



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

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

Sixteenth periodic reports of States parties due in 2003

Addendum

SWEDEN*

[15 July 2003]

* This document contains the fifteenth and sixteenth periodic reports of Sweden, due on 5 January 2001 and 2003 respectively, submitted in one document. For the thirteenth and fourteenth periodic reports (submitted in one document) of Sweden and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/362/Add.5 and CERD/C/SR.1417-1418, 1431.

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I. GENERAL INFORMATION

1. The Government of Sweden hereby submits its fifteenth and sixteenth reports, submitted in one document, on the legislative, judicial, administrative and other measures it has taken in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination. As recommended by the Committee on the Elimination of Racial Discrimination, the present report is an updating report, addressing particular matters raised in the concluding observations of the Committee (CERD/C/304/Add.103) in relation to Sweden's thirteenth and fourteenth reports (CERD/C/362/Add.5). The reports also refer to the consideration of issues raised by the Committee on the Elimination of Racial Discrimination at its fifty-seventh session.
2. The main basis of legal protection against ethnic or racial discrimination is the Swedish Constitution (cf. Part II, article 2, of Sweden's twelfth periodic report). Furthermore, Swedish penal legislation contains provisions prohibiting ethnic discrimination. The Measures to Counteract Ethnic Discrimination in Working Life Act and the Ethnic Discrimination Ombudsman Act are also crucial.
3. Sweden is today a country of immigration. The composition of the population has undergone substantial changes in the course of only a few decades. More than 1 million of Sweden's almost 9 million inhabitants were born in another country. In addition, more than 800,000 inhabitants were born in Sweden and had at least one parent born abroad. More than one in five Swedish citizens therefore has a "foreign background".
4. People who have immigrated can be divided into three groups of approximately equal size: one third were born in other Nordic countries, one third were born in Europe outside the Nordic countries and one third were born outside of Europe. The majority of those who have immigrated to Sweden have lived here for more than 10 years. About as many women as men have immigrated to Sweden.
5. As of 31 December 2001, the largest groups of persons born abroad were born in the following countries (approximate number in brackets): Finland (193,000), Yugoslavia (73,000), Iraq (56,000), Bosnia and Herzegovina (52,000), Iran (52,000), Norway (43,000), Poland (40,000), Denmark (39,000), Germany (38,000), Turkey (32,000), Chile (27,000) and Lebanon (20,000). Among other large groups, the following may also be mentioned: Syria (15,000), Somalia (13,000), Ethiopia (12,000) and India (11,000).
6. The largest groups of persons born outside Sweden arriving during the 1996-2001 period are as follows (by country of birth, approximate number in brackets): Iraq (32,000), Yugoslavia (12,000), Finland (11,000), Norway (8,600) and Bosnia and Herzegovina (8,200). Other large groups of people born outside Sweden that arrived during this period come from Turkey (4,900), Russia (4,900), China (4,300) and Somalia (4,200).
7. Registration of individuals based on ethnicity or religion is not allowed in Sweden. The reason is that, for historic reasons as well as on grounds of integrity, no distinction should be made on this basis. This also applies to official statistics. It should also be borne in mind that,

after five years' legal residence, aliens are able to obtain Swedish citizenship. In many areas of society statistics report country of birth. This facilitates ongoing work to monitor and follow up the effectiveness of policies, practice and legal instruments aimed at promoting integration and equal treatment.

II. INFORMATION RELATING TO ARTICLES 2 TO 7

Article 2

Article 2, paragraph 1

8. Details of the constitutional law, the Fundamental Law on Freedom of Expression, are set out in paragraphs 25-30 of the Swedish Government's twelfth periodic report to the Committee.

9. The Fundamental Law on Freedom of Expression has been amended to improve the possibilities to take legal measures against racial agitation. The amendments were approved by Parliament and came into force on 1 January 2003 (see also paragraph 63).

Swedish penal legislation

10. Under chapter 29, section 2 (7) of the Penal Code, in assessing penalties, it shall be deemed an aggravating circumstance if the motive for the crime was to aggrieve a person, ethnic group or some other similar group of people on the basis of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. This provision is intended to enhance the overall protection of any victim against offences committed with a racist or similar motive. The provision is applicable to all kinds of crimes. It was amended on 1 July 2002 as regards sexual orientation.

11. The Penal Code contains two provisions directly related to contempt or discrimination on the basis of race, colour, national or ethnic origin or religious belief, namely those relating to agitation against a national or ethnic group and to unlawful discrimination. An initial account of these provisions is presented in paragraphs 31 and 32 of Sweden's twelfth periodic report.

Tort Liability Act

12. As a rule, victims of crimes are entitled to claim compensation for material damages, financial loss and personal injury. Under chapter 2, section 3, of the Tort Liability Act, a person subjected to unlawful discrimination may be awarded compensation in mitigation of injury, loss or damage or other effects suffered by the victim of the offence. This compensation includes an element of reinstatement reparation for the degrading and outrageous treatment or injustice the victim may have been subjected to. Levels of compensation have been raised substantially during the last decade.

The criminal justice system

13. As mentioned in paragraph 11 above, some provisions in the Penal Code include a clear reference to racist and xenophobic motives, such as agitation against a national or ethnic group and unlawful discrimination. Regarding other types of offences, such as assault, harassment or unlawful threats, the provision in the Penal Code on aggravating circumstances, referred to in paragraph 10, is applicable if the offence is committed with such a motive.

14. In a decision issued in December 1999, the Office of the Prosecutor-General set up specific goals and guidelines for public prosecutors on how to improve action to combat crimes of a racist or similar character. The decision means that all crimes with racist motives must be handled on a priority basis by the prosecution authorities. In the Office of the Prosecutor-General, as well as in the six regional prosecution authorities, there is a special function for coordination of action to combat crimes with racist or similar motives. In addition, the prosecution authority has improved and strengthened its capacity to follow-up actions against crimes with racist motives, partly through improved statistical data.

15. In a decision in November 2002, the Office of the Prosecutor-General modified the specific goals and guidelines for the Prosecution Service on how to improve action to combat all crimes of hate in society. Crimes of hate include racist crimes, unlawful discrimination as well as all kinds of criminal acts. According to the guidelines, public prosecutors have to give priority to these offences and have also to cooperate closely with the police in this respect.

16. During 2001 the National Police Board established a national network of focal points for information and training on issues concerning racism, xenophobia, anti-Semitism, homophobic threats and discrimination. The main task of the network is to facilitate the work of the police authorities in disseminating information on preventive work and intelligence-based operations as well as the surveillance and investigation of crimes with racist, xenophobic, anti-Semitic or homophobic elements. The focal points also have to promote better cooperation between different authorities and organizations, particularly at the local level.

17. Since 2002, the National Police Board and the Office of the Prosecutor-General hold one or two conferences a year at which prosecutors and the police focal points are given updates on new legislation, topical legal cases, opinions/verdicts from the Office of the Chancellor of Justice and the Swedish Parliamentary Ombudsman for the Judiciary and Civil Administration, information on the appropriate treatment of victims of crimes, as well as information on working methods, preventive work, surveillance and investigation. In addition, most police authorities have held training courses on hate crime with support from the focal points. The objective is to raise awareness and increase the knowledge of racism, xenophobia, anti-Semitism, homophobic crimes and discrimination.

18. The police and the Security Service cooperate on issues concerning racism, xenophobia, anti-Semitism, homophobic threats and discrimination. For instance, representatives of the Security Service are integrated in the network of focal points.

19. Since 1993 the Security Service has compiled statistical data at the national level on reported crimes with racist and xenophobic motives. In 2001 the police received reports of 2,670 xenophobic offences, including assault, threat, slander, graffiti and discrimination. In 2002 the corresponding figure was 2,260, which represents a decrease of 15 per cent compared to the previous year (corresponding figure in 2000 was 2,572).

20. The prevention of racist crimes and criminal activities within the “white power” movement has been one of the main priorities of the police in recent years. A special booklet, “On Guard against White Power”, has been prepared for the police. The latest statistics gathered by the Security Service show that reported crimes related to “white power” were 1,374 in 2002, which represent a constant level as compared to the previous year when 1,377 such crimes were reported, but a considerable decrease compared to 2000 when 2,092 crimes were reported. A decrease was also noted in the number of ethnophobic crimes where 668 crimes were reported in 2002, compared to 721 in 2001 and 825 in 2000.

21. In May 2003 the Government instructed the authorities in the criminal justice system to develop strategies against discrimination. These strategies are intended to contribute to long-term, continuous and comprehensive work against discrimination in the criminal justice system. The strategies must include attitudes to and treatment of people who come into contact with the criminal justice system.

New legislation on measures to counteract ethnic discrimination

22. In 2003 Parliament has adopted new legislation designed to counteract discrimination on various grounds, including ethnic origin. The new legislation, which implements two European Union directives against discrimination adopted in 2000, will come into force on 1 July 2003.

23. The “legislative package” consists of a new piece of legislation - the prohibition of Discrimination Act - and amendments to existing legislation on working life and education. The new Act provides protection against discrimination on grounds of ethnic origin, religion or belief, sexual orientation and disability in the following areas: labour market programmes and employment offices, self-employment and access to carrying on business operations or a certain profession, membership of and involvement in an organization of workers or employers, or any professional organization, goods and services, including housing, social insurance and other benefits systems, health-care or other medical services, the social services and unemployment insurance/benefits. The amendments to existing legislation on working life and education bring those acts up to European Union standard as regards the scope of the acts and harassment and the concept of discrimination.

24. The new legislation means a substantial extension of the field of supervision of the Office of the Ombudsman against Ethnic Discrimination (DO). Up to now, areas such as services and goods (including housing), social protection and social benefits and education in general have not been included in the mandate of the Ombudsman. Funding to the DO has increased by SKr 6 million from 2001 and the budget for 2003 amounts to approximately SKr 16 million.

25. The number of cases of alleged discrimination in working life reported to the DO has increased in recent years. In total, 307 such cases were reported in 2002, which is twice the figure for 2000. In 2002, 379 complaints of ethnic discrimination outside the workplace were

submitted by individuals to the DO, compared to 291 in 2001. These complaints mainly concerned the housing sector, education, the legal system and social services. Of those who complained to the ombudsman, 60 per cent were men and 40 per cent were women. The increase in reported cases of discrimination can have several explanations. It may reflect an increase in discrimination but it is also plausible that at least part of the increase reflects increasing awareness of the existence and functions of the DO.

26. An all-party committee with a broad mandate has been appointed to examine the entire field of anti-discrimination law and policy. The issues the committee will examine include possible positive measures, the possibility of combining the various anti-discrimination laws in one single act and merging the different ombudsmen into one office. The committee is to present its first report on 1 July 2005.

27. The Equal Treatment of Students in Higher Education Act came into force on 1 March 2002. The act, which is equivalent to the Act on Measures to Counteract Ethnic Discrimination in Working Life, contains prohibitions on direct and indirect discrimination against students and applicants to higher education on grounds of gender, ethnic origin, sexual orientation or disability. The ombudsmen in these respective areas are mandated to ensure compliance with the act.

28. On 1 January 2003 a new Group Proceedings Act came into force. According to this act, a group action can be brought by a plaintiff as a representative of several individuals with legal effects for all of them, although all individuals are not formally parties to the case. A group action may be instituted as a "private group action", an "organization group action" or a "public group action". Group action suits are intended to complement conventional legal proceedings. A group action may, therefore, only be heard by the court if certain special preconditions for proceedings are satisfied. When the proposed law on extended protection against discrimination has come into force, it will be possible, in specific circumstances, to bring a group action on the grounds of alleged discrimination (see paragraphs 22 and 23).

Other measures to counteract racism and discrimination

29. In February 2001, the Government adopted an Action Plan against Racism, Xenophobia, Homophobia and Discrimination. The Action Plan is intended to mobilize the whole of society - government authorities, municipalities and county councils; trade unions, employers' confederations, business and trade associations; NGOs; and the general public - in the work against discrimination on grounds of colour, ethnic or national origin, religious belief or sexual orientation. The Action Plan is an important tool to implement the Durban Declaration and Programme of Action, adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001.

30. The Swedish Integration Board has a strategic role in the follow-up and evaluation of the Action Plan. The Board is to report regularly to the Government on the results of its evaluations.

31. The Swedish Integration Board has set up a web-based "knowledge bank" with information about experience and methods in Sweden and in other countries, related to the work against racism, xenophobia and ethnic discrimination.

32. Local activities aimed at combating discrimination are of crucial importance. In cooperation with the Swedish Association of Local Authorities, the Swedish Integration Board has developed an advice and support service for local authorities and others in need of support in their work to combat racism and other forms of intolerance.

33. The Office of the Ombudsman against Ethnic Discrimination and the National Integration Board have assisted in setting up a network of local anti-discrimination offices for which State funding has been provided. State funding was also provided for local work by youth organizations during 2001-2003 to combat racism, xenophobia and discrimination.

34. State funding is provided for the "Exit project", which is part of work at local level to tackle racist and xenophobic tendencies. The project's objective is to develop and disseminate sustainable strategies for assisting young people who would like to leave racist or similar groups. The project is run in close cooperation with municipalities, government authorities and local social services.

35. Active measures by NGOs are essential to combat racism, xenophobia, homophobia and discrimination. In order to support and further develop the work of NGOs and to ensure continuity in their work, the Government has provided funding for the establishment of an independent "Centre against Racism and Related Intolerance". The new centre will commence operations in 2003.

36. According to the Public Procurement Act, anti-discrimination clauses may be used in public procurement. On instruction from the Government, the National Board for Public Procurement has elaborated an example of such a clause. The Government has appointed a Committee to review the possibilities of combining a State financial grant with conditions related to non-discrimination.

37. In 2001, the Government instructed the National Board of Public Health and Welfare to inform authorities that grant licences to serve alcoholic beverages and businesses in the restaurant sector about the provisions of the Alcohol Act concerning the possibility to revoke a licence to serve alcoholic beverages due to discrimination offences. As a result, the Board has updated the manual on the Alcohol Act to clarify that discrimination offences fall into the category of crimes that can cause a revocation of a licence or a refusal to grant licences to serve alcoholic beverages according to the Alcohol Act. The National Board of Public Health and Welfare has drafted a memorandum addressed to the restaurant sector and authorities granting licences that deals with discrimination offences in connection with possession of a licence to serve alcoholic beverages.

38. The Government has commissioned the Swedish Integration Board to monitor the situation of Muslims in Sweden after the events of 11 September 2001. According to a report published by the board in June 2003, the majority of Muslims in Sweden experienced their situation a year after these events as very problematic and difficult. Many Muslims felt they were discriminated against. They also felt that the picture of Islam and Muslims in media had become increasingly negative.

39. The Government sees this as a serious development that must be countered by all possible means. First of all, general work against racism, xenophobia and discrimination, not least by the National Integration Board and the Office of the Ombudsman against Ethnic Discrimination, in combination with effective legislation, has an effect also on Islamophobia. The recently established Living History Forum (see paragraphs 122 and 123) and the Centre against Racism and Related Intolerance (see paragraph 35), which is expected to commence operations in 2003 and will receive government funding, should be important for work against Islamophobia. Further finance has been set aside for 2003 for the funding of projects against Islamophobia and anti-Semitism.

40. It may also be mentioned that a regional working group has been set up as a result of a dialogue between Muslims and the Integration Board. This group includes representatives of Muslims, the police, the County Administrative Board and local anti-discrimination offices.

41. In 2002 the Ministry for Foreign Affairs produced the anthology "Yalla! Let's redecorate the Tree" which consists of articles, essays, interviews and poems by young people, experts and journalists. The main aim was to inspire young people to dialogue about and discuss the meeting between the Western world and the Muslim world. In total, 250,000 books were distributed to all pupils in the first and second grade of upper secondary school. The book was also translated into English (7,000 books) and Arabic (3,000 books).

Article 2.2

National minorities

42. Within the framework of the Council of Europe, Sweden ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages in February 2000. As a result of the ratification the Sami, the Swedish Finns, the Tornedalers, the Roma and the Jews were recognized as national minorities.

43. Two specific acts have been adopted: the act on the right to use Finnish and Meänkieli in dealings with public authorities and the act on the right to use the Sami language in dealings with public authorities and courts. These acts came into force on 1 April 2000.

44. The Government's regular consultation meetings with representatives of the minorities' organizations are an important part of the policy on national minorities.

The Sami

45. The Norrbotten County Administrative Board has been given the task of examining the consequences of a possible extension of the administrative district for the Sami language to also include some administrative areas in the southern parts of the traditional Sami-language area.

46. The Reindeer Breeding Policy Committee has recommended that the reindeer breeding legislation is strengthened and that a new relationship between competing industries in central Norrland - forestry, agriculture and reindeer breeding - is established. These recommendations have been submitted to parties concerned for comments.

47. A Boundary Commission was appointed in January 2002. The Commission will make proposals for the definition of the boundaries for Sami reindeer breeding rights, giving priority to the extent of the area to be used for winter pasture. The Commission is expected to submit its findings in December 2004. Proposals on the scope of Sami hunting and fishing rights on land that they traditionally occupy will also be included.

48. The issue of accession to ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries is still under consideration. A report of the Committee on ILO Convention No. 169, submitted in March 1999, indicated that Swedish legislation on property rights would need to be strengthened in order to make accession possible. For the time being there is no exact timetable for ratification of ILO Convention No. 169. The ambition is to ratify ILO Convention No. 169 as soon as possible, in light of the recommendations of the ongoing committees and commissions.

49. The Delegation on Indigenous Peoples arranges seminars on a regular basis in order to give parliamentarians and other actors an opportunity to discuss the content of Convention No. 169 and the implications of a ratification of the convention.

50. Opinion surveys show that there is a need for more information on Sami culture. The Government has therefore initiated an information campaign on the Sami people, aimed at the public authorities, non-governmental organizations, the media and the general public. The campaign is scheduled for a period of five years and funding amounts to a total of SKr 20 million.

The Roma

51. In its concluding observations on Sweden's fourteenth report, the Committee recommended that Sweden submit additional information on the situation of the Roma minority, particularly as regards education, employment and housing. The situation of Roma women and children should be given particular attention.

52. As mentioned above, registration on ethnic grounds is not allowed in Sweden. A Roma is therefore not registered according to his or her ethnicity but as born in his or her respective country of origin. Consequently, it is not possible to differentiate people of different ethnic origin from others born in the same country. This has not, however, been an obstacle to strengthened efforts aimed at improving the situation of the Roma minority. These efforts build on a general assessment developed in close, long-term cooperation with Roma representatives.

53. According to this assessment, Roma men are largely self-employed, selling different goods such as cars. Recently, Roma families have increasingly opened small local shops. Some Roma work in schools as "pupils' assistants". Quite a few Roma have trained to be social workers. Roma women who are employed often work in the social sector, in restaurants or in cleaning.

54. It is increasingly common for adult Roma to study full time at the compulsory level. Many young Roma continue after compulsory school to study at folk high schools (schools with lower entrance requirements). There is a demand for Roma from the media sector and therefore a media course tailor-made for Roma has been elaborated.

55. In 2002 a Council for Roma Issues was established as an advisory body to the Government. It has a broad representation from the Roma community, both women and men, representing all large Roma groups in Sweden. The Council is chaired by the minister responsible for minority issues. The main responsibility of the Council is to be proactive in national efforts to promote the situation of Roma in Swedish society. A child as well as a gender perspective should permeate the work of the Council.

56. A process has also been initiated to encourage Roma women to set up networks and to become involved in traditionally male-dominated Roma organizations. To strengthen the position of Roma women and to increase their participation in community life, an informal working group has been set up with representatives of the Government Offices and Roma women.

57. The Government has emphasized that children are crucial in achieving a long-term change for the Roma as a group. In cooperation with a working group of young Roma women and men, the Government therefore arranged a conference in 2002 about the situation of Roma children and young people and how their situation could be improved. The Roma working group chose the topics and the design of the conference. As a result of the conference, the Children's Ombudsman and several county councils have increased their efforts to support Roma children and young people.

58. The Ombudsman against Ethnic Discrimination has been instructed by the Government to carry out a two-year strategic programme to prevent and combat discrimination against the Roma. A report is to be presented to the Government in February 2004.

Article 3

59. There is no institutional racial segregation in Sweden. In some urban areas, especially in bigger cities, there is unintended racial segregation owing to differences in income, sometimes combined with differences of national or ethnic origin (see also paragraph 103).

Article 4

Article 4 (a)

60. For an initial account of this article, the Committee is referred to paragraphs 72-76 of Sweden's twelfth periodic report.

61. Chapter 16, section 8 of the Penal Code prohibits agitation against a national or ethnic group. The criminal act would consist of a statement or communication threatening or expressing contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin, religious belief or sexual orientation.

62. The Act on Responsibility for Electronic Bulletin Boards requires suppliers of electronic bulletin boards to delete any message that has a content that clearly constitutes agitation against a national or ethnic group, which is regulated in the Penal Code.

63. As stated in paragraph 9, the Fundamental Law on Freedom of Expression was amended on 1 January 2003. The law applies to all current media such as radio, television and other similar transmissions, films, videograms and other representations of moving pictures and recordings of sound, pictures and text. The authorities can proceed against those responsible on the basis of unlawful content disseminated via the above media only where sanctioned by the Swedish Constitution and only in the manner and at the time prescribed in the Constitution. According to the Fundamental Law on Freedom of Expression, legal proceedings must generally be initiated within 6 or 12 months from the day on which the material was disseminated. However, with regard to technical recordings, the periods of limitation prescribed in the Penal Code will apply to offences on recordings, which lack certain information. The amendment will improve the possibilities to combat “white power” music.

64. The penalty for racial agitation is imprisonment for a maximum period of two years. On 1 January 2003 a provision on a special penalty for the most serious crimes of racial agitation was introduced. This provision lays down that the penalty in such cases is imprisonment for between six months and four years.

65. In addition, chapter 16, section 12, of the Penal Code penalizes the distribution among children and young persons of writing, of picture or technical recording which, because of its content, may brutalize or otherwise involve serious danger to the moral education of young people. The sentence for this crime is a fine or imprisonment for at most six months. This provision has been used to penalize the distribution of racist propaganda to young people through, for example, the sale of CD recordings, without hindrance from the provisions contained in the Fundamental Law on Freedom of Expression.

Article 4 (b)

66. Chapter 16, section 8, of the Penal Code regarding agitation against a national or ethnic group prohibits public dissemination of racist statements or other expressions of racist attitudes or beliefs. Dissemination through an organization or similar group is also punishable under law, as is dissemination within the organization or the group. On 1 January 2003, a provision prescribing a special penalty for the most serious crimes of agitation against a national or ethnic group was introduced. This provision rules that the penalty in such cases is imprisonment for between six months and four years. The provision is intended to apply, for example, to extensive dissemination of racist material, such as racial propaganda activities by a racist organization.

67. In 1996, the Supreme Court ruled that wearing Nazi symbols in public could be regarded as agitation against a national or ethnic group and was thereby punishable under chapter 16,

section 8, of the Penal Code. This precedent-setting ruling has led to further convictions for racial agitation, for the use of Nazi symbols and for other expressions of racist opinions.

68. In view of this ruling, among others, the act banning the wearing of uniforms or similar clothing exhibiting the wearer's political opinions (referred to in paragraph 84 of Sweden's twelfth periodic report) was considered unnecessary, in light of the existence of the provision on racial agitation, and it was abolished on 1 July 2002.

69. Furthermore, under chapter 18, section 4, of the Penal Code, a person who founds or participates in an association which is considered to constitute - or in view of its character and the purpose for which it has been organized, is easily capable of developing into - an instrument of force such as a military troop or a police force, and which does not with due authority reinforce the national defence or the police, or who on behalf of such association deals in arms, ammunition or other like equipment, makes available a building or land for its activity or supports it with money or in other ways, shall be sentenced for unlawful military activity. This provision is aimed at preventing the establishment of organizations beyond the reach of democratic control.

70. Complicity in crimes carried out in organized forms can be punishable by law. Under chapter 23 of the Penal Code, a person intending to commit or promote a crime can be sentenced for preparation, participation, conspiracy or complicity. Punishment as prescribed in the Penal Code is imposed not only on the perpetrator but also on the person who furthered the crime by advice or deed.

71. A person with the intention of committing or promoting a crime, for example by presenting or receiving money or other form of prepayment for the crime, shall, in cases where specific provisions exist for the purpose, be sentenced for preparation of a crime unless he or she is guilty of a completed crime or attempt. In specially designated cases a sentence shall also be imposed for conspiracy. By conspiracy is meant that someone decides on the act in collusion with another as well as that someone undertakes or offers to execute it or seeks to incite another to do so.

72. As mentioned in paragraphs 10 and 13, it is also regarded as an aggravating circumstance if a crime is committed with the motive to aggrieve a person, an ethnic group or some other similar group of people on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance.

73. The provisions embodied in the legislation referred to in paragraphs 60-65 above means that organizations engaged in racist activities cannot act without breaking the law. In other words the activities of such organizations are countered through this legislation. In 1998, the Government appointed an all-party committee to study crimes related to certain organizations. The committee was required to consider whether it should be made a criminal offence to

participate actively in an organization whose operations involve criminal activities on a significant scale. In its report, presented in 2000, the committee adopted the position that such conduct should not be made a criminal offence. The report was sent out to authorities for comments. A majority of the authorities shared the committee's view.

74. In addition, Sweden has recently signed the Council of Europe's Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. As a member of the European Union, Sweden also participates in current work on a Council Framework Decision on combating racism and xenophobia.

Article 4 (c)

75. Support for or promotion of racial discrimination by public authorities is explicitly forbidden under the Instrument of Government and the provisions in the Penal Code relating to unlawful discrimination, agitation against a national or ethnic group and other offences. The prohibition also applies to individuals in public employment.

Article 5

Article 5 (a)-(b)

76. The Committee is referred to paragraphs 86-89 of Sweden's twelfth periodic report as well as paragraph 60 of Sweden's fourteenth periodic report for information on relevant legislation in this sphere.

77. A strategy was set up in 2000 by the National Council for Crime Prevention to ensure that officials in the legal system have adequate knowledge of the causes of racist, xenophobic and homophobic crimes as well as the situation of victims of such crimes. Authorities within the legal system shall report to the Government on an annual basis on measures taken to promote ethnic diversity within the police, the courts and the prosecutor's offices.

Article 5 (c)

Political rights

78. Every citizen over the age of 18 who is living in or has lived in Sweden is entitled to vote in general elections. Also, non-Swedish citizens who have resided legally in Sweden for at least 36 months are entitled to vote in local government elections.

79. Persons with foreign background participate less in political processes than Swedish citizens without a foreign background. In the last general elections in 2002, 83 per cent of Swedish citizens born in the country with two Swedish parents participated, while the corresponding level of participation for Swedish citizens born abroad was 62 per cent. The level of participation for Swedish citizens born in Sweden with two parents born abroad was 67 per cent. The differences in participation can to a great extent be explained by differences in socio-economic standard.

80. About 323,000 foreign-born citizens were entitled to vote in the local elections. Electoral participation in this group was 35 per cent. Participation by the total electorate, meaning both Swedish and foreign-born citizens, was about 78 per cent in the local elections. There was no decrease in the electoral participation of foreign citizens compared to the local elections in 1998.

81. Non-Swedish citizens who have resided in Sweden for at least 36 months are entitled to stand for election in local elections. The number of elected candidates born abroad has doubled in less than 20 years, although non-Swedish citizens are still underrepresented in relation to their share of the total population.

82. Several measures have been taken in order to improve the electoral participation of persons with a foreign background. In the bill "Democracy in the new century" of 2001, persons with a foreign background are identified as a group that needs more support in order to increase their participation in society. In preparation for the general and local elections in 2002 the political parties were allocated SKr 29 million from the State for production of information tailor-made for persons with a foreign background.

83. In 2000 the Government launched the project "Time for Democracy", a three-year development scheme for Swedish democracy. One of the project's main objectives is to give financial support to NGOs for initiatives to promote democracy, especially among marginalized groups. Out of 142 projects, 35 aimed at improved integration of persons with a foreign background. The project was finished in 2002 and will be evaluated in 2003.

84. A Committee appointed by the Government has been instructed to analyse the distribution of power and influence, including political participation, in different areas of society. The Committee shall take into consideration the extent to which differences in power and influence can be explained by sex, social background, structures in Swedish society or attitudes among authorities to people with different ethnic backgrounds. A report is to be presented to the Government in December 2004.

85. A new authority, the Election Authority, has been given the task of initiating awareness-raising activities about elections and guaranteeing that citizens entitled to vote receive information about elections in a language they understand.

Article 5 (d)

Right to nationality

86. A new Act on Citizenship came into force on 1 July 2001. According to this act, dual citizenship is fully accepted. Under the previous act, the main principle was that dual citizenship should be avoided. The new act allows also a child with a father who is a Swedish citizen to always acquire Swedish citizenship if the child was born in Sweden. This was not the case previously. The new act thus makes it easier for children of foreign background to acquire Swedish nationality.

87. As regards article 5 (d) (vii)-(ix) the Committee is referred to paragraph 96 of its twelfth periodic report for information in this connection.

Article 5 (e)

Integration policy

88. Using integration policies to counteract the exclusion experienced by persons born abroad is an explicit priority for the Government. In a communication to the Parliament in March 2002, "Integration policies for the 21st century", the Government gives an account of the development of integration policy and its future direction. The goals of integration policy have recently been clarified as:

- Equal rights, responsibilities and opportunities for all regardless of ethnic and cultural background;
- A community based on diversity;
- A society characterized by mutual respect for differences within the limits that follow from the fundamental democratic values of society and in which everyone can participate actively, irrespective of background.

89. Recent amendments to the goals emphasize that respect for ethnic, religious and cultural differences must not be used as an excuse for actions that are contrary to fundamental values in a democratic society. For example, everyone must respect democratic principles, human rights and equality between women and men.

90. The communication includes some ongoing initiatives aimed at increasing the impact of integration policy:

- The Government has appointed a Committee to analyse whether additional measures are needed to develop a better and more individualized introduction for new arrivals. A report is to be presented to the Government on 1 September 2003;
- The skills and qualifications of immigrants must be put to use in the labour market (see paragraph 97);
- A number of measures are under way to strengthen the Swedish language and improve Swedish-language instruction for immigrants;
- Long-term programmes to bring about a more positive development in segregated housing areas in metropolitan regions are under way within the framework of the Government's urban policy;
- Regional consultants responsible for stimulating multicultural activities are being established;

- The dialogue with religious communities concerning the rights of women and the rights of the child is being intensified;
- Integration aspects have been given a more prominent position in public health work and this is reflected in a public health bill presented by the Government to the Parliament in 2002;
- Additional efforts will be made to ensure that gender equality policy goals have a greater impact on the integration process.

91. As mentioned in paragraphs 22 and 23 above, new legislation prohibiting discrimination on various grounds, including ethnic origin, as regards labour market programmes and employment offices, will come into force on 1 July 2003.

92. The implementation of integration policies in different areas of society will be made more efficient. Priority will be given to conditions for children and young people with a foreign background. A more extensive focus will be placed on equality between women and men and issues involving common basic values in society. The responsibility of public authorities for integration policy within their fields of operation will be defined more clearly and the proactive role of the National Integration Board, as an instrument for follow-up and evaluation, will be facilitated.

93. The Government has recently taken initiatives aimed at improving the structure for the monitoring and follow-up development in relation to integration. This improved structure will include statistics, indicators and both quantitative and qualitative objectives. There are, however, no plans to register individuals on the basis of ethnicity or religion.

Labour market-related measures adopted by the Government

94. As a consequence of the economic upswing and different Government initiatives, the participation of persons born abroad on the labour market has increased significantly since 1997. During the same period unemployment has also fallen much more for persons born abroad than for persons born in Sweden. The increased participation among persons born abroad has been particularly significant in local and regional government.

95. In several ways there is, however, still a large difference in the labour market between persons born abroad and persons born in Sweden. There are variations in unemployment rates between different groups of persons born abroad depending on age, sex, education, country of origin and duration of stay in Sweden. Regional differences pertaining to job accessibility also play a vital role. In general, persons from non-European countries have a relatively difficult situation in the labour market. For instance, in the first six months of 2002 the unemployment rate for non-European men was 13.9 per cent compared to 6.2 per cent for men from EU/EEA countries. For non-European women unemployment was 12.3 per cent, compared to 3.9 per cent for women from EU/EEA countries.

Table 1**Unemployment rate: total, and among persons born abroad**

The unemployed	Unemployment rate* average for year 2002		Number of unemployed 2002	
	Men	Women	Men	Women
Total	4.4	3.6	100 700	75 700
Foreign-born	14.2	11.2	31 700	23 000
Born in Nordic countries	6.0	5.2	3 700	4 000
Born in EU/EEA countries	6.0	5.8	5 100	5 600
Born in non-EU/EEA countries	19.7	14.8	9 400	7 300
Born in non-European countries	19.2	16.8	17 200	10 200
- Africa	20.8	21.8	2 100	1 400
- Asia	21.9	18.4	13 400	7 100

Source: Statistics Sweden (SCB)

* “Unemployment rate” means the unemployed as a percentage of people in the labour force aged 16-64.

96. Increasing the employment rate, combating unemployment and ensuring equal rights and opportunities in the labour market for persons born abroad are given high political priority. General labour market policy has to be designed with the ethnic and cultural diversity in society as a point of departure. This general policy is complemented by various special efforts to enhance the integration of persons born abroad in the labour market.

97. In March 2003, the Government submitted a new bill to the Parliament in order to strengthen labour market policy. According to the bill, a number of measures will be taken to improve the situation of disadvantaged groups. During the period from 1 September 2003 to 31 August 2005, persons born abroad who have special needs will be supported by specially trained employment officers in the process of job-seeking and during the first phase at a new place of work. Skilled employees working below their qualification levels will be offered vocational training in fields where there is a labour shortage.

98. State funding is provided on a regular basis to reinforce staff at employment offices in distressed urban areas that have a high percentage of persons born abroad in the population they serve. Additional funding has been earmarked for job counselling of new arrivals from abroad.

99. The Government has allocated SKr 100 million per year during the 2001-2003 period to increase employment among persons born abroad. During 2001 and 2002 these funds have been partly used for financing complementary courses for persons born outside Sweden who have a foreign university degree, for improvement of introductory programmes and language training for newly arrived persons and for promotion of ethnic diversity in both private and public sectors as well as validation of foreign qualifications.

100. Since 2001, the National Labour Market Board and the Office of the Ombudsman against Ethnic Discrimination (DO) have worked together to counteract discrimination in working life. In addition, the Government has instructed the National Labour Market Board to look into discrimination at employment offices.

101. A working group with representatives of the Swedish Government and the Confederation of Swedish Enterprise was established in January 2003. The group will make proposals on how to draw on experiences from private business and improve cooperation between public and private actors in order to enhance participation of persons born abroad in the labour market.

102. Government authorities are instructed to actively stimulate integration and promote ethnic diversity among their employees. In October 1999, all State authorities were instructed to set up action plans to promote ethnic diversity among their employees. In a policy statement presented to the Parliament in October 2002, the Government proclaimed that all public authorities, municipalities and county councils must set up goals and action plans to promote ethnic diversity and combat discrimination in recruitment. The Government expects similar action plans in the private sector.

Local development agreements in distressed urban areas

103. Between 1999 and 2001 seven local development agreements have been established focusing on 24 distressed urban areas. The agreements focus on individuals and living areas and take a holistic approach combining a variety of measures against unemployment, and promoting language training, crime prevention, education and participation. Some 700 cross-sector measures have been initiated within the agreements in order to combat social exclusion. Every agreement is revised annually. A major evaluation programme is in progress, at both national and local levels. A report covering the work so far will be presented to the Parliament in 2003.

The right to education

104. The aims of education policy are to have school access for everyone, based on fundamental values and characterized by democratic ideals, to promote racial and gender equality and to prevent and counteract bullying, sexual harassment, violence, xenophobia and other expressions of a lack of respect. Under certain conditions, pupils are entitled to mother-tongue education tuition. As a result, more than 120 different languages are taught in Swedish schools.

105. As of 1 March 2003 there were two national education agencies: the School Improvement Agency (SIA), and the National Agency for Education. One important task for SIA is to improve the educational conditions for pupils in segregated areas.

106. In its directions for the National Agency for Education (NAE) for the year 2000, the Government instructed it to map racism, ethnic discrimination, sexual harassment, homophobia and gender-related harassment in schools in consultation with relevant authorities and organizations.

107. According to the Higher Education Act, institutions of higher education should promote understanding of other countries and of international conditions in their activities. They are also to actively promote and widen the recruitment of students.

108. During the 2001/2002 school year, 15.7 per cent of pupils at the upper secondary level had a foreign background. Statistics show that 31.2 per cent of all pupils did not complete their upper secondary studies within four years (normal time is three years) and for pupils with a foreign background the corresponding figure was 47.4 per cent. Of all pupils who completed their secondary studies in 1997/1998, 39.6 per cent had started higher education within three years. For pupils with a foreign background, the corresponding figure was 36.1 per cent.¹

109. The Committee is referred to paragraphs 113-130 of its twelfth periodic report for information on article 5 (e) (iv)-(v). Under Swedish law, discrimination on racial, ethnic, religious or cultural grounds is prohibited by virtue of the rights set out in article 5 (e) (vi).

Article 5 (f)

110. For provisions in the Penal Code relating to unlawful discrimination, see information under article 2 in Sweden's twelfth periodic report and information contained in paragraph 14 as well as under the section on new legislation on measures to counteract ethnic discrimination in working life.

Article 6

111. The Committee is referred to paragraphs 133-134 on Sweden's twelfth report for information in this connection.

Article 7

A National Human Rights Action Plan

112. In January 2002 the Government adopted and presented to the Parliament the written communication "A National Human Rights Action Plan". The point of departure for the Action Plan, which applies to 2002-2004, is Sweden's international commitments regarding human rights. The objective is to secure full respect for human rights, greater knowledge and awareness of human rights and better coordination of work for the promotion of human rights.

113. The plan describes the responsibilities and the role of various actors regarding work on human rights issues. It also describes certain priority issues, such as the rights of persons belonging to national minorities and the fight against racism, xenophobia and ethnic discrimination. The Action Plan underlines the importance of education and information about human rights, but also describes other measures, which are to be taken in order to promote and protect human rights at the national level.

¹ *Source:* Report 214 of the National Agency for Education. The definition for "foreign background" is a person born abroad or a person whose both parents are born abroad (adopted children excluded).

114. Over 240 different actors, including NGOs, trade unions, the Ombudsmen etc., were given the opportunity to take part in the process of elaborating the Action Plan. Representatives of the different national minority groups were invited and participated in the discussions.

Information and dissemination

115. The Government's web site for human rights (www.manskligarattigheter.gov.se) is an important part of the Government's efforts to disseminate knowledge of human rights. The web site contains information on human rights, as well as relevant documents, such as international human rights instruments, Swedish country reports to, and concluding observations from, treaty bodies.

116. The Government intends to translate into Swedish all future Swedish reports to the United Nations treaty bodies, including the present one, as well as the treaty bodies' concluding observations. All those documents will be made available at the Government's web site for human rights.

117. The Government has disseminated the National Human Rights Action Plan to national authorities, courts, municipalities, Ombudsmen and NGOs. A summary of the content of the Action Plan will be translated into the recognized minority languages.

Human rights education

118. The National Action Plan on Human Rights underlines the importance of knowledge concerning human rights not only in society in general but also for specific groups. As a result, the Government has instructed a number of national authorities to provide human rights training for their personnel. The National Social Insurance Board, the Sami School Board, all social insurance offices, the National Police Board and the Office of the Prosecutor-General are examples of such authorities. The authorities have to report on their actions to the Government in 2003 and decisions on possible further actions will be taken on the basis of their reports.

119. In addition, the Government intends to invite the Swedish Association of Local Authorities and the Federation of Swedish County Councils concerning the design and funding of human rights education at the local and regional level.

The police

120. In a policy document, the National Police Board has recommended that the composition of personnel in the police force should reflect the country's population structure. The Police Board has emphasized that persons from ethnic minorities should be recruited on a more frequent basis. During the last four years 13-16 per cent of the police students belonged to ethnic minorities.

121. The curriculum of the National Police Academy includes training and education on racial discrimination on the basis of the Universal Declaration on Human Rights, the European Convention on Human Rights, the Instrument of Government and chapter 16, section 8 (agitation against a national or ethnic group) and chapter 16, section 9 (unlawful discrimination), of the Swedish Penal Code. These issues are also dealt with in lectures and seminars on the Prison Treatment Act and the Remand Prison Act. Human rights and non-discrimination are

highlighted in a multicultural context in lectures and practical exercises. The treatment of asylum-seekers is given special attention. These actions also apply to further education provided by the Academy.

Living History Forum

122. A permanent national centre called the Living History Forum was established as a public authority on 1 June 2003. Its permanent assignment is to promote work, discussion and reflection on democracy, tolerance and human rights, based on a perspective from the Holocaust. The Forum is to contribute to a deeper awareness of history through exhibitions and other forms of artistic expression, such as music, works of art, dance, theatre, films and literature, and via courses, lectures and debates.

123. One important target group for the Forum's activities is children, young people and adults in the environment of young people. The Forum already has ongoing projects that relate directly to children and youth. These include study of the occurrence of xenophobic, Islamophobic, anti-Semitic crimes and propaganda being spread in schools that is being carried out in cooperation with the National Council for Crime Prevention.

Girls and young women at risk of honour-related threats or violence

124. The Government has taken a number of initiatives to improve the situation for girls at risk of honour-related threats or violence. The point of departure is that there is a set of basic values, in line with universal norms, which must be accepted by everyone in Sweden, regardless of cultural or religious background. Some of these initiatives are:

- The county administrative boards in the three metropolitan counties have received funding for determining needs for “sheltered housing”;
- An informal group of experts has been appointed, led by the Minister for Democracy and Integration Affairs, to propose additional measures and working methods that can protect girls and young women from threats or violence;
- In 2002 the Swedish Integration Board distributed over SKr 3 million in government grants to projects relating to gender equality and aimed at improving conditions affecting girls in vulnerable situations;
- The National Integration Board has made a special study of the conditions affecting the formative years of children and young people from immigrant backgrounds;
- In cooperation with the National Institute of Public Health, the National Board of Health and Welfare, the National Agency for Education, the National Board for Youth Affairs and the Office of the Children's Ombudsman, the National Integration Board has highlighted good examples and methods for preventing conflicts between the individual and the family that may be caused by patriarchal norms;

- The National Agency for School Improvement has elaborated concrete manuals for school personnel on how to deal with girls and boys at risk of honour-related threats or violence;
- Measures have been taken to change the law to ensure that the 18-year minimum age for marriage will apply to foreign citizens;
- The National Institute of Public Health has been commissioned to report on its assignment of educating parents in December 2004;
- The Commission for State Grants to Religious Communities has been given the task of conducting more in-depth dialogues with religious communities on issues relating to the rights of women and children.
