



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

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Summary record of the 2252nd meeting

Held at the Palais Wilson, Geneva, on Friday, 23 August 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Nineteenth to twenty-first periodic reports of Sweden (continued)
(CERD/C/SWE/19-21; CERD/C/SWE/Q/19-21)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*
2. **Ms. January-Bardill**, commending the State party on the high quality of its report, said that, while Sweden had a good track record in fighting discrimination, she would like to raise a few issues. She urged the State party to reconsider its decision to replace the word “race” in key legislation, saying that eliminating the word would not make racial discrimination disappear. She said that in the study of the Equality Ombudsman she had identified seven labels for people subject to discrimination because of their background. Listing those labels, she asked why a potentially confusing array of terms was being used for such people, and what criteria had been used to establish the labels. She asked the delegation to clarify the meaning of the terms “biphobic”, “heterophobic” and “transphobic” as used in the report, and to explain the need for “dialogue police”, given that all police officers were supposed to talk to people as part of their job. She requested more information on the new integration policy mentioned in the report’s discussion of article 2.1 of the Convention.
3. **Mr. Kemal** noted that, even if the use of the term “race” was being dropped on scientific grounds, official Swedish policy continued to promote tolerance and to fight racial discrimination. Ground had been lost in some areas with regard to implementation; for example, the police and the courts were pursuing certain crimes less aggressively. The issue was complex: Sweden’s basic values had led it to open its doors to refugees and other foreigners, which had led to a backlash as the nation tried to integrate large numbers of new inhabitants with, in many cases, very different cultural and behavioural norms. Sensitizing people to the issues would take time; in the short term, judges and the police needed to apply policies more energetically.
4. He requested information about unemployment compensation for immigrants, saying that if the amounts were generous and the numbers of unemployed immigrants high, Swedes might well view immigrants as a burden on the State. Businesses should be encouraged to employ more immigrants.
5. **Mr. Zanzi** (Sweden), responding to comments about the elimination of the term “race” from legislation, said that his Government’s position was that, although human races did not exist, it was necessary to recognize that there were still people who assumed that races existed and acted on that assumption. The law must and did protect against such discrimination. Other expressions covering perceptions of race had been chosen to replace the word “race”. The preparatory works clearly indicated the legislators’ intent and, as in the Swedish legal tradition those preliminaries were very important, there was no need to fear that the level of protection had been reduced.
6. He outlined the implementation of the strategy for national minorities, including participation by the Sami and other minorities in the process, and provided details concerning the strategy for Roma inclusion and its implementation. Regarding a statement at the previous meeting that 90 per cent of Roma were unemployed, he said that the figure was based on a small study carried out in the city of Malmö and was not a figure that his Government recognized as a fact. A study was being conducted to shed light on the situation of the Roma in five municipalities.

7. **Ms. Mårtensson** (Sweden), replying to questions about the Sami, acknowledged that reindeer husbandry had been disproportionately affected by attacks from predatory animals protected in the context of maintaining biodiversity. The Government was crafting a new plan for predator management and would set a tolerance level specifying the losses that the reindeer-keeping industry should tolerate. According to independent studies, Sweden fulfilled most requirements for ratifying the ILO Identification of Indigenous and Tribal Peoples Convention, 1989 (No. 169). The main concern was whether the guarantees of land rights in current legislation were strong enough. Land rights were also addressed in the draft Nordic Sami convention.

8. **Ms. Bexar** (Sweden), replying to questions about criminal law and its application, said that in her Government's view national criminal legislation adequately covered all activities mentioned in article 4 of the Convention. The law prohibited even racist statements made within an organization rather than just in public. The law was designed to make it impossible for racist organizations to function.

9. Her Government believed that prohibiting racist or other organizations outright would be ineffective and even counterproductive. Groups could sidestep a ban by renaming themselves, conducting their activities informally or going underground, which would make their activities harder to control. In addition, it would be difficult to craft a rule covering absolutely all racist activities, and any loopholes could be used to mount legal challenges, which would send the wrong signal.

10. In response to a question as to whether identifying an offence of unlawful discrimination implied that there were lawful forms of discrimination, she said that one should not read too much into the name of the offence and that the related provisions were fairly comprehensive.

11. **Ms. Djärv** (Sweden) said that, while some viewed the incidence of hate crimes in her country as high, it was difficult to compare countries' crime statistics meaningfully as approaches to compiling such statistics differed. For one thing, the Swedish authorities defined hate crime very broadly. A survey on crime in Sweden had shown that the incidence of xenophobia and racism had remained stable since the survey's start, in 2006. The disparities between the numbers of reported hate crimes, prosecuted cases and convictions were not unique to hate crimes; the very nature of the judicial process meant that not all complaints resulted in convictions. With technological advances, in a few years the authorities would be able to track individual cases from reporting through to conviction and thereby achieve a better understanding of the issue.

12. She said that the percentage of hate crimes in Sweden aimed at the Jewish population was 4 per cent, not 38 per cent as had been stated at the previous meeting.

13. **Mr. Sjölander** (Sweden) said that robust action against hate crimes was important because those crimes harmed not only individuals but groups of people and society as a whole. His country's prosecution services had special units and prosecutors to deal with hate crimes. Progress to date would be evaluated at a stocktaking conference in November. In early 2013 the police had conducted a service-wide peer review exercise that had revealed shortcomings in the approach to hate crimes, and the National Police Board had decided to formulate directives for tackling such crimes, and to develop training materials for the entire force. It was also necessary to improve dialogue with civil society, as well as cooperation between the prosecution services and the police. He added that all 21 regional police departments had specialized offices for dealing with crime victims.

14. **Mr. Mårtenson** (Sweden) said that the current integration strategy was a continuation of the strategy that had been put in place in 2008 and maintained the overarching goal of equal rights, opportunities and responsibilities for all, regardless of ethnic and cultural background. It was based on four pillars: increasing migrants'

participation in the labour market; improving school results for newly-arrived pupils and enabling adults to combine Swedish language tuition with vocational training; urban development to reduce segregation and exclusion; and social cohesion in a welcoming, tolerant society that was free from discrimination. In addition to efforts to implement the strategy under the employment, education and welfare policies, several targeted steps had been taken. The 2010 Introduction Act provided newly-arrived refugees and their family members with targeted assistance to prepare for employment, including Swedish language classes, for a maximum of 24 months. Since 2008, several subsidized employment schemes had entitled employers to reductions in social contributions when hiring newly arrived migrants. There were also many free education courses available to migrants, including university courses for individuals with foreign qualifications in professions that were regulated in Sweden, such as in the health, education and legal sectors.

15. In 2010, the Government had reached an overall agreement with civil society organizations and the Association of Local Authorities and Regions on integration, setting out the responsibilities of the different actors. There was a system of referrals concerning policy and legal decisions which extended to NGOs, and the State provided support in terms of funding, which was also available through programmes such as the European Fund for the Integration of Third-Country Nationals.

16. **Mr. Zanzi** (Sweden) said that the budget of the Equality Ombudsman was equivalent to the sum of the four budgets of the previous anti-discrimination ombudsmen. The number of complaints received remained about the same as those received by the four separate offices in the past. The website of the Equality Ombudsman gave clear directions to individuals wishing to contact the Office of the Equality Ombudsman, as well as details of anti-discrimination offices and trade unions. It also referred individuals who believed themselves to be victims of hate crime or discrimination by the media to the police or other relevant authorities.

17. Responding to the question concerning the burden of proof, he said that the Discrimination Act provided that if the plaintiff could verify facts that gave cause to assume that he or she had been the victim of discrimination, there was a *prima facie* case of discrimination. It was then up to the defendant to prove that he or she had not committed an offence under that Act.

18. The Government stood by its decision not to gather statistics on ethnicity or religion, as stipulated in the relevant legislation. Some minority groups shared the Government's opposition to the collection of such statistics. However, other tools were used to collect information on the living conditions of minority groups.

19. **Ms. Abrahamsson** (Sweden) said that the general measures against xenophobia included anti-Semitism, Islamophobia, Afrophobia and anti-Roma. In June 2013, the Government had charged the Media Council with conducting the Council of Europe No Hate Speech Movement campaign, which focused on xenophobia on the Internet. Many government ministers publicly condemned all types of xenophobia and took part in demonstrations against them. Funding had been provided for numerous civil society projects to combat xenophobia nationwide. Given that people of a Somali background often faced both Islamophobia and Afrophobia, the Equality Ombudsman had contributed to a study on that community in the city of Malmö. In addition to the white paper on unfair treatment of the Roma community, the Government had also hosted a European round table on that issue in April 2013.

20. The recommendations of national and international bodies constituted an important basis for the work currently being carried out to develop a comprehensive human rights strategy. One such recommendation had been the establishment of a national human rights institute, in accordance with the Paris Principles.

21. **Ms. Möllerberg** (Sweden) said that the evaluation of the project on anonymous applications in the public authorities recruitment process had revealed that anonymity had had no effect on the choice of applicants who were called to interview. The project had therefore been discontinued. Nonetheless, applicants had the right to appeal against decisions made in the application process before a special employment court.

22. **Mr. Mårtensson** (Sweden) said that, while Sweden had generous citizenship laws and high nationalization rates, it was traditionally less successful with integration. In April 2013, a Government inquiry had concluded that municipalities should be obliged to host annual ceremonies, to which all new citizens would be invited in order to mark that important step. The inquiry had also proposed that the nationalization process should be made easier for children and young people, and that the residency requirements should be reduced by one year for those who had reached a certain level of mastery in the Swedish language. Those proposals were currently out for consultation by civil society, after which the Government would take a decision.

23. As part of its integration strategy, the Government aimed to reduce the number of districts where many residents were unemployed, depended on social welfare and had poor school results, and to reduce the level of exclusion with those districts. The National Board of Housing, Building and Planning had been instructed to increase the level of support to local authorities that worked to improve living conditions in those districts. Another proposal was to reduce the social contributions payable by employers in districts that employed at least 25 per cent of local residents among their staff. Pending approval by the European Commission, that initiative would be launched in January 2014.

24. **Mr. Murillo Martínez** requested additional information regarding the level of consultation and public debate that had taken place before the decision had been reached to delete the term “race” from domestic legislation. It would be useful to know what steps the Government was taking to ensure that the reasons underpinning that decision were not misinterpreted. He asked what support anti-discrimination NGOs received in the State party. He would appreciate additional details on the situation of Swedish citizens of African descent, and asked whether the concept of unlawful discrimination in the State party was related in any way to affirmative action.

25. **Mr. Zanzi** (Sweden) said that all legislative bills, including those containing amendments, were sent out for public consultation before being adopted. NGOs and other relevant bodies had therefore been involved in the decision to delete the term “race” from domestic legislation. As with all legislative amendments, the Government would follow up and analyse the results in order to ascertain whether further changes were required.

26. **Ms. Bexar** (Sweden) said that her previous comments on unlawful discrimination had referred to the provisions in the Criminal Code that provided protection against discrimination.

27. **Mr. Sjölander** (Sweden) said that a lot of statistical analysis focused on the difference between people who had been born in Sweden and those who had not. The Government was aware that individuals who had been born outside Europe suffered more from unemployment, exclusion, poverty and discrimination than those born in Europe. In general, the situation of refugees was also significantly worse than that of labour migrants. People who had been in Sweden for a short time also tended to suffer more from those phenomena than those who had been there longer.

28. **Mr. Amir** recalled that one of the first victims of hate crime had been the former Prime Minister, Mr. Olof Palme. He commended the State party on its human rights record, adding that it was no coincidence that the Nobel Foundation was based in Sweden.

29. **Mr. de Gouttes** said that it would be interesting to follow events in the State party in the wake of the decision to delete the term “race” from domestic legislation, particularly as Sweden often served as a model for other States. It was also noteworthy that the anonymous applications project had, in effect, proved a failure. In the light of the 2011 findings by the Living History Forum that the Internet and social media were the sources principally responsible for the spread of anti-Semitism and Islamophobia in Sweden, he asked whether there was a code of ethics in place for the media. Given the explanation of the new definition of hate speech in paragraph 27 of the periodic report, it would be useful for the Committee to take note that there were many types of hate speech that had no links to racist hate speech.

30. **Ms. Abrahamsson** (Sweden) said that freedom of expression was considered very important in Sweden. Nonetheless, the No Hate Speech Movement focused precisely on xenophobia on the Internet. Moreover, in 2011 the Government had launched on its website a specific web page on tolerance, which provided facts refuting some of the most common misapprehensions that were spread on the Internet about immigrants and minorities.

31. **Ms. Djärv** (Sweden) said that in the Criminal Code, the nearest offence to the concept of hate speech was agitation against a national or ethnic group. The definition of a hate crime was somewhat different; it comprised all crimes against a person or property, in which one of the motives was the victim’s ethnic background, religious belief, sexual orientation or gender identity. As explained in paragraph 27 of the periodic report, that definition had been revised in 2008 for the purposes of data collection.

32. **Ms. Bexar** (Sweden) added that, in the Criminal Code, the offence of agitation against a national or ethnic group made punishable the dissemination of statements or communications that threatened or expressed contempt for various groups.

33. **Mr. Calí Tzay** said that he would appreciate the delegation’s comments on reports of the Sami people’s concerns that the Government consulted with them only on education and the role of the Sami Parliament, not land ownership and natural resources. He commended the Government, however, for the recognition it gave the Sami community as a minority and an indigenous people.

34. **Ms. Mårtensson** (Sweden) said that recognition as a minority had given the Sami people the right to use their language with different authorities and to learn and revitalize it. Local, regional and national consultations took place frequently with minorities. Recent discussions had focused on the challenges facing reindeer herders, especially the cumulative effects of the presence of predatory animals and the challenges posed by extractive industries. Local and national Sami leaders had expressed their concerns and had been asked to propose ways to alleviate those problems and improve their consultations with the Government and the business community.

35. **Mr. Zanzi** (Sweden) added that the minister responsible for minority policy held annual consultative meetings with the representatives of all national minorities to discuss current issues. The Government had increased its financial support to minority organizations to 6 million kronor.

36. **Mr. Diaconu** said that, according to NGO reports, many organizations promoting racial discrimination were being established each year. Notwithstanding the arguments put forward by the State party, he encouraged it to consider adapting its rules to the reality of the situation and to bear in mind that the prohibition of such organizations might deter their formation. The term “agitation” was used to describe all the criminal offences referred to in article 4 of the Convention. He wondered whether all those offences involved agitation and expressed concern that the use of the term might introduce new criteria not established in the Convention and limit the number of offences prosecuted.

37. **Ms. Bexar** (Sweden) said that the prosecution was required to prove not the occurrence of “agitation”, but the dissemination of a statement or communication that threatened or expressed contempt for a national or ethnic group. The issue regarding racist organizations had been the subject of an ongoing debate with the Committee for decades. While there was a possibility that the prohibition of such organizations might discourage their existence, it might on the contrary increase public interest in their activities. The State party was firmly committed to achieving the objectives of article 4 of the Convention through its existing legislation – which made it impossible for such organizations to express racial hatred.

38. **Mr. Sjölander** (Sweden) pointed out that the issue of violence-promoting extremism was addressed by the national counter-terrorism strategy, adopted in 2012, and the national action plan to safeguard democracy against violent extremism, which also covered the issues of radicalization and the dissemination of xenophobic messages through the Internet.

39. **Mr. Thornberry** noted the comment in the State party report that no figures on the ethnic composition of the prison population were provided in official crime statistics. Aware of the drawbacks and advantages of such figures, he wished to know whether it was customary in media reporting to name the nationality or ethnicity of persons arrested for crime. Since discrimination was essentially unlawful, the use of the term “unlawful” before “discrimination” seemed unnecessary. He wished to know whether the acquisition of Swedish nationality was based on *jus sanguinis* or *jus soli*. Was lack of citizenship a situation that an immigrant family could endure across generations? His understanding was that “agitation” was a generic term that covered specific subcategories of crime. Did the crime of agitation incorporate the notion of *mens rea*?

40. **Mr. Selimovic** (Sweden) said that while the Government had little influence on the media’s activities in the light of freedom of the press in Sweden, he was pleased to say that the established media did not reveal the nationality of persons reported to have committed crimes.

41. **Mr. Mårtensson** (Sweden) said that the system was essentially based on *jus sanguinis* but required further explanation, which he would provide at a later stage. The Government had recently proposed ways of facilitating the acquisition of Swedish citizenship by children and young adults, which would rule out the possibility of loss of citizenship across generations.

42. **Ms. Bexar** (Sweden) said that crimes of agitation were subject to standard rules of intent, rather than to specific forms such as *mens rea*.

43. **Ms. Crickley** said that she would welcome further clarification of the definition of hate crime. While taking note of the delegation’s explanation for its avoidance of the term “race”, she expressed deep concern that Sweden, which had been considered a model of progress in anti-discrimination issues, had operated a regrettable policy shift since 2008. The integration policy strategy did not refer to non-discrimination or racism. It did refer to “social cohesion” but there was a risk that that might be associated with the concept of assimilation. Moreover, the use of the term “tolerance” instead of “non-discrimination” and related terms fell short of the high standards to which Sweden had been known to adhere in that area.

44. Was support for national minorities confined to groups formally designated as national minorities or was it available to the broader base of groups that required protection under the Convention, particularly in view of the high number of immigrants, refugees and asylum seekers in Sweden? She would appreciate a more specific response to the issues raised regarding migrant women’s choice of dress and any discrimination they might experience.

45. **Mr. Mårtensson** (Sweden) said the integration policy strategy was underpinned by robust anti-discrimination measures. The strategy was not based on assimilation but on the mutual adaptation of newly arrived immigrants to Swedish society and Swedish society to the new arrivals. Moreover, measures undertaken in the areas of employment, education and urban development were focused to a large extent on newly arrived immigrants.

46. **Mr. Zanzi** (Sweden) said that the Discrimination Act and the Equality Ombudsman — the two major anti-discrimination measures in place in Sweden — had come into existence in 2009. The national policy on national minorities focused on the five national minorities. Having extensively described the strategy for Roma inclusion at the previous meeting, he proposed either to discuss it further bilaterally or to send the secretariat documentation in that regard.

47. **Ms. Abrahamsson** (Sweden) noted that the national action plan for the period 2006–2009 had a major focus on discrimination and xenophobia.

48. **Ms. Djärv** (Sweden) said that “hate crime” was not a legal term but that the concept was referred to in the Criminal Code as a crime that aggrieved a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. That also included transgender identity and expression.

49. **Mr. Selimovic** (Sweden) emphasized that Sweden had not in any way operated a policy shift in its fight against discrimination and promotion of tolerance but had, on the contrary, strengthened its anti-discrimination legislation and placed the fight against xenophobia at the heart of its policies. It was one of the most open countries in Europe and would remain so. His Government was fully aware that discrimination existed in Swedish society and was firmly committed to combating the phenomenon.

50. **Mr. Vázquez** commended the State party for its leadership in combating hate crime. He encouraged the Government to detail non-legal responses to hate speech and crime in its subsequent periodic report. More information would also be welcome on the condemnation of hate speech on the part of high-level Government officials. There was a need to address the significant gap between the number of complaints of discrimination and the proportion of complaints that led to a charge. He suggested that the State party should continue to replicate best practice examples such as the hate crime unit in the Stockholm police. Lastly, he wondered whether consideration had been given to amending the law to permit Muslim-compliant financing.

51. **Mr. Kemal** said that he would like to know what basic level of social security was provided to unemployed people in Sweden.

52. **Mr. Kut** (Country Rapporteur) said that he wished to know what measures the State party was going to take to address the gap between the number of complaints of discrimination and eventual convictions. He was extremely concerned that the failure to prohibit the existence of racist organizations could encourage their transformation into legitimate political parties, with consequences such as that observed during the recent general election in Sweden. He requested details of the mechanisms in place in the State party to take precautionary measures in view of the proliferation of xenophobic and Islamophobic discourse.

53. **Mr. Mårtensson** (Sweden), **Ms. Möllerberg** (Sweden) and **Mr. Zanzi** (Sweden) said that they would submit more detailed information to the Committee on the issues thus raised.

54. **Mr. Lindgren Alves** welcomed the Government’s plans to review its *jus sanguinis* system. He fully endorsed the comments by Ms. January-Bardill, noting that unless the use of the term “race” was discontinued unilaterally it could not be ruled out by the Committee,

which dealt with racial discrimination. He commended the idea of citizenship as a tool for integration and would appreciate updates on developments in that connection. Lastly, he invited comments from the State party on the recent social unrest in Sweden.

55. **Mr. Sjölander** (Sweden) said that an incident involving the police had given rise to riots in May in Husby, in the outskirts of Stockholm, and had highlighted the need to build social capital and trust in the police in local communities.

56. **Mr. Mårtensson** (Sweden) said that the events had been the symptom of a broader social problem affecting people living in disadvantaged areas. In response, the Government was allocating additional resources to those areas, to enhance educational and employment opportunities and foster a positive economic climate, and it was decentralizing a number of government offices in the Stockholm municipality. Those efforts were supported by the European Social Fund and the European Regional Development Fund.

57. **The Chairperson** noted that a trilateral convention on Sami was being drafted between Sweden, Finland and Norway. He was concerned that failure to involve the Russian Federation in the convention might marginalize Russian Sami.

58. **Ms. Mårtensson** (Sweden) said that she hoped that the Russian Federation would eventually be able to participate in the process. Sweden had suggested replacing the references to the three Nordic countries in the text of the draft convention by “the contracting parties” to ensure that all the territories in which the Sami lived would eventually be covered by the convention.

59. **Mr. Kut** (Country Rapporteur) thanked the delegation for the frank dialogue that had been held and for replying to most of the issues raised. The State party had a highly developed system for managing issues relating to racism and discrimination and, as a result, the Committee had high expectations of it. A number of issues would be raised again in the Committee’s concluding observations,¹ which would be published shortly. Discussion of those points should continue until a solution was reached.

60. **Mr. Selimovic** (Sweden) said that his Government highly valued the Committee’s in-depth analysis and would give due consideration to the questions and comments thus raised in its ongoing efforts to protect human rights.

61. **The Secretary** announced that a telephone conference meeting would be held with NGOs from Cyprus after the lunch break.

The meeting rose at 1 p.m.

¹ See CERD/C/SWE/CO/19-21.