding damages supplied to the Committee was repeated at the present session.

207. Information on the application of article 7 of the Convention, already requested at earlier sessions, was again requested at the present session. It was hoped also that the Swedish Government would initiate an information programme aimed at modifying the attitude of the population towards

the gypsies.

208. Concerning the declaration made by the Swedish Government, recognizing the competence of the Committee in accordance with article 14 of the Convention, it was asked whether the Swedish Government had established or indicated the body mentioned in paragraph 2 of that article; it was noted that some of the provisions of paragraph 3, 4 and 5 of that article required the existence of such a body. It was observed also that the reservations attached to the declaration in question by the Government of Sweden were difficult to implement because, under paragraph 6 (a) of article 14 of the Convention, the Committee was prohibited from revealing the identity of the individual or groups concerned without his or their express consent.

209. The representative of the Government of Sweden commented on some of the observations and questions summarized in the preceding paragraphs. His Government considered that Swedish legislation had in fact satisfied the requirements of article 4, paragraph (b), of the Convention; although the organizations in question were not declared illegal or prohibited, their members could be punished - which was "the essential point". He doubted whether amendments to the Swedish Constitution would be made in that connection. There was no difference in treatment as between Swedish and alien workers; if such a difference existed, the trade unions would take pains to remedy it. He confirmed that difference in treatment, as between Scandinavian, other European and non-European aliens, existed; but he noted that wide-ranging co-operation treaties had been concluded between the Nordic countries, in particular on the waiving of visa requirements. He asserted that there was no conflict of competence between the Attorney General and the Ombudsman. In connection with article 7 of the Convention, he observed that questions relating to human rights, and racial discrimination in particular, were dealt with in school curricula. The establishment or indication of the body referred to in article 4, paragraph 2, of the Convention was not obligatory; however, the functions provided for that body were, to a certain extent, performed by the Chancellor of Justice or the Ombudsman. The other questions to which he did not reply would be duly dealt with in the next report.

CERD A/34/18 (1979)

302. The fourth periodic report of Sweden (CERD/C/48/Add.1) was considered together with reference material made available by the Government of Sweden to the members of the Committee and the statement by the representative of the reporting State.

303. Satisfaction was expressed with the efforts of the Swedish Government to comply with its obligations under the Convention and with replies given to most of the questions raised by the Committee at the time of its consideration of the third report of Sweden.

304. The Committee focused attention in particular on the question of the Lapp ethnic minority. Some members of the Committee noted that a bill adopted by the Swedish Parliament in May 1977 accorded to the Lapps, who were the aboriginal population of the country, a special position as compared with the majority of the population and other minority groups. It was asked what was the specific thrust of that legislation and what was the position of the Swedish Government concerning proposals to include the question of the protection of the rights of aboriginal populations in the declaration on the protection of the rights of ethnic, linguistic, national and religious minorities whose adoption was being considered by the United Nations Commission on Human Rights. One member pointed out that the position accorded to the Lapps seemed to be at variance with the requirements of article 1, paragraph 4, of the Convention.

305. In connection with the implementation of article 2, paragraph 2 of the Convention, members of the Committee referred to the question of the preservation of the cultural identity of the Lapps and asked what the relationship between reindeer breeding and Lapp culture was and whether the measures to improve the economic situation of the Lapps by promoting reindeer breeding were adequate. It was noted that a significant proportion of the Lapps lived outside the reindeer breeding area, and the view was expressed that opportunities for their voluntary integration into the economic and social life of Sweden as a whole should be available to them. Members of the Committee welcomed the appointment in Sweden of a special Working Group, with participation of various government departments, in order to co-ordinate the work on matters of special interest to the Lapps and asked whether the full text of the suggestions made by that Working Group could be made available to the Committee. The view was expressed that the Lapps should not only be consulted on matters of interest to them, but that they should also be directly involved in the activities of the Working Group. While appreciating the efforts of the Swedish Government to secure adequate advancement of the Lapps in conformity with the provisions of article 1, paragraph 4, and article 2, paragraph 2, of the Convention, some members of the Committee requested that specific data be provided on their birth-rate, cultural, economic and social levels in comparison with the rest of the population and on the positions attained by individual Lapps in Swedish society.

306. In connection with the question of the protection of ethnic minorities, the Committee noted with satisfaction that Sweden had initiated discussions among the Nordic countries on the status of gypsies and renewed its request concerning information on the progress made on the formulation and implementation of a programme designed to change the attitudes of the population towards gypsies.

307. With regard to the implementation of article 3 of the Convention, some members of the Committee asked for further information concerning the views of the Swedish Government on the biracial Government in Zimbabwe Rhodesia, the apartheid régime in South Africa, the national liberation movements in southern Africa and the actions undertaken in the international sphere with regard to the situation in southern Africa. Information was requested about the Swedish contributions to programmes benefiting children, women and refugees who were victims of apartheid.

308. With regard to the implementation of article 4 of the Convention, members of the Committee welcomed the information supplied in the fourth periodic report of Sweden and suggested that more detailed explanations should be given in the next periodic report concerning the question of racist organizations, their propaganda activities through the mass media and the measures that had been taken or could be taken against them. Different opinions were expressed by members of the Committee on the view of the Swedish Government that, in accordance with article 2, paragraph (1) (d) of the Convention, each Contracting State was free to determine the technical and legal methods of implementing the provisions of article 4 (b) of the Convention and that these methods may differ from one State to another, depending on their legal traditions and principles.

309. With regard to the implementation of article 5 of the Convention, clarifications were requested about the enforcement of an Act of 1886, according to which an alien, who is a plaintiff in a civil case, is obliged, at the request of the defendant, to furnish security for the costs of the proceedings. Furthermore, it was asked whether there were statistics concerning immigration into Sweden, whether there was sufficient consultation or plans to institutionalize consultations with immigrant groups with regard to the adoption of measures designed to protect their interests, what were the criteria used by the Swedish authorities in establishing a quota system concerning the admission of refugees into Sweden, and what were the limitations on the right to leave the country as applied, for example, to convicted persons or soldiers in active service. It was furthermore asked whether the Swedish Government had any means of controlling the activities of the mass media.

310. The report of Sweden stated that in the case of marriage of foreign nationals, Swedish authorities would “sometimes” consider their national laws to be applicable, and it was asked in what cases their national laws were not considered applicable. It was also asked what restrictions applied to the ownership of property by aliens, whether more detailed information could be provided in the next report about the bill submitted to Parliament to extend the right to a basic old-age pension to non-citizens who had resided in Sweden for a specific period of time, and whether there was any welfare programme for the refugees admitted into Sweden, protecting their rights to health, housing and access to the courts.

311. With regard to the implementation of article 6 of the Convention, several members of the Committee expressed general satisfaction with the information supplied by Sweden concerning the competence of the Ombudsman and of the Chancellor of Justice in examining allegations of discrimination of any kind committed by public officials. In this connection it was asked what authority would decide which opinion was correct in the event of a conflict between the Ombudsman and the courts with regard to allegations of infringement of fundamental rights and freedoms. Particular satisfaction was expressed for the appointment of a commissioner with the task of considering the need for measures to prevent prejudice and discrimination against immigrants and

ethnic, linguistic, national or religious minorities who had settled in Sweden, and the Committee hoped that his findings would be reflected in specific provisions of the Swedish Penal Code. The Committee expressed the wish that the Government would continue to provide information on the studies and activities undertaken by those officials as well as on the activities of the Government Commission on Aliens Legislation.

312. Several members of the Committee welcomed the description of decisions taken by the Swedish courts in cases of alleged racial discrimination and were of the view that such a list of decisions and judgements showed the frankness of the Swedish authorities in reporting on the Government's efforts to implement the Convention. Some members, however, were of the opinion that court decisions showed that signs of racial discrimination still existed in Sweden and that the importance of references to court decisions should not be over-emphasized. Against this opinion, it was emphasized that the Committee had always requested information on relevant court cases which illustrated that the victims of racial discrimination had effective remedies.

313. Most members of the Committee expressed general satisfaction with the measures taken by the Swedish Government to implement article 7 of the Convention, especially with regard to the educational and cultural development of the children of immigrants. More detailed information was requested on the various initiatives for the educational and cultural advancement of the Lapp minority.

314. In replying to members' questions and comments, the representative of Sweden pointed out that the difference between the Lapps and other minority groups in Sweden lay in the fact that the Lapps were the aboriginal population. Although measures had been taken in Sweden to promote in general the advancement of minorities and immigrants, special measures had been judged necessary to protect the Lapp minority and one of the concepts guiding Sweden's approach to its minorities was that of freedom of choice. He provided the Committee with some information concerning the economic, social and cultural development of the Lapps and stated that the position of Sweden concerning the special mention of the position of aboriginal citizens in the draft-declaration discussed by the United Nations Commission on Human Rights was the same as that voiced in the Norwegian statement to that Commission.

315. As regards the questions raised about the implementation of article 4 (b), the representative of Sweden stated that provisions to ban racist organizations and their propaganda activities already existed in the country and referred to the relevant articles of the Constitution and of the Freedom of the Press Act.

316. With reference to the legislation applied in connection with the provisions of article 5 of the Convention and, in particular, to the Act of 1886 obliging an alien to furnish security for the costs of legal proceedings, he said that although the Government considered that requirement to be based on objective and defensible grounds, it had found it preferable to suggest to Parliament that it should repeal the Act. The Swedish Parliament, however, had chosen to repeal the Act only in part: aliens resident in Sweden were no longer under such an obligation but the Act continued to apply to aliens not resident in Sweden.

317. The representative of Sweden also informed the Committee about cases of applicability of the

national law when marriage of foreign nationals is contracted in Sweden: where, for example, the legally marriageable ages as established by Swedish legislation and the national legislation of the prospective spouse differed, the latter prevailed; if, on the other hand, the spouse's national legislation prohibited marriage to persons of another ethnic origin or colour, as in the case of South African legislation, the provisions of that legislation would not be respected in Sweden. He also stated that the Freedom of the Press Act provided adequate possibilities to prohibit unlawful statements of a racial character. He assured the Committee that the Swedish Government would make every effort to give full and complete answers to the points raised by the Committee in its following report.

CERD A/36/18 (1981)

340. The fifth periodic report of Sweden (CERD/C/75/Add.1) was considered by the Committee without the participation of a representative of the reporting State.

341. The Committee expressed its satisfaction with the report, which responded to almost all the questions previously raised by the Committee, and especially at the valuable information concerning measures recently adopted by the Swedish Government in order to implement the different aspects of the provisions of the Convention. The Committee, however, regretted that there was no Swedish representative present during the consideration of the report, with whom the Committee, following its usual practice, could continue its dialogue.

342. With reference to article 2 of the Convention, members of the Committee focused attention once again on the question of the ethnic minorities living in Sweden. With regard, in particular, to the Lapp who called themselves "Sami", it was observed that even though that population was not restricted in its choice of livelihood to the traditional occupation of reindeer breeding, the Government must offer the Lapps the same opportunities and working conditions as were available to the rest of the population in order to ensure their freedom of choice. It was noted, in this connection, that, although the general policy in regard to the Lapps had been laid down in the 1977 Bill, the Bill did not result in legislation, and it was asked how that general policy could be implemented if it was not based on any law, what were the possibilities for the Lapp population to develop their cultural traditions and identity, what was their economic position and what the Government was planning to improve their situation. Comparative population figures for past years were also requested in order to see whether the Lapps, especially those engaged in reindeer breeding, were in danger of extinction. In addition, reference was made to the competence of the Radio Commission to examine the compatibility of radio and television programmes with the agreements drawn up between the State and broadcasting companies, and it was asked whether the obligation for the Swedish radio to broadcast programmes in the Lapp or in the Estonian language depended only on those agreements, or whether it was general in nature and independent of the existence of such agreements. With regard to the gypsy population, members of the Committee asked whether that group had any legal status and what were the measures taken by the Government to remedy the difficult situation of gypsies in respect of housing and employment. More information was requested on the number of cases of discrimination against gypsies, in what main areas they occurred, and what procedures were applied to investigate them. The hope was expressed that the Swedish Government would keep the Committee informed on its decision regarding the kind of measures to be taken, at the international level, to give indigenous populations increased international protection.

343. In connection with article 3 of the Convention, members of the Committee referred, in particular, to new legislation enacted in Sweden prohibiting new Swedish investments in South Africa and Namibia and clarification was requested on whether existing investments were still allowed to continue. It was asked whether cases of firms violating that legislation had been discovered, and, if so, how they had been penalized, whether it was possible to provide the Committee with an outline of the relevant aspects of the legislation in question and with information concerning government policy on private enterprises with existing investments in South Africa.

344. With regard to article 4 of the Convention, members of the Committee expressed concern that the legislation existing in Sweden was not fully in accordance with all the provisions of that article, especially with the requirements of its paragraph (b), since while it did penalize propaganda activities promoting racial discrimination, it failed to declare illegal organizations of racist intent, and they hoped that the Swedish Government would take further action and eventually modify legislation to conform with article 4. It was noted from the report that any public statement which threatened or expressed contempt for racial, ethnical, national or religious groups was punishable by the law, and a clear definition of those public statements was requested. It was also asked when and under what circumstances a statement constituted criminal offence and what happened when racist insults or abuse were conveyed privately, for example, in a letter from one person to another.

345. In connection with article 5 of the Convention, reference was made to the information provided on aid measures for social welfare programmes for refugees and information was requested, in particular, with regard to government policies concerning special education and cultural development for refugees coming from Viet Nam, and especially for their children. With respect to the immigration policy of Sweden, further information was requested in regard to the work of the government Commission established in 1980 to review questions concerning immigration and the position of immigrants in Sweden. Specific information was also requested on the problems which the Commission faced and the results of its work. In addition, it was asked whether the Swedish Government intended to provide all major immigrant groups with additional rights in order to establish their ethnic identity, whether the Government intended to establish a policy of voluntary return with respect to foreign labour, what was the position of aliens with regard to contributions to be paid for their entitlement to the old-age pension, which were the special reasons justifying the expulsion of aliens having more than three years' residence in Sweden and what was the text of the amendment to the Swedish Constitution brought into force on 1 January 1980 ensuring constitutional protection of the right to Swedish citizenship.

346. As regards article 6 of the Convention, more information was requested as to the outcome of the proceedings against a person accused of distributing a publication of an anti-Semitic character and on other judicial cases referred to in the report. It was emphasized in this connection that decisions taken in such cases should be more clearly based on the objectives and provisions of the Convention.

347. The Committee finally expressed the hope that the Swedish Government would send a representative to participate in the discussions of the Committee during its consideration of the next periodic report of Sweden.

CERD (A/38/18) (1983)

431. The sixth periodic report of Sweden (CERD/C/106/Add.2) was introduced by the representative of the reporting State, who elaborated upon the information provided by his Government with regard to new developments relevant to the implementation in Sweden of the Convention and the questions raised by the Committee during its consideration of his Government's previous report. The representative also drew the attention of the Committee to the information provided in the annexes to the report which dealt mostly with Sweden's policy towards immigrants, Sweden's efforts concerning special education and cultural development for refugees coming from Viet Nam, and especially for their children, and the findings of the Swedish Commission on Ethnic Prejudice and Discrimination on various aspects of prejudice and discrimination with respect to immigrants and ethnic minorities in Sweden.

432. The Committee commended the Government of Sweden on its excellent report and on its continued work to incorporate the provisions of international conventions into its domestic legislation. Particular satisfaction was expressed for amending section 8 of chapter 16 of the Swedish Penal Code which extended the protection given to ethnic groups, such as immigrants, against agitation. The Committee also welcomed the information contained in the annexes to the report and expressed the wish to receive from the Swedish Government additional copies and brief summaries of those annexes.

433. In connection with article 2, paragraph 2, of the Convention, members of the Committee focused their attention on the question of the Sami population living in Sweden. It was recalled that earlier periodic reports had referred to a working group that had made a series of interesting proposals relating to the Samis, and it was asked whether that working group was still in existence and, if so, what it had been doing recently. More information was requested on the progress made with regard to the municipal programmes to foster the economic and social development of the Sami population, including an indication of the amounts involved in the material assistance given to them and on Nordic co-operation on the problems facing the Samis. More information was also requested on the arrangements for imparting education to the Samis in their own language. It was asked, in particular, how many school children studied in that language, how many schools there were and whether the textbooks published in the Sami language had been satisfactory. In addition, members of the Committee wished to be supplied with the findings of the Government Commission established in 1979 to examine the conditions of the Sami population as well as those of the Government Commission established in 1982 to investigate the possibilities of strengthening the legal position of the Samis in regard to reindeer breeding and to propose measures in order to preserve and develop the Sami language. In that connection, it was noted that similar measures had been recommended by another Government Commission in 1971 and it was asked what had been done in the intervening decade.

434. While the Government was applauded for its policy on investments in South Africa, it was stated that the process of the international isolation of this country was developing rather slowly.

435. With regard to article 4 of the Convention, reference was made to the amendments to the Swedish Penal Code, in particular, chapter 16, section 8, on agitation against an ethnic group and

chapter 5, section 5, on defamation. It was observed that those amendments amounted to a partial application of the introductory part of article 4 of the Convention and it was recalled that Sweden was bound, under the Convention, to declare illegal and prohibit organizations and activities which promoted racial discrimination. The report reflected the view of the Swedish Minister of Justice that the question of banning racist organizations might be discussed anew on a future occasion, however, that view was not considered by the Committee as a justification for Sweden's failure to meet its obligations under article 4, paragraph (b), of the Convention, especially in view of the fact that according to the Government Commission on Ethnic Prejudice and Discrimination manifestations of racial discrimination still existed in Sweden and a list of them had been drawn up by the Commission. An explanation was therefore requested of the legal reasoning by which the Swedish Government could conclude that it was not bound under the Convention to pass a legislation for which the Committee had repeatedly called.

436. With regard to article 5 of the Convention, reference was made to the question concerning the expulsion from Sweden of aliens with more than three years residence there and it was asked if that had in fact happened and, if so, for what reasons. Members of the Committee also wished to receive further details of the Government's policy on the integration of migrant workers. They wished to know, in particular, whether they were accorded rights only as individuals or also as minority groups, whether their culture was protected and whether they were given specific linguistic rights. Information was also requested on the legislative proposals made by the Swedish Commission on Ethnic Prejudice and Discrimination and details of Sweden's co-operation with the countries from which its migrant workers came. It was noted that the provision on unlawful discrimination in section 9 of chapter 16 of the Swedish Penal Code was not applicable to the labour market and it was hoped that the Government of Sweden would reconsider its position on the subject, especially in view of the fact that conflicts between Swedes and immigrants on racial grounds seemed to increase in the country.

437. With regard to article 6 of the Convention, reference was made to the information that cases involving agitation against an ethnic group on unlawful discrimination were to be dealt with by prosecutors at a high level, who were "called upon to work for a uniform adjudication". It was asked, in that connection, why that decision had been taken, whether it implied that judgements had previously been widely disparate and why prosecutors were being called upon to reach uniform adjudication when adjudication was the responsibility of the courts.

438. In reply to questions raised by members of the Committee, the representative of Sweden stated that the Government Commission established in 1979 to examine the conditions of the Sami population had not so far published any results, but had been requested to proceed more quickly with its work. He also stated that the information provided in the report in respect to article 4, paragraph (b), of the Convention was not intended to be a legal argument, but simply a truthful and factual picture of what happened in Sweden in the field in question.

439. As regards article 5 of the Convention, the representative explained that part of the reason why the Swedish labour market was not covered by existing legislation against racial discrimination was the social tradition in Sweden whereby, given the relatively equal strength of the parties and the peaceful conditions in the labour market, successive Governments had to a very great extent left matters pertaining to the labour market to the parties involved, namely, the association of employers

and the trade union movement. However, the Swedish Commission on Ethnic Prejudice and Discrimination had recently proposed a labour law dealing with racial discrimination in the workplace. The fact that it was a labour law and not a penal law also reflected a Swedish tradition that breaches of workers' rights tended, in general, to be regarded as breaches of agreements between employers and employees or between employers' associations and trade unions. The representative also referred to a sociological investigation according to which attitudes among Swedes towards immigrants had become more tolerant since 1969, when a similar investigation had been made.

440. In connection with article 6 of the Convention, the representative explained that cases involving breaches of the laws on racial discrimination were few in Sweden. Since it could not be expected that any given prosecutor would come across such an offence, it had been thought preferable for such cases to be tried at a higher level so as to concentrate a body of expertise at that level. The term "uniform adjudication" might not have been well chosen, since prosecutors did not pass judgement. They, however, asked for sentences and penalties for agitation against an ethnic group which varied from two or more years imprisonment to "daily fines" assessed in accordance with the income of the person concerned.

441. The representative of Sweden finally stated that he would convey the views of the members of the Committee to his Government and that further information would be provided in reply to their questions, in particular, those relating to article 4 of the Convention.

CERD A/42/18 (1987)

347. The seventh periodic report of Sweden (CERD/C/131/Add.2/Rev.1) was considered by the Committee at its 768th and 769th meetings on 14 and 17 March 1986 (CERD/C/SR.768-SR.769).

348. In introducing the report, the representative of Sweden pointed out that the document had been revised to take into account the study published by the National Commission on Ethnic Prejudice and Discrimination. One of the difficulties raised during the analysis of the report was whether or not a conflict existed between the obligations of Sweden under article 22 of the International Covenant on Civil and Political Rights and article 11 of the European Convention on Human Rights on the one hand, and the implementation, through the legislative prohibition of certain kinds of organizations, of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, on the other. He also referred to the proposal dealing with the appointment of an ombudsman to whom questions pertaining to ethnic discrimination could be addressed and the establishment of a board on ethnic discrimination to assist such an ombudsman.

349. The Committee congratulated the Swedish Government on its voluntary declaration under article 14, paragraph 1, of the Convention. It was noted, however, that the Convention was not being fully implemented; continuation of the dialogue was therefore important. With regard to the demographic composition of the population, the hope was expressed that future reports would provide figures which would enable members of the Committee to evaluate measures taken to protect minorities as well as to understand the scope of their problems. In that connection, it was pointed out that, in order to identify future problems that might arise, for example, with regard to the population of 276,000 children with immigrant parents, and to assess the aims of Swedish social policy to cope with them, future reports should provide social trends. Regarding the Sami population, it was noted that assistance had been given to reindeer breeders because of their occupation and not because they were members of that population. More information was also requested on the status of the Sami people.

350. Concerning the implementation of article 3 of the Convention, members of the Committee noted that several Swedish companies were active in South Africa and Namibia and that their activities had apparently not resulted in any violations of Swedish law. It was asked whether Sweden had diplomatic or other relations with South Africa. The Swedish Government was also urged to sever all links with the South African Government.

351. Members of the Committee disagreed with the Swedish interpretation of article 4 (b) of the Convention to the effect that it did not require legislative action. They pointed out that the optional character of the use of legislative measures, among others, in pursuing the policy of eliminating racial discrimination under article 2, paragraph 1 (d) of the Convention did not override the precise mandatory character of the provision of article 4 (b), which in relation to article 2 was a lex specialis. They stated that racist organizations, such as the neo-Nazi groups referred to in the report, had to be prohibited in order to conform to article 4 (b) of the Convention and to avert potentially tragic consequences.

352. As to the implementation of article 5 of the Convention, it was noted that non-Swedes had had

the right to participate in elections for almost a decade, and it was asked whether the Swedish population had readily agreed to such participation and how many non-Swedes had actually stood for election. Clarifications were requested as to whether the entitlement regarding social benefits, referred to in the report, also covered migrant workers on leave in their country of origin. Further information was requested concerning the results of efforts to achieve bilingualism and it was asked whether the teachers of “home languages” were properly qualified and how the educational and housing situation of the minorities compared with that of the rest of the population.

353. Members of the Committee observed with concern that, after 15 years of implementation of the Convention, no legislation had yet been adopted in Sweden to prohibit ethnic discrimination in the labour market. It was pointed out that the Swedish Commission on Ethnic Prejudice and Discrimination had found discrimination in hiring, promoting and training and concluded that legislation was needed in order to comply with article 5 of the Convention; however, the Government had decided against such legislation because of the legal technicalities referred to in the report. It was further noted that, in the absence of any legal matters, employers could, for instance, refuse to hire blacks and immigrants with impunity and that some cases of discrimination arose from agreements between managements and labour unions. Members of the Committee also questioned the use of the term “unlawful discrimination” mentioned in the report. They pointed out that under the Convention, all forms of racial discrimination must be regarded as unlawful. It was asked whether an example of “lawful” discrimination in Swedish legislation could be provided.

354. As far as the implementation of article 6 was concerned, it was noted that a person who claimed to be a victim of ethnic discrimination could turn to the Ombudsman for advice on what to do and how to do it, but that, as long as ethnic discrimination in the labour market was not prohibited by law, there was not much that he could actually do. It was asked whether any expeditious and effective remedies were available for the protection of human rights, including those relating to racial discrimination, when they were violated. With regard to agitation against ethnic groups considered by the courts in 1983-1984, it was asked whether there had been instances other than the ones mentioned in the report, and on whose initiative legal action had been taken. Clarification was requested concerning a case involving the right of a Sikh to wear a turban at work and it was asked whether the complaint had appealed against the decision of the court.

355. With regard to article 7 of the Convention, it was asked what training public officials received to combat racial discrimination.

356. Responding to questions raised and observations made by Committee members, the representative of Sweden stated that Swedes were not registered according to race, ethnic origin or colour, and that such information could therefore not be provided. He said that no single criterion, such as reindeer husbandry, kinship or language, was used to determine who was a Sami. Sami identity had been strengthened in the past few years because of increased international interest in minorities in general and owing to government measures focusing not only on education but also on reindeer breeding, fishing and hunting, which assured the viability of traditional Sami life-styles.

357. The Swedish Government condemned apartheid and did not tolerate the practices referred to in article 3. Like the other Nordic countries, Sweden had a good working relationship with the African National Congress. No military co-operation existed with South Africa, and there were

neither cultural nor sports exchanges.

358. The Swedish Government did not consider it necessary to prohibit the establishment of organizations that could be defined as carrying out or aiming to carry out prohibited and punishable acts. The representative of Sweden said that he would inform his Government of the Committee's criticism of Sweden's implementation of article 4 (b).

359. With regard to article 5 (c) of the Convention, he said that at the current stage, the majority of Swedes accepted the fact that immigrants had the right to vote and to stand for election. In 1976, 1979 and 1982, 60 per cent, 50 per cent and 52 per cent, respectively, of eligible immigrants had voted.

360. With respect to article 5 (e) of the Convention, he said that most of the Swedish experts who had been in favour of legislation prohibiting discrimination in the labour market opposed the specific proposals made by Sweden's Commission on Ethnic Prejudice and Discrimination on the grounds that the proposed legislation focused on employment criteria rather than discrimination itself. The Government had taken the first step towards solving that problem by appointing a new Ombudsman to deal with discrimination questions, whose task it was to investigate the need for further action and to propose new amendments to the Government on the basis of the experience gained.

361. Under the Swedish social security system, foreign workers on home leave were entitled to the same rights in their country as in Sweden. Municipalities were obliged to arrange for home-language courses, if so requested by pupils speaking a language other than Swedish, or by their parents. In 1983, roughly 65 per cent of pupils in the compulsory education system with a home language other than Swedish had chosen home-language tuition. Seventy foreign languages were offered, either as a subject in themselves or as languages of tuition, and home-language instruction existed in practically every school subject. Well-qualified teachers were readily available for the more popular immigrant languages, but it was difficult to find teachers of the other languages. There were 192 places for training home-language teachers in teacher-training colleges.

362. Concerning article 6, the representative of Sweden stated that victims of discrimination were protected by law and naturally had the opportunity to bring cases before the courts. They could also request assistance from the public prosecutor, who had the responsibility of instituting proceedings when there were grounds for doing so. In addition, the Ombudsman was continuing to take steps to ensure that vulnerable minority groups were properly advised of their rights. Regarding the case of a Sikh employed by the Gothenburg Tramways, described in the report, he pointed out that the Labour Court had considered that the notice to the employee had not been contrary to the law, since it had been the employee's duty to carry out the work given to him until a judicial decision was reached. Certainly, the formal view taken by the Court might be open to some criticism, but further consideration of the merits of the case was difficult since there had been no appeal against the Court's decision and no additional information was available.

363. No cases other than those described in the report had been heard by the courts in 1983 and 1984. He pointed out, however, that, although cases involving unlawful discrimination could be taken up by the public prosecutor, even if the alleged victim did not personally seek redress, the prosecutor generally found it difficult to prove that an offence had been committed under the terms

of the law. Thus, between 1973 and 1983, of 133 reported instances of violations, only eight had resulted in a decision to prosecute. That was one area that the Ombudsman intended to explore further with a view to elaborating effective safeguards.

364. With regard to article 7, he said that one of the principle aims of the Swedish school system was to foster understanding of ethnic differences, and a subject entitled "Cultures and civilizations" had been introduced recently into the curriculum to that end. Also, in 1985, pupils, in co-operation with teachers, had launched a campaign - inspired by an initiative originating in France - under the slogan "Don't touch my pal", aimed at dispelling ethnic prejudice and discrimination against students belonging to minority groups. That campaign had been supported nationwide. Training for law-enforcement and penitentiary-system officials included orientation courses dealing with Sweden's legal commitments in the area of human rights. Graduate research was now being conducted at the Wallenberg Institute of Human Rights and Humanitarian Law within the law department of the University of Lund.

CERD A/44/18 (1989)

385. The eighth and ninth periodic reports of Sweden (CERD/C/158/Add.7 and CERD/C/184/Add.1) were considered by the Committee at its 850th and 851st meetings, on 21 and 22 August 1989 (CERD/C/SR.850 and 851).

386. The reports were introduced by the representative of the reporting State, who described briefly the recent major developments that had occurred in his country. The post of Ombudsman against Ethnic Discrimination, established in July 1986, had the task of counteracting ethnic discrimination in the workplace and in other areas of Swedish society. At the same time, an Advisory Committee on Ethnic Discrimination had been set up to advise the Ombudsman on matters of principle, propose changes in legislation and consider particular cases of racial discrimination. A Commission against Racism and Xenophobia had also been established, the aim of its work being to discover, and promote, the measures needed to combat racism and xenophobia; the Commission's final report was at present being studied by the Government.

387. The representative also recalled that an amendment to the Penal Code had been enacted in January 1989 to prevent the possibility of racist activities occurring within organizations. Furthermore, a recent act concerning security of employment prevented the dismissal of an employee on grounds of ethnic origin. In this connection, the representative referred to a booklet, published jointly by various labour bodies and the Government and dealing with the integration of immigrants into the labour market, copies of which had been distributed to the members.

388. The representative described the measures taken by Sweden against South Africa since the submission of the eighth periodic report, in 1987, which included prohibitions or restrictions on trade, investments, the transfer of technology, munitions and related material, and on air traffic and shipping. Furthermore, contacts in the fields of sport, culture and science had been restricted in accordance with the recommendations in the Nordic Programme for Action against South Africa.

389. Members of the Committee expressed satisfaction at the frank and comprehensive information provided in the reports and by the Swedish representative. They stated that the eighth report in particular, which was marked by a spirit of self-criticism and acknowledgement of unresolved problems, could serve as a model for the presentation of reports to the Committee. Members welcomed the establishment of the post of Ombudsman, the Advisory Committee and the Commission referred to by the representative. They recalled, in particular, that the institution of Ombudsman had been originally created by Sweden.

390. Members noted, however, that some of the questions raised on the seventh periodic report remained unanswered, specifically: the training given to public officials, including the police, and whether incidents of children being removed from unfit mothers occurred more frequently among ethnic minority children.

391. Turning to specific articles of the Convention, members asked whether equality of treatment was given to immigrants from Nordic and from non-Nordic countries on the one hand, and to immigrants from different countries in Europe or elsewhere on the other. Noting that the words

foreigners, immigrants and refugees had been used in the report, it was asked whether different treatment was applied in each of those categories.

392. With reference to article 2, members wished to know how many of the 20,000 people seeking refuge in Sweden in 1988 had been granted asylum, and also how many were granted asylum because they had relatives already living in the country.

393. Members acknowledged the persistent endeavours made by Sweden to eliminate apartheid, but they asked, under article 3, whether the volume of trade with the Pretoria régime had increased or decreased over the last five years.

394. Several questions were raised in connection with Sweden's implementation of article 4. While noting that the amendments to the Penal Code concerning racial discrimination were commendable, members referred to the statement in the eighth report on the reluctance to punish members of organizations pursuing racist policies, and the opinion expressed that legislation was unnecessary in this area. Members stressed that, on the contrary, legislation to ensure the prevention, as well as the punishment, of racist activities was essential for the full implementation of the Convention. They emphasized that the adoption of legal prohibitions on racist organizations was an obligation placed on all State parties to the Convention. Members also asked whether limitations to the right of freedom of expression and the freedom of the press, with particular reference to discrimination, had been discussed in the Swedish parliament. They also wished to know whether the limitations in the Penal Code on incitement to rebellion also referred to military personnel; and whether an alternative to military service existed in Sweden for conscientious objectors.

395. Members asked a number of questions with particular reference to article 5 of the Convention. Clarification on the compulsory or non-compulsory nature of religious education was sought. Members asked whether an atheist student would be compelled to participate in religious services, and whether the Compulsory School Curriculum described in the report, was compatible with the concept of separation of church and State.

396. Members requested information on whether schools for the Sami people were administered by the Samis themselves, and also on the percentage of their participation in local administration. Members wondered why the teaching of native languages was not compulsory in schools, and asked whether such teaching was organized by the immigrants or by the State. Furthermore, they asked for details on the level of education attained by children of ethnic minorities.

397. Clarification was sought on whether the right to work was guaranteed under Swedish law; whether the recruitment, as well as the dismissal, of people of ethnic origin was protected; and whether compensation existed if racial discrimination was found to have occurred in the workplace. The question was asked whether opportunities existed for gypsies, and other groups, who had lost their traditional occupations to be trained for other employment. Information was also requested on the housing conditions of immigrants.

398. With reference to article 6, members raised various questions on the establishment of an Office of the Ombudsman against Ethnic Discrimination. They asked whether the post was an enlargement of the protection of human rights or a new procedural institution. Members stated that the scope of

the post appeared narrower than that of Ombudsman in other fields, for example sexual discrimination, and asked whether the Ombudsman could initiate procedures against acts of racial discrimination, as well as proposing amendments to relevant legislation. Members expressed puzzlement as to why employers should not be unnecessarily burdened by an obligation to provide information to the Ombudsman, and asked for details of the special reasons for exemption from such obligation. They wished to know whether the post was a political appointment, and whether there was an overlap between the functions of the Ombudsman, the Advisory Committee and the Commission.

399. Members asked whether prisoners were protected under Swedish law from racial discrimination in prison and whether the necessary recourse procedures existed regarding compensation for unlawful treatment.

400. In connection with article 7, members noted that a license to broadcast on neighbourhood radio stations was only temporarily withdrawn following a conviction of racial discrimination. Members asked about the root causes behind such racist activity and how such radio stations disseminated racist propaganda. They also wished to know whether there were non-governmental groups active in encouraging communication between different ethnic groups in Sweden, who often adopt racist attitudes towards each other.

401. Finally, members requested that specific information should be included in the tenth periodic report on whether legislation to prevent discrimination in the labour market was being considered by the Government; on the influence of the mass media and political leaders on attitudes of racist hostility; on whether current criminal proceedings were effective in reducing the incidence of racial discrimination; and on the possible consequences of residential segregation.

402. Responding to questions raised by members of the Committee, the representative stated, with reference to article 1, that immigrants from Nordic countries were given more favourable treatment than those from other countries; but this was considered a positive and permissible discrimination under the Convention as those countries had a common labour market and their citizens were entitled to work or reside in any of the Nordic countries. He stressed, however, that immigrants from all other countries were given equality of treatment.

403. With reference to article 2, the representative stated that of the 20,000 refugees seeking asylum in Sweden in 1988, 16,000 were granted residence permits. A further 15,000 refugees, related to people already living in the country, were granted asylum, making a total of 33,000 residence permits being granted that year.

404. The representative declared that as the questions raised under article 3, trade relations with South Africa, deserved a thorough examination, a more detailed response would be given in the next periodic report.

405. In response to the various questions raised under article 4, the representative pointed out the Swedish law had, since 1966, contained permission for conscientious objectors to undertake an alternative service to military service. He added that Sweden had taken an active part in legislation in this field in other countries.

406. He explained that freedom of association had a long history in Sweden, although the law did not contain a formal requirement for the formation of associations. He said that the introduction of a prohibition in this area would break with a long tradition not to interfere in such matters. He stressed, however, that racial discrimination within organizations had been thoroughly condemned in his country. He informed the Committee that the right to freedom of expression was guaranteed under the Constitution, but it was not an unlimited right and could be restricted in matters concerning the defence of the realm, the national economy, public order and security, the integrity of the individual, the sanctity of privacy and the prevention or prosecution of crime. However, agitation against ethnic groups would be considered a permissible limitation on the freedom of expression. With regard to the freedom of the press, also guaranteed under the Constitution, he explained that it would be possible to punish those responsible for printing or broadcasting statements of racial discrimination or contempt.

407. Responding to the many questions raised under article 5, the representative said that as freedom of religion was now guaranteed in Sweden, religious education was made compulsory for the benefit of children and to ensure that no child was excluded from religious education. As a general rule, exemption from such education was always granted if a pupil belonged to a religious community that organized its own religious education, such education not being arranged by the State. He added that the report clearly indicated that religious education was not compulsory for people without religious beliefs. He said that the matter of exemption from religious education would be elaborated more clearly in the next periodic report.

408. The representative declared that the Compulsory School Curriculum was considered compatible not only with Sweden's international obligations but also with the relationship between church and State, which, historically, had always had close ties. This question was being discussed at present in Sweden and many people believed there should be such a separation, but it was an intricate and difficult issue as the ties between church and State were very old.

409. Regarding the Sami people, the representative stated that they had two equivalent educational choices, the regular schools or Sami schools, the latter being headed by a special Sami Board, with the Samis holding the majority of posts. The Swedish Law Commission had also proposed that a new body be created to exercise some measure of influence in this important field and had recommended that the Sami representatives on the present boards should be appointed to the new body. He added that of the estimated 15-20,000 Sami people in Sweden, most chose to live in the major cities and only around 2,700 continued to take part in reindeer herding, thus it was difficult to say how many in this small population took part in local administration.

410. He explained that although the Government was concerned to keep the various native languages of ethnic groups alive, it could not force people to compulsory education in those languages. Possibilities to do so were offered, but parents and children had the right to choose not to accept them.

411. The representative was unable to give precise details on the level of education of immigrants as the latest influx had not yet reached university level. He felt sure, however, based on the achievements of earlier immigrants who were now prominent Swedish citizens, that the children of the present immigrants would achieve the same level. He emphasized that the Government was fully

aware of the importance of giving immigrants the same educational opportunities as those given to the children of Swedish nationals.

412. The representative said that the right to work was not guaranteed in Sweden. The present rate of unemployment was very low, which he said mirrored the Government's endeavours to create as many opportunities for work as possible. He informed the Committee that ethnic groups who had lost their traditional occupations could, like all other unemployed people, apply for labour market training organized by a special governmental board. In addition, the Government provided other kinds of economic support for all unemployed people.

413. The enormous influx of immigrants in recent years had created housing difficulties in Sweden. Although efforts had been made to place such people throughout the country, most preferred to live in the major cities, which added to the housing shortage.

414. With reference to the questions raised under article 6 on the post of Ombudsman, the representative stated that the Government's original intention was not that he should act in the same capacity as other Ombudsmen, but was rather to test whether the post was a workable method to tackle the problem of racial discrimination. The fact that the Ombudsman had no right to obtain information from employers was because there may be certain situations where the employer should not have to give information, i.e. in matters of foreign affairs, defence of the realm or privacy of the individual. The post was not a political appointment and was totally independent. Although the Government appointed the person to the post, he had to exercise his responsibility under the law. The functions of the post did overlap with that of the Advisory Committee and the Commission, but this should be seen as evidence of the Government's serious approach to the problem and of its efforts to find the best solution to it.

415. Regarding the question of recourse procedures and compensation for acts of racial discrimination, the representative said that the Ombudsman had not yet had to deal with any complaints in this field. If such acts occurred, then other measures would be taken. On the question of recruitment of people of ethnic origin being protected, he said that this was a difficult concept since it could result in the recruitment of the entire labour market coming under the aegis of the courts; there was a mixed reaction to such a concept within the various labour bodies. He said that if claims of racial discrimination in the workplace or prison were made, there would be means of prosecuting persons accused of such offences.

416. With regard to questions on article 7, the representative explained that an Act on National Broadcasting had granted the large number of ethnic groups the right to apply for broadcast time. However, there had been cases where such groups had been found guilty of racial discrimination and in such cases fines or imprisonment were imposed and permission to broadcast could be withdrawn.

417. The representative stated that the Government was concerned about the possible risk of friction between ethnic groups and, in an attempt to avoid this, had created in 1975 an Advisory Council on Immigration Policy, attached to the Ministry of Labour. This provided a forum for such groups to come together, and the right to freedom of association meant that they could also form their own associations. But it was impossible, he said, for the Government to control hostile feelings between ethnic groups, which may be based on past or present relationships between their native

countries.

CERD A/46/18 (1991)

210. The tenth periodic report of Sweden (CERD/C/209/Add.1) was considered by the Committee at its 901st and 902nd meetings, held on 13 March 1991 (see CERD/C/SR.901 and 902).

211. The report was introduced by the representative of the reporting State, who declared his Government's commitment to meeting its obligations under the Convention and to addressing concerns expressed by the Committee during its consideration of Sweden's eighth and ninth periodic reports relating to the need to strengthen legal provisions against racist organizations and ethnic discrimination in the labour market and to review the effectiveness of the Act against Ethnic Discrimination. The Commission against Racism and Xenophobia, the mandate of which had been described in Sweden's eighth periodic report to the Committee, had been established in 1987 and had submitted its final report to the Government in March 1989. In May 1990, the Government had appointed a special expert to follow up on that report and to consider, as well, the above-mentioned concerns of the Committee.

212. The representative also noted that the Government had submitted a bill to Parliament in February 1990 concerning the restriction of freedom of expression in local radio broadcasts, referring in that connection to a recent court case which had resulted in the conviction, for agitation against an ethnic group, of the programme producer responsible for it. The station's broadcasting permit had been suspended for 12 months. Among the positive steps taken by the Government to foster better ethnic relations was an ordinance issued in June 1990 enhancing the Swedish Immigration Board's power to support projects designed either to further good ethnic relations or to strengthen immigrant organizations. To facilitate the monitoring of racial discrimination, offences involving unlawful discrimination and agitation against an ethnic group would be listed separately in the official crime register from January 1991. A government committee was also examining possible ways of strengthening the social and economic position of the Sami population in Swedish society, including the proposal for a popularly elected representative body.

213. Members of the Committee welcomed the high standard achieved by Sweden in protecting its ethnic minorities and the willingness of the Government to try to respond to the Committee's concerns. It was pointed out, however, that the report before the Committee continued the recent trend of focusing mainly on the treatment of immigrants rather than on measures taken to protect the Finnish and Sami minorities, which represented a significant part of the population. Concerning the latter, members expressed surprise that attempts to strengthen the legal position of the Samis had been initiated only in 1990, and requested information on the situation of the Samis, including their average income, their unemployment rate, educational attainment, health indicators and their representation both in government and in the civil service. They wished to know who owned the land used for reindeer husbandry and whether it was true that problems had arisen when Samis tried to cross State-owned land. In 1988, the Human Rights Committee had pronounced itself on a case about entitlement to membership in Sami village communities (CCPR/C/D/197/1985). Such membership was important to participation in reindeer husbandry and Sami cultural activities. In this respect, the Reindeer Husbandry Act was in conflict with the requirements of the Convention. Members also requested further information on the implementation of the Sami School Ordinance.

214. Noting, in connection with article 2 of the Convention, that Sweden's immigration policy had recently become more restrictive and continued to accord citizens of Nordic countries preferential treatment, members wished to know how many refugees had been granted asylum in 1989 and 1990 and whether immigration had been restricted as a result of growing racist tendencies. They also wished to know, in connection with attacks against refugees occurring in Sweden, what had been the results of the relevant investigations, whether the perpetrators had been prosecuted, whether criminal proceedings under the current law had been effective in reducing the incidence of such offences and whether new legislation would make any difference. On a related matter, members noted with concern the severe cut recently made in the budget for educating children in their mother tongue and asked if the cut represented a change in Sweden's policy towards immigrants. Noting that children were sometimes removed from mothers who were considered unfit to care for them, it was asked whether this happened more frequently in respect of ethnic minority children. The settlement of immigrants in particular localities, usually referred to as residential segregation, could hinder the upward social mobility of ethnic minority children; information was requested on their educational attainments.

215. In addition, members wished to know what remedies existed to secure protection against a statute or regulation which led to discriminatory treatment in violation of chapter 2, section 15 of the Constitution, and questioned the efficacy of the Act against Ethnic Discrimination since it did not fully prohibit racial discrimination in employment nor provide effective protection in the areas of recruitment, special training or promotion. They also noted that the Ombudsman against Ethnic Discrimination seemed to have a status inferior to other Ombudsmen in the Swedish system since he was not authorized to pursue alleged violators in court nor require the submission of information under oath.

216. Regarding article 3 of the Convention, members noted with satisfaction that Sweden had implemented provisions concerning political and economic relations with South Africa to the widest extent possible.

217. Concerning the implementation of article 4 of the Convention, members wished to know what the Government's guidelines were when conflicts arose between prohibiting racial discrimination and protecting freedom of association and expression and what the final disposition had been of the relevant court case mentioned in the report; how often the provisions of the Penal Code involved in that case had been used in a similar fashion; and why the distribution of some literature of a neo-Nazi and anti-Semitic nature had not been prohibited. They expressed concern that in Sweden, as in some other European countries, organizations which promoted racial discrimination and incited to racial hatred were becoming more organized and better financed. National legislation must prevent their operation. Any failure to do so would represent a breach of article 4 (b) of the Convention.

218. With reference to article 5 of the Convention, members felt that the lack of protection against discrimination resulting from unfair treatment at the time of recruitment created a situation that was not in full conformity with commitments made under article 5 (e) (i) of the Convention. Further information in the next report was also requested on the situation of immigrants with regard to employment, unemployment, wages and skills.

219. Replying to the questions raised by members of the Committee, the representative of the reporting State said that the small number of non-Nordic citizens who were granted permission to enter Sweden to seek work gave the false impression that Sweden's immigration policy was unduly restrictive. In fact, a total of 44,672 people had been granted entry into Sweden during 1989, of which 24,800 were refugees or persons of similar status. The total number of immigrants in relation to Sweden's population of only 8.5 million was far higher than for any other European country. One Swede in eight was an immigrant or the descendant of an immigrant, a fact which accounted for the emphasis in Sweden's report on immigrants and their situation. In response to comments made about preferential treatment for immigrants from Nordic countries regarding employment opportunities, the representative drew attention to the agreements for a common labour market in force between Sweden and other Nordic countries, noting that any countries wishing to conclude agreements for close cooperation of that nature were entitled to do so.

220. The Government was attempting to achieve a fair balance in the relationship between freedom of association and freedom of speech. Investigations were under way to determine whether regulations could be formulated to penalize racist offences without actually imposing a ban on the organization concerned. Since freedom of expression necessarily precluded prior censorship, groups and individuals were free to apply to use the media and were held responsible only for how they used that freedom on the air or in print.

221. On questions relating to the situation of the Sami minority in Sweden, the representative explained the position regarding land ownership, but was unable to supply precise statistics indicating the extent to which Samis participated in national life. Many chose to integrate themselves into Swedish society. What should be said was that they were given the same opportunities as everyone else and that the rights of the Samis as a minority had been a constant concern of the Swedish Government for very many years. He had been able to respond to many questions but further replies would be included in the next periodic report.

Concluding observations

222. At the conclusion of their consideration of the report, members of the Committee expressed satisfaction with the frank and constructive dialogue that continued between the Government of Sweden and the Committee. The Committee appreciated the fact that Sweden had accepted many refugees and immigrants and was trying to integrate them into Swedish society. It was nevertheless disturbing that the Government should have recently limited the number of immigrants and the resources devoted to their integration. The Committee called on Sweden to redouble its efforts to combat the hostility towards refugees that had recently been manifested. They noted the divergence of views about the relative priority to be attached to the protection of freedom of expression and the prohibition of racial discrimination. Regarding the Samis, members considered that, rather than trying to assimilate them into mainstream society, the Government should endeavour to preserve their specific cultural identity. To that end, members wished to encourage the possible establishment of a Sami parliament.

CERD A/49/18 (1994)

181. The eleventh periodic report of Sweden (CERD/C/239/Add.1) was considered by the Committee at its 1018th and 1019th meetings, on 3 March 1994 (see CERD/C/SR.1018 and 1019).

182. The report was introduced by the representative of the State party, who informed the Committee that a recent draft amendment to the Penal Code established harsher penalties for offences committed with the intent of insulting an individual or a group on grounds of race, skin colour, ethnic or national origin, religious belief or any other similar circumstance. Another bill submitted to Parliament proposing the prohibition of ethnic discrimination in the workplace would apply both to job seekers and to persons already in employment. It was also proposed that the Ethnic Discrimination Ombudsman should be able to take court action. The representative also announced the establishment of a special commission to combat xenophobia and racism.

183. The representative informed the members of the Committee that, in April 1993, the maximum period for suspension of a radio or television broadcasting permit, referred to in paragraph 28 of the report, had been increased from one year to five years. Updating the figures contained in paragraph 45 of the report, the representative informed the Committee that, in 1992, five persons had been convicted of agitating against an ethnic group, and two of illegal discrimination. The ban on trade with South Africa had been lifted, as well as the visa requirements for South African nationals. Lastly, the representative said that 36,500 residence permits had been granted to asylum seekers in 1993, including 30,300 to nationals from the former Yugoslavia.

184. Thanking the representative of Sweden for the supplementary information provided in the course of the oral introduction of the report, the Committee expressed its satisfaction at the State party's report and the regularity with which Sweden submitted reports to the Committee.

185. With reference to article 2 of the Convention, the members of the Committee welcomed the establishment of the Sami Assembly, but wondered to what extent the Assembly was independent and had genuine powers and what its activities had been in the course of its first year. They went on to ask why the choice of the Chairman of the Sameting and the determination of the Assembly's functions fell within the purview of the Government of Sweden. They also asked for further information on the Government's follow-up to the proposals made by the commission established to study measures to combat ethnic discrimination, which had submitted its first report in 1991. Members of the Committee then asked whether the Government had taken steps to favour integrationist multiracial organizations and movements and other means of eliminating barriers between races. Members of the Committee also wanted to know whether measures, and, if so, what measures, had been taken to preserve the language, culture and identity of the ethnic groups living in Sweden, which accounted for 10 per cent of the Swedish population.

186. In relation to article 4 of the Convention, members of the Committee noted the will of Sweden not to prohibit by legislative measures organizations qualified as racist. However, such measures were compulsory for States parties which had not entered reservations to article 4 of the Convention. They emphasized that such measures were all the more desirable in Sweden in that the Convention was not incorporated in national law and, accordingly, could not be invoked in court. With regard

to racist attacks, members of the Committee were surprised at the large number of cases which had not been cleared up by the police and how light some of the sentences were in such cases. They asked for further information on cases of racist attacks mentioned in the report.

187. In connection with article 5 of the Convention, members of the Committee asked for further details on the legal régime applicable to reindeer herding, the possibility of expropriating grazing land from the Sami and the rights of non-Sami to hunt on reindeer grazing land belonging to Sami populations and to fish in lakes reserved for the Sami. Was it intended that the Swedish Parliament should soon include Sami representatives as such and that the Sami language should be recognized as a national language on the same footing as Swedish? The members of the Committee asked for further information on the number, situation and degree of integration of minorities other than the Sami living in Sweden.

188. With reference to article 6 of the Convention, inasmuch as the Ethnic Discrimination Ombudsman still did not have the power to institute legal proceedings against racist acts, members of the Committee asked whether such proceedings could be initiated only by the victim or also by organizations or associations combating discrimination and racism. Had the Government taken the requisite steps to publicize widely the possibility of recourse to the Committee, since Sweden had made the declaration under article 14 of the Convention?

189. Concerning article 7 of the Convention, members of the Committee deplored the absence of information on the measures taken in the fields of education, teaching and training to combat racial discrimination and prejudice.

190. In his reply, the representative of Sweden said that the questions he was unable to answer verbally would be answered in writing in Sweden's next periodic report.

191. With reference to the questions concerning the prohibition of racist organizations, the representative said that Sweden's position was to strike a balance between measures to combat racism and the protection of fundamental freedoms, such as the freedom of expression, association and demonstration. In so doing, Sweden complied with its obligations by taking the appropriate measures, which, in its view, could be measures other than a prohibition on associations and organizations; moreover, the latter were not under an obligation to be registered, which might pose a problem in identifying them if Sweden introduced a system to prohibit associations of a racist character. The representative went on to point out that, since the Second World War, many immigrants and refugees had chosen to live in Sweden and the number had increased still more since 1992, although Sweden was not spared the economic recession and unemployment hit everyone living in Sweden, Swedes as well as foreigners.

192. In connection with the Sami, the representative of the State party said that the Sameting had the same powers as those in Finland and in Norway and that its Chairman was chosen by the people and appointed by the Swedish Government; since it had been established in August 1993, it was too soon to appraise its activity, but that would be done in Sweden's next periodic report. The hunting and fishing rights of the Sami were rights based on immemorial custom, and the State could not intervene and hinder those rights. On State land and on reindeer grazing land, hunting and fishing rights had been extended to non-Sami when the rights of the Sami were not affected. The

expropriation referred to in paragraph 63 of the report affected lands which were the private property of Sami, who, in such cases, were compensated. Sami children, like all children in Sweden, had to go to school, which was compulsory, and their parents could elect to send them to Sami or Swedish schools.

193. The representative of Sweden said human rights were taught in schools and formed part of police training programmes. At the present time, associations or organizations for protection against racial discrimination could not bring a case of discrimination against an individual or a group of individuals to court, but such a measure was under examination. Further details on the origin of ethnic groups and aliens living in Sweden would be given in the next periodic report. Sweden's policy was to favour the integration of foreigners; immigrants enjoyed the same opportunities and had the same rights and obligations as did Swedes. For that policy, Sweden had been awarded the Carl Bertelsmann Prize. To improve its policy towards foreigners still more, in January 1993 the Swedish Government had instructed a parliamentary commission to reform the policies applied to immigrants and refugees, particularly from the standpoint of employment and of a knowledge of Swedish, as factors favouring the integration of foreigners.

Concluding observations

194. At its 1034th meeting, on 15 March 1994, the Committee adopted the following concluding observations.

Introduction

195. The State party is commended for its regularity in fulfilling its reporting obligations and appreciation is expressed for the opportunity to engage in a frank and constructive dialogue with representatives of the State party during which information was received on the most recent developments relating to the implementation of the Convention in Sweden.

Positive aspects

196. It is noted that a special commission has been established with the task of combating xenophobia and racism, and the legislative measures proposed to strengthen the penalization of racist or other similarly motivated offences by amending the Penal Code are welcomed, as are the plans to endow the Ethnic Discrimination Ombudsman with a litigating role and to counteract ethnic discrimination in the workplace. These initiatives are an indication of the importance the State party attaches to meeting its obligations under the Convention.

Principal subjects of concern

197. Concern is expressed at the manifestations of xenophobia and racism occurring in Sweden in recent years. In this connection, it is underlined that persons holding or carrying out functions in the public or political spheres should not be permitted to contribute to expressions of racism and xenophobia.

198. Concern is also expressed about the inadequacy of measures taken by the Government to

prevent occurrences of manifestations of xenophobia and racism and to protect effectively potential victims of such manifestations, particularly those from immigrant groups.

199. It is noted with concern that legislative measures prohibiting racist organizations, namely those disseminating ideas of racial superiority or racial hatred, have not been introduced by the State party.

200. Additionally, serious concern is expressed about recent legislative measures having a detrimental effect on Sami rights with respect to their traditional fishing, hunting and reindeer-raising activities and about the pace of progress towards the equality of members of ethnic minorities and their integration.

Suggestions and recommendations

201. The Committee recommends that effective measures continue to be adopted and implemented to ensure that manifestations of racism and xenophobia are not permitted.

202. The Committee reaffirms that the provisions of article 4, paragraphs (a) and (b), of the Convention are of a mandatory character as stated in general recommendation VII (32) of the Committee. It notes that so far these provisions have not been fully implemented in Sweden; therefore, the Committee recommends that the State party should carry out each obligation under those mandatory provisions of the Convention. When doing so, the Government should also take into account general recommendation XV (42) of the Committee.

203. The Committee requests that the next periodic report include information on the implementation of any new legislative or administrative measures taken to combat racism and ethnic discrimination, and the methods employed to deal with racially motivated or similar crimes, including the principles or criteria followed in determining the initiation of prosecutions for incitement to racial hatred and the sentencing of persons convicted of racially motivated crimes and in preventing ethnic discrimination in the workplace.

204. The Committee would also appreciate receiving details of the findings of a survey of public opinion on racial discrimination matters conducted in 1993 by the Centre for Research in International Migration and Ethnic Relations of the University of Stockholm. It also wishes to have more information on the effects of local authorities' decisions on immigration matters and the work of the National Board of Immigration as regards its role in forestalling and preventing conflicts.

205. The Committee also requests information on the ways and means employed to measure the success of preventive policies on racial discrimination and on the actual situation of minority groups in Sweden, particularly as regards the implementation of the rights provided for in article 5 of the Convention.

206. The Committee would welcome any information that the State party is able to provide concerning the relative effectiveness of different measures in the fields of teaching, education, culture and information in combating prejudices which lead to racial discrimination.

207. Finally, the Committee requests the State party to provide additional information in its next

report on the functioning and work of the Sami Assembly and on the implementation of the Expropriation Act.

208. The Committee draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the Fourteenth Meeting of States Parties and by the General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment

CERD A/52/18 (1997)

490. At its 1224th and 1225th meetings, held on 8 and 11 August 1997, the Committee considered the twelfth periodic report of Sweden (CERD/C/280/Add.4), and at its 1240th meeting, held on 20 August 1997, adopted the following concluding observations.

Introduction

491. The Committee welcomes the detailed report submitted by the State party, which contains relevant information about measures taken with respect to the implementation of the Convention since the consideration of the eleventh periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank and constructive dialogue with the delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

Factors and difficulties impeding the implementation of the Convention

492. It is noted that the recession has had serious consequences for the State party in general and has led to severe setbacks for refugees and immigrants, in particular. The consequences of the recession have been most felt in the labour market situation of refugees and immigrants, who have been found worse off than Swedes in most areas of society, and the gap has been widening.

Positive aspects

493. The high standards of the State party regarding the protection of human rights and its affirmed commitment to implementing the provisions of the Convention are noted with appreciation. Sweden is among the limited number of States parties that has made the declaration under article 14 of the Convention and has accepted the amendment to article 8, paragraph 6, of the Convention.

494. The statement to the effect that the State party has in just a few decades developed from a relatively ethnically homogenous society into a multicultural society (para. 2 of the report) has been noted with great interest and appreciation.

495. The State party intends to review the Act against Ethnic Discrimination of 1994 because it is not having the desired effect.

496. The Committee welcomes the adoption of new legislation which expands the definition of refugee.

497. The activities of various governmental institutions concerned with integration policies and with combating racism and xenophobia, such as the Ombudsman against Ethnic Discrimination, the Swedish Immigration Board, the Parliamentary Commission entrusted with the task of reviewing Swedish immigration and refugee policies, and the Parliamentary Commission reviewing policies with respect to the long-term integration of immigrants and refugees in Sweden, as well as the active participation of the State party in international efforts to combat racism, are welcomed.

498. The Committee also welcomes the establishment of the Sami Parliament and will follow its work with interest.

499. Note is taken with appreciation of the fact that in Sweden non-nationals have the right to vote and stand for election at municipal elections.

500. It is also noted with appreciation that the State party has established a system of education for refugees and immigrants.

Principal subjects of concern

501. The Committee expresses concern that crimes with racial motives have increased since 1980, as found by a research project conducted by the National Council for Crime Prevention.

502. The social position of Roma, particularly in such domains as education and employment, has been found less favourable than that of the rest of the population. As a result, many of them depend on social welfare benefits.

503. Concern is expressed that existing legislation does not fully implement article 4 of the Convention.

504. Concern is expressed about the low and declining participation by non-nationals in local elections.

505. Concern is also expressed at the activities based on ideas or theories of racial superiority of various organizations and individuals in the State party, and at the increasing dissemination of recorded music, the lyrics of which promote hatred against ethnic minorities.

Suggestions and recommendations

506. The Committee recommends that the State party, while reviewing its legislation, pay particular attention to the full implementation of the provisions of the Convention, in particular article 4, and calls attention to its General Recommendation XV.

507. The Committee recommends that the State party provide in its next periodic report information on the number of complaints and judicial decisions concerning and the compensation awarded for acts of racism in all their forms.

508. It is the view of the Committee that further measures should be taken to ensure the use by Sami of their own language.

509. The Committee recommends that the policy of promoting equal opportunity in economic and social life for immigrants, refugees and ethnic minorities be reinforced by appropriate legislative, administrative and other measures.

510. The Committee suggests that further action be taken to ensure that the provisions of the

Convention are more widely disseminated among the Roma, the Sami and "Tornedal Finns", immigrant associations and other ethnic groups, as well as among government officials, employers and trade unions. The public should also be better informed about available recourse under article 14 of the Convention. It is recommended that the twelfth periodic report be widely disseminated, as well as the present concluding observations adopted by the Committee.

511. The Committee recommends that the State party's next periodic report, due on 5 January 1998, be an updating report and that it address all the points raised in the present observations.

CERD A/55/18 (2000)

326. The Committee considered the thirteenth and fourteenth periodic reports of Sweden, submitted as one document (CERD/C/362/Add.5), at its 1417th and 1418th meetings (CERD/C/SR.1417 and 1418), held on 10 and 11 August 2000. At its 1431st meeting (CERD/C/SR.1431), held on 22 August 2000, it adopted the following concluding observations.

1. Introduction

327. The Committee welcomes the submission of the report of Sweden which followed the general guidelines for the presentation of State party reports and provided relevant and updated information about the measures taken to implement the Convention since the consideration of the twelfth periodic report. The Committee expresses its appreciation for the constructive and frank dialogue it had with the State party.

2. Positive aspects

328. The Committee welcomes the recent legislative initiatives undertaken by the State party including the Act on National Minorities in Sweden, the Act on Immigrant Integration Policy, the Act on Countering Ethnic Discrimination in Working Life, the Ethnic Discrimination Ombudsman Act, the amendment to the Fundamental Law on Freedom of Expression and to the Criminal Code concerning incitement to racial discrimination, and the Act on Responsibility for Electronic Bulletin Boards.

329. The Committee notes with satisfaction that the State party has set up a National Integration Office to promote and facilitate the implementation of its new integration policy and to monitor and evaluate developments as they relate to the ethnic and cultural diversity of the society as a whole.

330. The Committee welcomes the appointment of the General Commission on Swedish Local Democracy to encourage broader participation in local government of people with immigrant backgrounds.

331. The Committee welcomes the additional initiatives to combat racial discrimination and xenophobia, including, the establishment of the Commission for the Study of Racist Crimes; the development of a plan of action by the Prosecutor General to reinforce the measures against crimes with racist or xenophobic motives; the implementation of programmes such as "EXIT" to counteract the activities of racist organizations; the reinforcement of training for prison and probation officials in countering prejudice, racism and xenophobia among staff; the publication and dissemination by the Ethnic Discrimination Ombudsman of resource materials on, inter alia, non-discrimination in recruitment; the introduction of measures to enhance employment opportunities, including within the public sector, for immigrants through, inter alia, language training; the implementation of additional measures to ensure that children of asylum-seekers are afforded equal access to education and health care; and the expansion of awareness-raising initiatives through, inter alia, books on the Holocaust.

332. The State party's effort to include NGOs in the preparation of its thirteenth and fourteenth periodic reports and generally in the reporting process is welcomed by some members of the Committee

333. The Committee encourages the intention to set up a National Action Plan against Racism, Xenophobia and Ethnic Discrimination and encourages the State party to continue its efforts in this regard.

334. The State party's efforts to disseminate the Convention, as well as the concluding observations and the summary records of its previous meetings with the Committee, among Sami and other minority groups, NGOs, trade unions and the wider public are welcomed.

3. Concerns and recommendations

335. The Committee is concerned that a recent upsurge in racism and xenophobia has been seen which has given rise to increased neo-Nazi violence, especially among youth. In this context, the Committee notes with concern, the increasing popularity of "white power" music which promotes hatred against ethnic minorities. The Committee encourages the State party to continue its efforts to arrest the upsurge in racism and xenophobia, prevent and punish racist neo-Nazi violence and prosecute any persons whose actions incite to racial hatred.

336. While the Committee notes that the State party has adopted some measures to promote greater awareness about the Roma minority and to encourage greater participation of Roma in the society, it is concerned about the difficulties which Roma continue to experience in exercising their rights. The Committee recommends that the State party submit in its next periodic report additional information on the situation of the Roma minority, particularly as regards education, employment and housing. The State party is requested to pay particular attention to the situation of Roma women and children.

337. While the Committee notes the new legislation which gives individuals the right to use the Sami language in legal and administrative proceedings, it stresses that this right is recognized only in respect of some geographic regions. It is recommended that the State party consider the extension of these rights to all Sami territory.

338. Concern is expressed over the issue of land rights of the Sami people, in particular hunting and fishing rights which are threatened by, *inter alia*, the privatization of traditional Sami lands. The Committee recommends that the Government introduce legislation recognizing traditional Sami land rights and reflecting the centrality of reindeer husbandry to the way of life of Sweden's indigenous people. The Committee further recommends that the State party ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

339. The Committee expresses concern about increasing de facto residential segregation. The Committee recommends that the State party ensure compliance with the law against discrimination in the allocation of housing and in its next periodic report supply information on the measures taken to address such segregation.

340. In light of article 4 of the Convention, the Committee is concerned that existing legislation does not prohibit and penalize all organizations and propaganda activities that promote or incite racial hatred and discrimination. The Committee recommends that the State party declare illegal and prohibit any organization which promotes or incites racial discrimination. The Committee calls attention to its general recommendation XV in this regard.

341. While the Committee notes the enactment of the Countering Ethnic Discrimination in Working Life Act, as well as the recent decline in unemployment in the State party, it remains concerned about the difficult access to employment of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to increase its efforts to facilitate the occupational integration of all persons belonging to ethnic minorities into the public administration.

342. Concern is expressed at the increasing incidence of racial discrimination in restaurants, other public places, and with regard to access to services. The Committee recommends that effective action be taken, utilizing administrative measures as well as criminal prosecutions to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

343. While the Committee notes that the official statistics of the State party do not contain data which distinguishes people based on their ethnic origin, it recommends that the State party provide in its next periodic report more comprehensive and updated statistical information along the lines of paragraphs 8 and 9 of the Committee's guidelines regarding the form and content of reports to be submitted by States parties.

344. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. It also recommends that the State party continue and develop its dialogue with civil society, in particular with the non-governmental organizations.

345. The Committee further recommends that the State party's fifteenth periodic report be an updated report and that it address the points raised during the consideration of the report.