

530th meeting

Wednesday, 5 August 1981,
at 11 a.m.

Chairman: Mr. BAHNEV

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued)

Fifth periodic report of Sweden (CERD/C/75/Add.1)

1. The CHAIRMAN said that the Secretariat had received a letter from the Swedish Government pointing out that, owing to the holiday period, it would not be possible for a Swedish expert to contribute to the Committee's consideration of the report. The Government undertook, however, to reply in writing to any questions that were asked.

2. Mr. PARTSCH said that the report under consideration was very systematic and thorough and covered almost all of the questions which had been raised during consideration of the fourth report.

3. However, he had two questions to put to the Swedish Government. The first concerned new legislation introduced in 1979 which extended the old-age pension entitlement to aliens having a certain length of residence in Sweden. It would be interesting to know whether the amount of the old-age pension was based on contributions paid by the recipient, in which case the position of aliens with regard to those contributions needed to be clarified.

4. The second question related to the implementation of article 4 (b) of the Convention. The report stated that there was no prohibition as such of organizations involved in racist activities, but that statements of specified types by their leaders were punishable by law. The report further stated that only public statements, "even when they are made in a printed publication or on the radio or television", were punishable. The use of the word "even" seemed strange, since dissemination through the mass media was the strongest form of publicity. Furthermore, it was not indicated whether a statement made in, for example, a club or a closed meeting or on factory premises would be regarded as public and therefore be governed by penal law. When a State party informed the Committee that the control of racist organizations was assured through the punishment of public statements, then the definition of those statements had to be perfectly clear.

/...

(Mrs. Sadiq Ali)

reference of the Government Commission set up to study the profitability of reindeer breeding would be wide enough to embrace alternative forms of gainful employment.

17. In connection with the difficulties of gypsies in finding employment and adequate housing, the setting up of a Co-ordination Group for Gypsy Questions was a very welcome and progressive step. However, more concrete information would be useful on any priority housing programmes for gypsies and on policies for training them for better jobs. Information was also needed on the extent of discrimination against gypsies and on the procedures for dealing with it. In short, it would be valuable to have for the gypsy population similar information to that provided for the Jewish population.

18. She commended the Swedish Government for its attitude towards southern Africa and for its long tradition of sending humanitarian aid to the liberation movements. Legislation prohibited new Swedish investments in South Africa and Namibia; it would be interesting to know whether cases of firms violating those laws had been discovered, and whether and how they had been penalized. Information concerning Government policy on private enterprises with existing investments in South Africa would also be valuable.

19. Sweden's policy on refugees, in concentrating on refugees from one region with a similar cultural background, was quite understandable. However, apart from the emphasis on Latin America, there existed a special quota for refugees from Viet Nam, a country with a culture quite alien to that of Europe. She would have welcomed information on Government policies concerning special education and cultural development for those refugees, and especially for their children, and measures taken to ensure their adequate development within the meaning of article 2, paragraph 2, of the Convention.

20. Mr. INGLES commended the Swedish Government for the way in which its report responded to all the questions previously raised by the Committee, and especially for the effort which it was making to adopt special measures in favour of disadvantaged populations, particularly the Lapps and gypsies. However, ensuring that the Lapps had the opportunity to continue to engage in traditional modes of life should not preclude measures to encourage them to seek other forms of livelihood. He was impressed by the various institutions which had been

(Mr. Inglés)

established, such as the Nordic Lapp Council and the Nordic Council of Gypsies, in which Sweden worked in co-operation with its neighbours.

21. He commended the aid which the Swedish Government gave to liberation movements in Africa and its significant contribution to the causes of the South African and Namibian refugees and the victims of apartheid. However, he did not understand the rationale for the legislation recently enacted, which apparently prohibited new Swedish investment in South Africa and Namibia, while leaving existing investments untouched. He did not grasp the moral distinction apparently being made: if the relevant General Assembly resolutions were to be followed faithfully, all investment, whether new or existing, should be prohibited.

22. In paragraph 5, on racist organizations, it was made clear that punishable public statements were not restricted to oral statements but included those made in a printed publication, on radio, or on television. He shared the concern expressed by other members of the Committee that existing legislation was not fully in accordance with the requirements of article 4 (b); while it penalized propaganda activities, it failed to declare illegal organizations of racist intent. He had been particularly surprised to find that the Committee, in its comments on Sweden's third periodic report, had deemed that chapter 16, section 8, of the Swedish Penal Code, as amended, complied with article 4 (a) of the Convention. In fact, only one of the four requirements of article 4 (b) was satisfied by the legislation. In connection with a question asked earlier by Mr. Partsch, he said that he would consider a statement made in a closed meeting to be a "public" statement, since any statement uttered in the presence of a third person was by definition a public utterance. He suggested that in its next report the Swedish Government should deal fully with the question of whether its legislation complied with article 4 (a), and the steps taken to ensure such compliance.

23. Mr. DECHEZELLES said that the Swedish Government had answered the Committee's questions concerning the Lapps, gypsies and refugees in great detail. Sweden was one of the countries which was taking highly effective action to ensure the human rights of minority groups. He particularly welcomed the stated policy of giving priority to refugees from Latin America since it was impracticable for Sweden to provide for millions of refugees from all parts of the world. It was also

/...

(Mr. Dechezelles)

commendable that, as the report stated, the quotas did not apply to persons seeking asylum or prevent their being given refugee status in Sweden.

24. Such shortcomings as he had noted in the report were mainly of a legal nature. Paragraph 5, concerning the application by Sweden of article 4 (b) of the Convention, was ambiguous. The use of the word "even" in the third sentence, where a term such as a fortiori was intended, was misleading, since racist statements could be disseminated more easily and more widely on television or radio than by any other form of public pronouncement. He agreed with Mr. Inglés that statements were "public" when they were made in the presence of a second party, and not only when made in print, on television or radio, and hoped that a reply would be given to Mr. Partsch's question about Sweden's policy with regard to racist insults or abuse conveyed privately - for example, in a letter from one person to another. He assumed, on the basis of the information contained in the report, that racist organizations were allowed to exist in Sweden. Members of such an organization who made racist statements were, of course, liable to prosecution, but it appeared that Swedish legislation did not prohibit such organizations. In a future report, the Swedish Government should provide information on any laws on the subject of racist organizations.

25. He was greatly encouraged by the Supreme Court's judgement (para. 11) that a building society had acted unlawfully in refusing to sell a flat to a person because of his national origin.

26. He agreed with Mr. Nettel that the Committee needed to know the social, economic and political situation of reporting countries and for that reason often had to ask questions on matters outside the scope of the Convention. However, even in such marginal areas, the Swedish Government had responded fully; examples could be found in paragraph 6, concerning cautio judicatum solvi, and paragraph 8, which explained when the personal status of foreign nationals, with particular reference to marriage and the family, was deemed to be governed by Swedish law rather than by their national laws.

27. Mr. TENEKIDES said that the Swedish report was satisfactory and answered nearly all the questions asked by the Committee. He regretted that no Swedish representative was present with whom the Committee could have the customary direct dialogue.

/...

(Mr. Tenekides)

28. He had been struck by the concern underlying the Swedish Government's legislation for both the indigenous population and aliens. The information on refugees, the right of asylum and Sweden's use of the right to expel foreign nationals was extremely detailed, and showed that the Swedish Government was not using article 1, paragraph 2, of the Convention to avoid providing information on distinctions between citizens and non-citizens. That was commendable.

29. He noted that the estimated Lapp population of Sweden was 15,000; it would be interesting to know what the figures had been 10, 15 and 50 years earlier. A comparison of population figures of earlier years would indicate whether the Lapps were in danger of extinction. He was gratified to note that, since the Lapps lived in Norway and Finland as well as in Sweden, the three Governments were co-operating in ensuring respect for their human rights. That example could profitably be followed in the Middle East with respect to the Kurdish population.

30. He was also pleased to observe that, in addition to its condemnation of the policy of apartheid, Sweden provided practical humanitarian aid to ANC and SWAPO. That was a worthy example which should be followed by other countries.

31. He agreed with Mr. Dechezelles that the removal of the cautio judicatum solvi requirement in the case of resident aliens was a step forward. Sweden's concern for elderly immigrants and those seeking political asylum was likewise commendable. It was noteworthy that persons could not be arbitrarily forced to leave Sweden, and that foreign nationals with some years of residence in the country were given special consideration.

32. One questionable provision which he wished to bring up was the reference at the end of paragraph 7 to the prosecution of persons responsible for statements constituting a criminal offence. The Committee had requested information on when and in what circumstances a statement constituted a criminal offence, but the report under discussion shed no light on that question. Moreover, the information given in paragraph 11 implied that the Chancellor of Justice was responsible for executing policy, a situation which seemed anomalous.

33. Mr. DEVETAK expressed satisfaction at the general policy in regard to the Lapps which had been laid down in the 1977 Bill. Nevertheless, the Bill had not resulted in legislation and was not itself enforceable. He hoped that more specific information would be provided with regard to the functioning of the Lapp

/...

(Mr. Devetak)

schools and opportunities for the Lapp population to develop their cultural traditions and identity. Further information on the economic position of the Lapp minority and the plans of the Government to improve their living standard would also be appreciated. It was important that there should be a clear policy for disbursing the financial resources to be used for that purpose.

34. With regard to Sweden's immigration policy, he would welcome additional information on the work of the Government Commission appointed in 1980 to review questions concerning immigration and the position of immigrants in Sweden, with particular reference to the problems which the Commission had encountered and the results of its work. He asked whether the Government intended to guarantee to all major immigrant groups such additional rights as would safeguard their ethnic identity. With respect to foreign labour, he asked whether the Government intended to establish a policy of voluntary repatriation. Lastly, he would welcome information on the situation of the gypsy population and on whether that group had any legal status as such.

35. Mr. NETTEL said that, although the report did deal with the economic situation of the Lapp population, the Government stated that no reliable figures were available as yet on the economic conditions of the Lapps. That seemed to contradict earlier statements, especially those dealing with the study of the profitability of reindeer breeding and of the economic conditions of those engaged in that occupation. Furthermore, although general policy for the Lapps had been laid down in the 1977 Bill, the Bill had not resulted in legislation. He asked how that general policy could be implemented if it was not based on any law.

36. With regard to paragraph 11 of the report, he requested more detailed information on the cases in question. If judgements could not be reproduced in extenso, they should at least be summarized in some detail.

37. It was regrettable that the Swedish Government's interpretation of article 4 of the Convention was different from that of the Committee. It was his hope that the Swedish Government would eventually bring its legislation into conformity with article 4, as other States parties had done. He was sorry that no representative of Sweden had been able to attend the meeting of the Committee and hoped that that development would not set a precedent.

38. The CHAIRMAN said that it was unfortunate that the Swedish Government had not sent a representative to participate in the discussion of its report, since so many questions had been asked on a number of issues. It was to be hoped that that Government would see fit to participate in future.

The meeting rose at 1 p.m.

/...