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Committee on the Elimination of Racial Discrimination**Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden***

1. The Committee considered the combined twenty second to twenty third periodic reports (CERD/C/SWE/22-23), submitted in one document, at its 2630th and 2631st meetings (CERD/C/SR.2630 and 2631), held on 2 May and 3 May 2018. At its 2641st meeting (CERD/C/SR.2641), held on 10 May 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the twenty-second to twenty-third periodic reports of the State party. The Committee expresses its appreciation for the frank and constructive dialogue with the State party's delegation. The Committee wishes to thank the delegation for the information provided during the consideration of the report, and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) Amendments to the Anti-Discrimination Act (2008:567) which give the duty to employers and educational institutions to take "active measures" to prevent and counteract discrimination within their organizations, in January 2017;

(b) Adoption of the National plan to combat racism, similar forms of hostility and hate crime, in November 2016;

(c) Adoption of the Reform program to tackle segregation (2017-2025) in 2016;

(d) Efforts to implement the Strategy for Roma Inclusion (2012-2032), such as the report and recommendations of the Commission against anti-Gypsyism in June 2016;

(e) Measures taken by the police to increase reassurance and trust with vulnerable groups such as local collaborative agreements and pledges to citizens;

* Adopted by the Committee at its ninety-fifth session (23 April – 11 May 2018).

(f) Work of the Swedish Agency for Education and the Living History Forum on xenophobia and racism through conducting conferences and allowing school staff to attend classes at university, as well providing resources and tools on their website to fight against xenophobia and racism in schools.

C. Concerns and recommendations

Statistics

4. The Committee remains concerned at the lack of statistical data on the composition of the population. The Committee is further concerned at the insufficient statistical data on the enjoyment of economic and social rights by persons belonging to various ethnic groups present in Sweden. (art. 2).

5. The Committee recommends that the State party diversify its data-collection activities by using various indicators of ethnic diversity and by allowing respondents to report anonymously and to choose how to identify themselves, in order to provide an adequate empirical basis for developing policies to enhance equal enjoyment of all the rights enshrined in the Convention, and to facilitate the monitoring thereof.

Equality Ombudsman

6. The Committee remains concerned that the mandate of the Equality Ombudsman is limited, that cases successfully resolved are relatively low in number and that the resources available may not be in line with the expected performance of the office.

7. The Committee reiterates its previous recommendation (CERD/C/SWE/CO/19-21, para. 9) to strengthen the Equality Ombudsman by broadening its mandate to protect members of vulnerable groups from discrimination, to analyse and address the reasons for the low number of cases successfully resolved, and to provide it with adequate financial and human resources to carry out its mandate.

National human rights institution

8. While noting that a second inquiry into the establishment of a National Human Rights Institution is underway, the Committee is concerned that despite several recommendations from international human rights mechanisms, the State party has yet to establish a National Human Rights Institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

9. The Committee reiterates its previous recommendation (CERD/C/SWE/CO/19-21, para.10) that the State party establish a National Human Rights Institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and provide it with sufficient human and financial resources to effectively and independently discharge its mandate, without further delay.

Racist hate speech and violence

10. The Committee is concerned at reports that racist hate speech against Afro-Swedes, Jews, Muslims and Roma continues in the State party, particularly during election campaigns, as well as in the media and on the internet. While welcoming the establishment of national contact points and special hate crime groups in the three metropolitan areas, the Committee regrets that these do not exist throughout the country. The Committee commends the State party's efforts to ameliorate its data collection methods and address

underreporting, however, remains concerned with the high number of reported hate crimes and the continuation of racist violence and hate crimes in the State party. The Committee is particularly concerned with reports of arson attacks against mosques and reception centers for asylum seekers. The Committee is further concerned at the gap between reported cases of hate speech and hate crimes and investigations, prosecutions, and convictions of alleged perpetrators. The Committee is concerned on the lack of information on persons affected by hate crimes on the grounds of multiple and intersecting forms of discrimination such as gender, ethnicity, color, religious belief, disability, gender identity or sexual orientation. (art. 4).

11. Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party step up its efforts to:

(a) Effectively implement and enforce existing legislation and continue taking necessary measures to protect vulnerable groups from racist hate speech, racist violence, and other hate crimes;

(b) Effectively identify, register and investigate cases of racist hate speech, or incitement to racial hatred and racially motivated violence and hate crimes, and prosecute and sanction those responsible;

(c) Provide mandatory and continuous training on racist hate speech, racist violence, and hate crimes to law enforcement officials at all levels, and continue addressing the issue of underreporting;

(d) Publicly condemn and distance itself, including in online media, from racist hate speech and xenophobic statements made by public officials and politicians, and fully apply the relevant legislation.

(e) Provide in its next report detailed information on the number and nature of racist hate crimes including hate speech, and racist violence and other hate crimes including cases reported, prosecutions initiated as well as numbers of convictions and sentences imposed on perpetrators and on compensation awarded to victims. Also provide information, taking into account victimization surveys, hate crimes on the basis of intersecting forms of discrimination.

Racist and extremist organizations

12. The Committee is concerned at the presence of racist and extremist organizations in the State party, and their public demonstrations. While noting the explanation provided by the State party, the Committee, recalling its previous concluding observations (CERD/C/SWE/CO-19-20, para. 13), reiterates its concern that the State party continue to allow the formation of organizations that promote and incite racial hatred, in contravention of Article 4 of the Convention (art. 4).

13. Reiterating its previous recommendation (CERD/C/SWE/CO-19-20, para. 13), the Committee recommends that the State party amend its legislation and prohibit the organization of groups which promote and incite racial hatred, in line with Article 4 of the Convention.

Special measures

14. The Committee notes that the State party maintains its decision not to use special measures; recalling its previous recommendation (CERD/C/SWE/CO/19-21, para. 8), however, it remains concerned that the lack of recognition of the usefulness of special measures may allow for the continuation of the effects of structural discrimination against all vulnerable groups and impede the full implementation of the rights in the Convention.

15. **Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures, the Committee recommends that the State party reconsider its position on special measures as a means of addressing the impact of structural discrimination against all vulnerable groups in the State party.**

Rights of Sami indigenous people

16. The Committee is concerned at: (a) the insufficient legislation to fully guarantee the right to free prior and informed consent, while natural resource extraction, industrial and development projects continue; (b) the insufficient legislation to protect the rights of the Sami people in their traditional lands; (c) some groups within the Sami people who are engaged in different activities are being treated differently before the law; (d) continued reports of hate crimes and discrimination against Sami people (e) reports that the Predator Policy of 2013 on limiting harm to reindeer is not consistently applied, and that Sami reindeer herding communities are facing difficulties in obtaining compensation as a result to damage caused by predators; (art. 5).

17. **The Committee recommends that the State party:**

(a) **Take measures to enshrine the right to free prior and informed consent into law, in line with international standards;**

(b) **Create legislation to further protect the rights of Sami people in their traditional lands; take measures to combat hate crimes and discrimination against Sami people; and document, investigate and prosecute hate crimes against Sami people;**

(c) **In the application of relevant legislation, ensure that some groups within the Sami people are not disregarded;**

(d) **Implement the predator policy of 2013, compensate reindeer herders fully for damage caused to reindeer by predators, and continue consultations on bringing the 10% limit to more realistic levels; and**

(e) **Evaluate the implementation, outcome and effectiveness of policies designed to address problems faced by the Sami.**

Anti-Muslim racism

18. The Committee is concerned at reports of attacks against mosques, as well as the lack of sufficient funding to safeguard mosques against attacks, and the lack of affordable insurance coverage for mosques to protect against damage from attacks. The Committee is also concerned at the continued reports of racist hate crimes and hate speech against Muslim ethno-religious minority groups, especially Muslim women. The Committee is equally concerned at reports of the difficulties faced by persons belonging to Muslim ethno-religious minority groups in terms of access to employment and housing outside of minority populated areas, amounting to *de facto* segregation. It is also concerned at reports of stereotypical representation of Muslims in the media, and by politicians. The Committee is particularly concerned at situations of intersectionality in relation to ethnicity, religion and gender, where for example Afro-Swedish Muslim women appear as a particularly vulnerable group subject to multiple discrimination (art. 5).

19. **The Committee recommends that the State party:**

(a) **Take immediate measures and improve existing ones to fully ensure the safety of Muslim ethno-religious minority groups against violence, racist hate crimes and hate speech;**

(b) Take immediate measures and improve existing ones to guarantee the security of property belonging to Muslim ethno-religious minority groups against hate crimes and damage; Ensure that funding and affordable insurance are provided to guarantee the safety of mosques and other common property;

(c) Take measures to prevent discrimination in employment and housing and to prevent segregation in housing;

(d) Investigate and apply appropriate sanctions for hate speech by politicians, or media professionals; and take necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aimed in particular at journalists;

(e) Collect data on intersecting forms of discrimination to analyse and minimize the impact of discrimination on particularly vulnerable groups; and

(f) Evaluate the implementation, outcome and effectiveness of policies designed to address problems faced by Muslims.

Counter-terrorism

20. The Committee is concerned at reports that at present the Terrorism Act disproportionately targets Muslims, while crimes committed by other groups, such as Neo-Nazi groups, are not investigated as terrorism.

21. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party ensure that measures to combat terrorism are undertaken in such a way as to protect fundamental human rights, including the right of equality.**

Anti-Black racism

22. The Committee is concerned about reports of discrimination against Afro Swedes and persons of African descent, in particular, at reports of racist hate crimes and hate speech, racist depictions in the media, racial profiling, *de facto* residential segregation, economic segregation, and difficulty accessing health care, education, and employment (art. 5).

23. **The Committee recommends that the State party:**

(a) Take immediate necessary measures to protect Afro Swedes and persons of African descent from racist hate crimes and hate speech; investigate, prosecute and sanction perpetrators, as appropriate, including media professionals;

(b) Conduct studies on *de facto* segregation; and ensure full implementation of the Reform program to tackle segregation (2017-2025) with a view to ending economic segregation;

(c) Take all necessary measures to ensure equal access to healthcare, education and employment;

(d) Evaluate the implementation, outcome and effectiveness of policies designed to address problems faced by Afro Swedes and persons of African descent.

Roma

24. The Committee, while taking note of the strategy for Roma inclusion 2012-2032, remains, however, concerned that Roma continue to face difficulty in accessing education, employment, housing health care, and justice. The Committee is further concerned at

reports of forced evictions of certain Roma groups, living in informal settlements, and that Roma continue to be subjected to hate crimes (art. 5).

25. **The Committee recommends that the State party ensure adequate resources, implementation, and monitoring of the strategy for Roma inclusion for 2012-2032. The Committee recommends that the State party take all necessary measures to ensure equal access by all Roma communities to education, employment, housing, and health care. The Committee recommends that the State party prevent forced evictions of Roma, and provide them with protections against hate crime, ensuring that all reported crimes are investigated and perpetrators prosecuted. The Committee also recommends that the State party evaluate the implementation, outcome and effectiveness of policies designed to address problems faced by Roma.**

Police profiling

26. The Committee, having taken note of the efforts by the State party, remains concerned at reports of frequent cases of police profiling against visible minorities.

27. **The Committee recommends that the State party ensure that fundamental legal safeguards are effectively applied in order to prevent and combat racial profiling by police for all vulnerable groups, particularly, Afro-Swedes, persons of African descent, Muslims and Roma.**

D. Other recommendations

Ratification of other instruments

28. **Bearing in mind the indivisibility of all human rights, the Committee urges the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

Follow-up to the Durban Declaration and Programme of Action

29. **In the light of its general recommendation No. 33 (2009), the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), taking into account the outcome document of the Durban Review Conference (April 2009), and that it report accordingly.**

International Decade for People of African Descent

30. **In the light of General Assembly resolution 68/237, the Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

31. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations concerned with human rights protection, in particular those working to combat racial discrimination, in the**

preparation of the next periodic report and in follow-up to the present concluding observations.

Amendment to article 8 of the Convention

32. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Follow-up to the present concluding observations

33. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 9, 17 (d) and 19 (b) above.

Paragraphs of particular importance

34. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 13, 21, 25 and 27 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement these.

Dissemination of information

35. The Committee recommends that the State party's reports be made readily available to and accessible by the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

36. The Committee recommends that the State party submit its combined twenty-fourth and twenty-fifth periodic reports, as a single document, by 5 January 2023, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
