



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
2 March 2015

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

Concluding observations on the combined nineteenth to twenty-first periodic reports of Sweden

Addendum

Information received from Sweden on follow-up to the concluding observations*

[Date received: 28 August 2014]

Information on Sweden's follow-up to the recommendations in paragraphs 12, 14 and 16 of the concluding observations on the combined nineteenth to twenty-first periodic reports of Sweden

1. The Committee on the Elimination of Racial Discrimination adopted the concluding observations on the combined nineteenth to twenty-first periodic reports of Sweden on 29 August 2013 (CERD/C/SWE/CO/19-21). In paragraph 26 of these observations, the Committee requests that Sweden provide information within one year of the adoption of the concluding observations on its follow-up to the recommendations contained in paragraphs 12, 14 and 16. Sweden therefore wishes to provide the following information.

Paragraph 12: Accountability for hate speech including racism in political discourse

2. In paragraph 12 the Committee recalls its general recommendations No. 7 (1985) on legislation to eradicate racial discrimination and No. 30 (2004) on discrimination against non-citizens and recommends that Sweden effectively investigate, prosecute and punish all hate crimes and take effective measures to combat hate speech in the media and on the internet, including by prosecuting the perpetrators, where appropriate, regardless of their official status. The Committee urges Sweden to take the necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aiming those measures at journalists, *inter alios*.

* The present document is being issued without formal editing.



Legislation

3. Racially motivated hate speech is an offence under the provision on agitation against a national or ethnic group in Chapter 16, Section 8 of the Swedish Penal Code. This provision applies to a person who, in a disseminated statement or communication, threatens or expresses 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. Agitation against a national or ethnic group is also a punishable offence when the statement or communication is disseminated through media covered by the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

Measures to investigate and prosecute hate crimes

4. Sweden takes a serious view of crime motivated by racial, religious or homophobic hatred. Sweden closely follows national trends in this type of crime, as well as the work of the judicial system to combat hate crime, to assess the need for further crime prevention and law enforcement efforts.

5. In March 2014, the Government instructed the National Police Board to develop the police service's work to combat hate crime. The remit includes: enhancing knowledge about hate crime within the police service; increasing confidence in the police service among people within groups particularly subjected to hate crime; and, in consultation with the Swedish Prosecution Authority and the Swedish National Council for Crime Prevention, promoting a uniform practical application by these agencies of the term "hate crime" in line with a definition based on current legislation (Chapter 16, Sections 8 and 9, and Chapter 29, Section 2, point 7 of the Swedish Penal Code). A uniform application among relevant authorities is an important step to make it easier to track hate crime reports through the judicial chain. The remit aims to increase the rate of resolved hate crime cases by improving knowledge about hate crime within the police service and ensuring that good examples of police work to identify and investigate hate crimes are used and disseminated to all police authorities.

6. Studies have previously shown that sometimes people who have experienced a hate crime do not report it to the police. To increase the willingness of these individuals to report being the victim of a hate-related incident and increase public confidence in the police service, under the remit the police are to develop and strengthen their collaboration with representatives of stakeholder organisations and groups that are particularly subjected to hate crime.

7. The Swedish Prosecution Authority has continued to prioritise hate crime. The Authority's guidelines for combating hate crime and its basic training of prosecutors both emphasise the importance of drawing attention to and investigating any potential hate motives and of citing these motives as aggravating circumstances before the courts.

8. Each local public prosecution office is to have a specially appointed prosecutor responsible for combating hate crime. The Swedish Prosecution Authority's Prosecution Development Centre in Malmö is responsible for methods development and other matters related to hate crime. For example, a continuously updated digital information database on hate crimes has been developed for operational prosecutors. In addition, a hate crime conference was held in autumn 2013. The conference brought together prosecutors working on hate crime cases to discuss how hate crime can be combatted more effectively. The conference will be held annually to increase knowledge of the subject.

9. The mandatory basic training for all new prosecutors contains a section on human rights that includes hate crime.

Measures to combat hate speech in the media and on the internet

10. Since 2013, the Swedish Media Council has been tasked with coordinating national activities within the framework of the Council of Europe's "No Hate Speech Movement" campaign. These activities aim to raise awareness of xenophobia, sexism and similar forms of intolerance on the internet and to mobilise particularly children and young people to promote human rights, democracy and gender equality on the internet. In conjunction with the March 2014 decision to extend the campaign, it was stressed that the Council would introduce initiatives to spread the "No Hate Speech Movement" campaign in various forums and media channels, focusing particularly on xenophobia.

11. Furthermore, as part of efforts to safeguard democracy against violent extremism, the Media Council was instructed by the Government in 2013 to equip young people aged 12–18 against the influence of anti-democratic messages on the Internet and in social media. The assignment includes producing digital training material aimed at increasing young people's media and information literacy.

12. The training material, "MIK för mig" (media and information literacy for me), was presented in June 2014. The purpose of the material is to increase media and information literacy among young people and strengthen their ability to critically examine and interpret messages in the media, e.g. propaganda that encourages violence and threats for a political or ideological cause. One of the goals is to raise awareness of new dilemmas associated with source analysis in a constantly shifting media landscape, enabling users to "deconstruct" methods used to influence them. The direct target group for the material is young people aged 12–18, while the indirect target group is senior-level compulsory and upper secondary school teachers of social science, Swedish, history and media-related subjects. The training package is also intended for use by school librarians, ICT coordinators, school managers, municipal representatives and representatives of non-profit organisations.

13. The Government considers that this training material produced by the Media Council is an important tool to empower young people to resist the influence of xenophobic, anti-democratic and violent extremist messages on the internet and in social media. As part of the Government's continued measures to safeguard democracy against violent extremism, the Swedish Media Council has been instructed to disseminate this training material nationally to relevant stakeholders in 2014 and 2015.

14. It is common for false claims, half-truths and myths to be spread, especially on the Internet, about the costs and problems of immigration, for example. These claims contribute to prejudices, xenophobia and, sometimes, pure hatred. The Government website (*regeringen.se/faktaominvandring*, in Swedish) uses facts to refute some of the most common claims about immigration.

Measures to promote tolerance, intercultural dialogue and respect for diversity regarding journalists inter alias

15. Under Chapter 5, Section 1, of the Radio and Television Act (2010:696), broadcasters and media service providers of on-demand television must ensure that their overall media services reflect the fundamental concepts of a democratic society, the principle that all persons are of equal value, and the freedom and dignity of the individual. Ultimately, the Act makes it possible to withdraw the broadcasting licence of any network contravening this provision.

16. The special conditions for public service broadcasting, specified in the broadcasting licence, require that the media services as a whole in these public service broadcasting companies — (Swedish Radio (SR), Swedish Television (SVT) and the Swedish Educational Broadcasting Company (UR) — must be conducted based on a gender equality

and diversity perspective, and that their programming must reflect conditions in all parts of the country and the actual diversity in the population.

17. The mandate of SR and SVT in the cultural sphere states that one important aspect in production and co-production is to reflect the many cultures and cultural expressions found in Sweden. Foreign programming in the cultural sphere must reflect different cultural circles and contain programmes from various parts of the world.

18. It can also be mentioned that this area is self-regulated. The Code of Ethics for Press, Radio and Television states that the ethnic origin, gender, nationality, occupation, political affiliation, religious belief and sexual orientation of persons concerned must not be emphasised if such particulars are not important to the specific context or are demeaning. The Code of Ethics for Press, Radio and Television is backed by the National Press Club of Sweden, the Swedish Union of Journalists, the Swedish Media Publishers' Association, the Swedish Magazine Publishers Association, and the public service broadcasters SR, SVT and UR.

19. The Government has held discussions with companies working on diversity issues in various ways. These discussions have centred on challenges and success factors, and the aim has been to disseminate good examples of diversity work. A publication was subsequently produced together with these companies, and various conferences have been held annually, aimed at inspiring other employers to promote diversity within their organisations.

Paragraph 14: Economic segregation

20. In paragraph 14, the Committee recommends that Sweden study the causes of the 2013 riots with a view to evaluating the effectiveness of its strategies against prevailing de facto segregation in Sweden along ethnic and socioeconomic lines, and the need for those strategies to be adjusted. The Committee also recommends that Sweden take further legal and policy measures to address the problem of social exclusion and segregation along ethnic lines.

2013 riots

21. A number of government agencies and relevant ministries within the Government Offices have had a dialogue on the causes of the 2013 riots that started in Husby. Social unrest may depend on several interacting factors, such as underlying socioeconomic causes arising as a result of differences between the situation of foreign- and native-born people on the labour or housing market for example, and triggering and diffusing factors that explain how unrest flares up and spreads. The riots therefore cannot be seen as an expression of "ethnic conflicts". Discrimination partly explains these differences. Other explanations for the differences include the fact that a relatively large proportion of foreign-born individuals who have come to Sweden in recent decades are refugee immigrants or relatives of refugee immigrants — groups that have a weaker attachment to the Swedish labour market. Furthermore, foreign-born individuals often lack access to informal networks and have more difficulty than other groups meeting employers' employability requirements, including knowledge of the Swedish language.

22. Since 2012, the Police Authority in Stockholm County has conducted in-depth analyses of the Stockholm suburbs experiencing social unrest and, in light of this, approved special measures. The police consider that a large proportion of individuals in these areas pursue crime as a lifestyle and their main source of income. The police are now working actively and with an increased presence to improve security in these areas in collaboration

with relevant agencies, municipal actors and civil society and, using repressive measures, to dismantle the criminal structures that are normative in the area.

23. Social unrest is described in several cases as a risk in risk and vulnerability analyses at local, regional and national level. These analyses are based on an understanding of the conditions in an area of society from a risk and vulnerability perspective. The Swedish Civil Contingencies Agency has initiated studies and published reports on social unrest and threats in connection with incidents targeting police and emergency services in association with interventions.

Measures to address social exclusion and segregation

24. Since 2010, most districts with widespread social exclusion have seen positive developments with an increase in the employment rate and the proportion of people finishing compulsory school that are eligible for upper secondary school. In several instances there has been a greater increase in these districts than in the municipality as a whole, which indicates reduced segregation based on these variables. Both national and international research shows that the length of stay in a country has an impact on labour market situation. In general, the differences between foreign- and native-born people decrease the longer those born abroad have been in the country. For native-born people with two foreign-born parents, the situation on the labour market is even better, despite the fact that certain differences remain between groups whose parents had different reasons for immigrating.

25. Within urban development initiatives, which are part of the Government's integration policy, nine municipalities with 15 selected districts have received SEK 100 million in performance-based incentive funds. An additional SEK 100 million is being allocated in 2014. The aim is to strengthen municipalities' efforts to combat social exclusion. The allocation takes into account the differences between developments in employment, school performance and social allowance in the districts, and developments in the municipalities. A reduction in comparative differences leads to an increase in the allocation of funds to the district. Boverket, the Swedish National Board of Housing, Building and Planning, is monitoring the outcome of these performance-based incentive funds.

26. Furthermore, as part of its policy to combat social exclusion, the Government has instructed the Equality Ombudsman to prepare to relocate the agency's activities to Tensta/Rinkeby — a vulnerable area in Stockholm Municipality. This decision aims to help break the negative cycle of people moving away from several areas with widespread social exclusion on the outskirts of Stockholm. In addition to this, local government administrations and businesses are preparing to move their activities to various parts of the outskirts of Stockholm. The proposal involves relocating a total of over 1500 workplaces from the inner city to vulnerable areas, which may mean an upswing for local businesses as more people frequent the lunch restaurants and shops there.

27. The Government believes that it is primarily labour market and education policies that must contribute to reducing social exclusion in vulnerable districts, rather than individual projects that risk resulting in only short-term effects.

Paragraph 16: Racial profiling

28. In paragraph 16, the Committee recalls its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and recommends that Sweden take measures to evaluate the effects of the application, including on minority communities, of the Act on criminal responsibility

for terrorist offences and ensure the application of relevant guarantees to prevent possible police profiling and any discrimination in the administration of justice.

29. It is very clear in Sweden's fundamental laws that religious belief, which is a fundamental right, may not in itself constitute grounds for the State to deprive a person of their liberty. A crime investigation must be focused on the suspect's acts and not on their religious beliefs.

30. Crime investigations are surrounded by extensive regulatory frameworks applicable to all types of offences, including terrorist offences. For example, there is a clear requirement of proportionality, i.e. that a police officer's intervention must be justifiable in view of the object of the intervention and other circumstances (Section 8 of the Police Act).

31. Crime investigations take place step by step. Initially, it is a matter of intelligence work, followed by initiating a preliminary investigation and possible apprehension of a suspect. Later, if there is evidence to support it, prosecution proceedings may be initiated and the final examination of criminal liability is conducted in court. At different stages throughout the entire process, prosecutors and courts are involved in addition to the police services to verify that the correct decisions are taken, and to provide authorisation for certain decisions, such as certain secret coercive measures.

32. One of the police service's most important tasks in Sweden is to prevent crime and ensure that serious offences, for instance a terrorist attack, do not take place. This is one of the reasons why the police service has certain, carefully regulated, means of detecting crimes that are being planned or prepared. In Sweden, terrorist offences are punishable even at the preparatory stage.

33. Sweden has a relatively small number of indictments under the Act on criminal responsibility for terrorist offences, and it is therefore difficult to draw any general conclusions. Some indictments have led to convictions, while in other, more difficult-to-assess cases, the court has not considered that the evidence was sufficient to prove beyond reasonable doubt that the defendant had committed the offence. In the occasional case, the court of first instance has issued a conviction that, following appeal, has been changed to an acquittal. Investigations of terrorist offences are complicated and generally difficult to assess. Complicated criminal investigations generally lead to a lower rate of conviction.

34. There are also a number of authorities tasked with monitoring to ensure that government agencies follow the applicable laws and do not discriminate or use racial profiling. The Parliamentary Ombudsmen scrutinise whether government agencies work in accordance with the laws and regulations that govern their work — especially those laws relating to an individual's rights and obligations with respect to the public sector. The Office of the Chancellor of Justice supervises government agencies and the courts. The Swedish Commission on Security and Integrity Protection is tasked to exercise supervision, through inspections and other investigations, over the use of secret coercive measures by law enforcement agencies and the processing of personal data by police service. The Commission is also, at the request of an individual, to examine whether they have been subjected to secret coercive measures or have been the object of personal data processing by the police and whether this has taken place in accordance with the law. The police service also exercises supervision over its own activities, which includes efforts to prevent all forms of illegal discrimination.
