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Office of the High Commissioner for Human Rights

Responses to questionnaire paragraph 4 of A/HRC/21/30 - Sweden

**2.i Phenomena of xenophobia**

The fight against all forms of discrimination is one of the key human rights objectives of the Government. The overarching, long-term objective is a society free from discrimination. Issues linked to this area are measures to combat racism, homophobia and other forms of intolerance.

In 2006, the National Council for Crime Prevention took over responsibility for hate crime statistics from Statistics Sweden. The statistics largely concern reports to the police with identified hate crime motives, and are published annually. In 2008, the Council revised its definition of what constitutes a hate crime in the hate crime statistics. Besides xenophobic or racist hate crimes against minorities, Islamophobic hate crimes, anti-Semitic hate crimes and homophobic hate crimes, the definition was extended to embrace xenophobic hate crimes between minorities and against the majority, other anti-religious hate crimes, biphobic hate crimes, heterophobic hate crimes and transphobic hate crimes. Also, since 2008, Afrophobic and anti-Roma hate crimes are reported separately.

In 2004–2007, the number of reports to the police with identified hate crime motives totalled 3 000–3 500 per year. The revised definition used in the production of the 2008 statistics meant that additional groups were included in the National Council for Crime Prevention’s hate crime victim category. As a result, the number of reported cases with identified hate crime motives increased to 5 895 in that year. Since then, the level has been slightly lower. In 2011, the number of such cases was 5 493, of which 40 per cent involved unlawful threat and molestation, while 9 per cent involved agitation against a national or ethnic group and 3 per cent unlawful discrimination.

The trend is similar for reports to the police involving identified xenophobic/racist motives. During the period 2004–2007, the number of complaints was 2 200–2 500. In 2008, the number had risen to 4 224, whereupon it declined to 3 936 in 2011. For reported cases involving xenophobic or racist motives, too, 40 per cent concerned unlawful threat or molestation while the figures for agitation against a national or ethnic group and unlawful discrimination were 10 per cent and 4 per cent respectively.

As of 2007, the hate crime statistics also include self-reported exposure to xenophobic and homophobic hate crimes, based on the Swedish Crime Survey. This information works as a complement to the statistics on identified hate crime reports, since not all hate crimes are being reported to the police. According to the Swedish Crime Survey 2011, which measures exposure during 2010, 1.1 per cent of the respondents (16—79 years) stated that they were subjected to xenophobic hate crimes in 2010 and 0.3 per cent (16—79 years) that they were subjected to homophobic hate crimes. It must be noted that the hate crime statistics should be interpreted with caution, since both data sources are encumbered with problems. They should therefore not be seen as reflecting the actual extent of hate crime in Sweden.

In May 2011, the National Council for Crime Prevention reported on a government assignment that involved following up the efforts of the justice system to combat hate crime during the period 2003–2010. It noted that hate crime training as a part of basic police training had progressed favourably and that a number of police authorities had embarked on relatively ambitious training programmes targeting this issue. In training programmes for public prosecutors and judges, a number of features relating to hate crime have been introduced.

***2.ii How xenophobia is addressed in Sweden***

The Penal Code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation, namely those relating to agitation against a national or ethnic group (Chapter 16, Section 8) and to unlawful discrimination (Chapter 16, Section 9). The Act on Responsibility for Electronic Bulletin Boards (1998:112) also militates against agitation against national or ethnic groups.

According to Chapter 29, Section 2, Paragraph 7 of the Penal Code, it is to be considered an aggravating circumstance when assessing penal value if the motive of a crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. The provision is applicable to all crime categories.

On 1 January 2009, the Discrimination Act (Swedish Code of Statutes 2008:567) entered into force. It prohibits discrimination associated *inter alia* with ethnicity, religion or other belief. Ethnicity is defined for the purposes of the law as “national or ethnic origin, colour or other similar circumstance”. The Discrimination Act contains prohibitions against discrimination that are applicable in virtually all areas of society. The anti-discrimination provisions apply to working life, education, employment policy activities and employment services not under public contract, membership of certain organisations, goods, services and housing, and public meetings and public events, health and medical care and social services, the social insurance system, unemployment insurance and financial aid for studies, national military service and civilian service, and public employment.

***2.iii National mechanisms***

Several important institutions are active in the field such as actors within the judiciary. The police authorities, for example, are taking special steps to combat hate crime. It is important to identify a hate motive for a crime at an early stage, for instance so that crime victims may be treated in an adequate manner. Accordingly, the police routinely investigate reported crimes to determine whether a hate motive is present. Several local police authorities have special hate crime investigators, and regional authorities are continually training staff in respect of hate crime issues. At the Stockholm Police Authority, efforts to combat hate crime are coordinated by an on-call hate crime unit.

The Swedish Prosecution Authority has continued to combat hate crime on a priority basis. Basic training for prosecutors, which is mandatory for all newcomers, includes a segment of twelve lessons on human rights in which hate crime is discussed. At the Swedish Prosecution Authority’s special development centre, with responsibility for issues including hate crime and human rights in relation to penal law, a project is under way to develop tools that will enable the agency to better identify hate crime cases in its system. The aim is then to use such an instrument to scrutinise how cases are dealt with and to identify shortcomings and their place in the justice chain.

The Office of the Chancellor of Justice is the sole prosecutor for crimes against freedom of the press and freedom of expression.

Another important government institution is the Equality Ombudsman who monitors the Discrimination Act and promotes equal rights and opportunities for all. Among the reports of discrimination that are submitted to the Equality Ombudsman, ethnicity is on the whole the most common discrimination ground in all areas of society. During the period 2009–2011, the Ombudsman received 7 960 complaints. Of these, a total of 2 282 (about 29 per cent of all complaints received) concerned discrimination on the grounds of ethnicity.

In 2012, there were 16 local anti-discrimination offices run by volunteer organisations with government funding. They give advice and support to people who have been discriminated against. Many of the 290 municipalities in the country carry out activities of their own and there are also a large number of volunteer organisations that contribute greatly to the fight against xenophobia.

***iv. Procedural gaps***

Sweden does not have any comments on the issue of procedural gaps to ICERD at this stage.

***v. Reservations***

According to customary international law, as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted. It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

***vi. Article 14 of CERD***

Sweden does not have any comments concerning Article 14 of the ICERD at this stage.

***vii. CERD recommendations***

Sweden regularly reports to the UN treaty bodies on how it complies with its international human rights obligations. The Government takes seriously the concluding observations of these bodies, which contribute to the improvement of human rights protection in Sweden. The Government also takes seriously the views issued by UN treaty bodies with regard to individual cases against Sweden.

***viii. Assistance to victims***

Assistance is provided by several different actors. One important actor within the judicial area is the Swedish Crime Victim Compensation and Support Authority. The authority is responsible for assessing state compensation, administering the Fund for Victims of Crime and acting as an expert centre. Furthermore, the authority is running a number of projects in order to develop crime victim work in Sweden.

Another important actor is the Equality Ombudsman. As part of its mandate, the Equality Ombudsman can investigate complaints of discrimination that violate the provisions of the Discrimination Act, and in so doing can represent the complainant in connection with settlements or, as a last resort, in court. The new Discrimination Act also introduces a right for non-profit organisations to bring an action on behalf of an individual in the same way as employee organisations are entitled to do.

***ix. Additional information***

The Swedish Government is undertaking several initiatives to combat xenophobia. One example is the inquiry appointed by the Government in May 2011 to draw up proposals on how efforts to combat xenophobia and similar forms of intolerance could be made more effective. The investigator reported his findings in November 2012.

Another example is the coordinated and long term strategy for Roma inclusion for the period 2012–2032 that was adopted by the Government in February 2012. The overall goal of the twenty-year strategy is for a Roma who turns 20 years old in 2032 to have the same opportunities in life as a non-Roma. The target group is above all those Roma who are living in social and economic exclusion and are subjected to discrimination. Women and children are a special priority. All aspects of the implementation of the strategy should be characterised by Roma participation and Roma influence. The Government has allocated SEK 46 million for the period 2012–2015.

For additional information see Sweden´s nineteenth, twentieth and twenty-first reports to the UN Committee on the Elimination of Racial Discrimination from 27 June 2012.