



International Covenant on Civil and Political Rights

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Summary record of the 1990th meeting

Held at Headquarters, New York, on Wednesday, 20 March 2002, at 3 p.m.

Chairperson: Mr. Bhagwati

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02-29439 (E)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant *(continued)*

Fifth periodic report of Sweden (continued)
(CCPR/C/SWE/2000/5; CCPR/C/74/L/SWE)

List of issues (continued) (CCPR/C/74/L/SWE)

1. *At the invitation of the Chairman, the delegation of Sweden took places at the Committee table.*

2. **The Chairperson** invited the members of the Committee to continue their consideration of the list of issues (CCPR/C/74/L/SWE).

3. **Ms. Medina Quiroga** commended the Government of Sweden for the excellent report and helpful written replies relating to the list of issues. She had been discouraged to find that Sweden, like other European countries, was very interested in Europe and not very interested in the rest of the world. The fact that Sweden had not incorporated the Covenant into the Swedish legal system meant that the world was deprived of the benefit of Swedish jurisprudence. Incorporating the Covenant into Swedish law would not simply strengthen the protection of the human rights of persons subject to Swedish jurisdiction, but would also enrich the international system of human rights protection.

4. Furthermore, the Optional Protocol was an instrument which permitted individuals to bring alleged violations of their rights before the Committee. She wondered what Sweden's purpose had been in ratifying the Optional Protocol if the Views of the Committee on communications did not have binding force, and why it did not have a procedure for implementing such decisions. The Committee would also like to know the position of Sweden with respect to the principle of non-refoulement. She understood that Sweden was considering applying a gender perspective to all human rights matters. More information should be provided on women and political asylum, in particular as to whether women could request asylum for gender-based persecution, how women asylum-seekers were treated, and whether women had to accept asylum decisions affecting their husbands, or had the right to a separate decision.

5. The incidence of violence against women was extraordinarily high, in particular since Sweden had a vast range of laws protecting them from such violence. She would like to know what measures, apart from legal measures, were being taken to diminish violence against women. The reporting State should indicate whether the law prohibiting genital mutilation was enforced, and whether Sweden had contemplated carrying out an awareness programme to inform women of its existence, in particular so that they could take measures to protect their daughters. It would also be helpful to know how illegal immigrants who were victims of trafficking in women were treated under Swedish law.

6. **Mr. Rivas Posada** thanked the delegation for the fine report and for its willingness to cooperate closely with the Committee. Sweden had set an example for other countries in the advancement of human rights and he hoped that it would continue to do so. That was a particularly challenging task in the wake of recent world events. Terrorism was a long-standing problem, and must be seen as such or many decades of efforts to protect rights might be profoundly compromised. He would like more information with regard to Sweden's position on euthanasia and assisted suicide, in particular, the legal provisions governing such acts, and the consequences of committing them.

7. **Mr. Ehrenkrona** (Sweden) said that the Committee seemed to feel that Sweden was inconsistent for not having incorporated the Covenant into its domestic legislation. In fact, it did not incorporate into law most international instruments to which it was a party. Sweden was a European State, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which it was bound, contained similar provisions. Moreover, the Government did not view the United Nations human rights treaty monitoring bodies as courts of law, and that stance reflected the views expressed by the Swedish legislature. In its interpretation of the Covenant, the Government nonetheless regarded the Committee's views with great seriousness.

8. The United Nations human rights system differed from the European system, under which States were bound to abide by judgements of the European Court of Human Rights. Swedish law contained, however, no special procedures for the enforcement of its decisions. When the Court handed down a judgement, Sweden had to take a formal decision on the implementation of

that decision. If the Human Rights Committee made a similar ruling, the Government would consider whether its views constituted an obligation. Few complaints had been lodged under the Optional Protocol by Swedish citizens, however, since Swedes mostly turned to the European Court of Human Rights for the protection of their rights. The Court had rendered more than 40 judgements against Sweden over the years.

9. The Committee had inquired how the Swedish legislature complied with international undertakings if no procedure existed. The answer was that domestic laws were always scrutinized to assess their compatibility with international law. The Law Council, which was composed of members of the Supreme Court, had the task of ensuring that no law proposed by the Government violated constitutional or international undertakings. In addition, the Instrument of Government provided that no law might be enacted that violated the European Convention on Human Rights. There had been a question as to why Sweden had not formulated that provision in a more general sense. The legislature had decided that it should be restricted to the European Convention on Human Rights; it had, however, emphasized the importance that it also attached to the Covenant. As for communications under the Optional Protocol and the Committee's Views on them, he would be astonished if the Government chose not to comply with its findings. The Government must, however, consider itself free to make a choice since the Covenant was not legally binding.

10. It was indeed difficult to balance the need to combat terrorism and the need to protect the rights of persons suspected of involvement in such activities. That was an important challenge facing the international community. The sanctions imposed as a result of the terrorist attacks of 11 September 2001 had significantly affected certain individuals, among them three Swedish citizens. If those persons believed that the United Nations sanctions regime violated their rights, it would prove extremely difficult for them to find a remedy, in particular since their financial assets had been frozen. The United Nations sanctions regime was legally binding on European States, in accordance with Article 103 of the Charter.

11. Sweden was working within the European Union and the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) to strengthen legal protection for persons whose rights were affected by sanctions. Sweden took the view that

the Counter-Terrorism Committee should be able to verify the names that appeared on the list of suspected persons, and that the list should correspond to the objective criteria set out in the resolution. All decisions must be based on a verifiable connection between the individual and any acts of terrorism or a terrorist network. Moreover, national authorities should provide exact information on the basis of which grounds for suspicion could be established.

12. Although Sweden accepted the silent procedure adopted for that purpose, it believed that the individual or entity concerned should be permitted to state objections or to produce relevant information on the basis of which the Committee could revise its decisions. Sweden also believed that exceptions should be made for basic costs of living and for the costs of procedures before courts of law. The Government had already submitted its suggestions in that regard to the Counter-Terrorism Committee. The three Swedish citizens were seeking to challenge the validity of the sanctions and had brought their case before the European Court of Human Rights.

13. **Ms. Hemtke** (Sweden) said that the European Union had developed a framework agreement on terrorism, which sought to harmonize the counter-terrorist criminal legislation of European States. That agreement defined a terrorist act as a serious crime which was damaging to a State, and stipulated that such a definition must not be used to infringe on human rights. Nor could it be used against persons who were exercising their right to express their opinions, even if in so doing they committed offences. Under the Swedish Code of Judicial Procedure, secret surveillance could be imposed only if the reasons for the measure outweighed the consequent intrusion or the detriment to the suspect. The courts determined the use of wire-tapping or telesurveillance, which could only be employed if an individual was suspected of having recently committed an offence and the results of the surveillance might prove important to the investigation.

14. **Mr. Ehrenkrona** (Sweden) said that unauthorized wire-tapping was a criminal offence, even if the offenders were members of the police force. Sweden had indeed refused asylum to two Egyptian citizens and had returned them to Egypt in December 2001, sparking considerable public debate. The question had been asked whether the Swedish Government had taken into consideration the risk of torture or execution that faced them on return to their

country. A high-level member of the Swedish Government had visited Cairo, and had met with a similarly high-ranking member of the Egyptian State security forces. Sweden had informed Egypt that if either man was subjected to torture or sentenced to death, there would be serious political implications. Sweden obtained both written and verbal guarantees and had based its decision to deport those men, in part, on those guarantees. His Government was aware that Egyptians suspected of crimes involving State security were tortured during interrogation and had therefore sent a high-level official to Egypt.

15. Subsequent to the deportation, there had been no complaints from the deported Egyptians or from other parties that the deported men had been ill-treated in prison. The two men were being held in a “white-collar” prison. Sweden would continue to monitor the situation and would make further visits to Egypt to ensure that that country was fulfilling its obligations. Sweden fully complied with the principle of non-refoulement and did not deport any person who ran the risk of torture or execution. That principle was clearly set out in the Swedish Aliens Act and reflected Sweden's obligations under the European Convention on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Covenant itself. He was unaware of any case in which a person deported from Sweden had been subjected to torture or execution. If such a case had occurred, it would surely be known to the Swedish authorities.

16. **Ms. Hemtke** (Sweden) said that proportionality and necessity were the guiding principles for the use of physical force by police in carrying out their duties. The Government had appointed a committee to scrutinize the criminal investigation into the death of Osmo Vallo with a view to changing its organization, legislative framework and conduct, as well as coordination and cooperation among the authorities concerned. The committee would review all documents relating to the investigation with a critical eye and would recommend reliable, efficient and credible guidelines for investigations of death or injury at the hands of police or as a result of being in custody. It was scheduled to report on its findings in April.

17. Her delegation did not have information on the precise verdict in the cases of the two police officers accused of inflicting bodily injury. She knew that one had been acquitted but was not sure of the outcome of

the other trial. Another committee had been formed to evaluate monitoring and supervision of police and public prosecutors, using as criteria legal regulations, organization, management and the handling of allegations of criminal or wrongful behaviour. The committee was to present its findings in the course of the year. Following the violence and disturbances at the Meeting of the European Union Council, held in Göteborg, Sweden, under the Swedish Presidency, on 15 and 16 June, yet another committee had been established to analyse the response of the police and to propose measures for protecting the fundamental right to demonstrate at major events. The committee would present its conclusions in the course of the year.

18. **Mr. Ehrenkrona** (Sweden) added that, in instances of excessive police brutality, for example, the use of firearms, investigations were conducted by police from outside the police precinct where the incident had occurred, and were usually from an entirely different part of the country.

19. **Ms. Hemtke** (Sweden) said that 2,887 incidents of police misconduct had been reported in connection with the Göteborg Meeting. The investigation was not complete but thus far, four policemen had been notified that there were reasonable grounds for indictment in that connection. Turning to the questions concerning violence against women, she said that dealing with the issue had been a government priority for a number of years and described policy measures aimed at complementing reforms introduced in 1998 including the assignment of various long-term tasks to the relevant authorities, the formulation of an action plan and policy documents and cooperation with other authorities and relevant organizations, particularly non-governmental organizations. The authorities were responsible for monitoring and reporting to the Government on international developments, providing training to law enforcement agents and the judiciary, increasing the cooperation with victim support organizations and building public awareness.

20. Men and women of foreign origin, on being granted Swedish residence, were given information — often before they left their own countries — on Sweden's policy on domestic violence. In addition, special research had been conducted on the social support provided to immigrant girls. In May 2000, the Government had established a National Council for the Protection of Women against Violence, which served as an advisory body and a forum for the exchange of ideas

and experience between the Government and representatives of organizations and researchers dealing with the issue. The Council had been instructed to focus particular attention on the children of victims, and on violence against immigrant women, elderly women and women with disabilities. Powerful new legislation had also been adopted in that area.

21. **Mr. Ehrenkrona** (Sweden), replying to Ms. Medina Quiroga's question concerning the granting of asylum to women, said that the Aliens Act contained special provisions on women in very vulnerable situations, particularly in their home countries, and that, in general, any woman subject to the risk of torture or ill or inhuman treatment, for example, a woman who refused to marry the person of her family's choice, was afforded special protection, although she would not be considered a political refugee.

22. **Ms. Hemtke** (Sweden), responding to a number of specific questions concerning violence against women, said that female genital mutilation was being combated through special legislation and the work of the National Board of Health and Welfare, primarily with relevant professional and immigrant groups. Failure to report a crime in progress when there was no danger to the individual or his or her close relatives had been made a criminal offence. Despite the decline in the number of assault cases reported in the past three years, particularly where the perpetrator was known to the victim, the number of reported cases of domestic violence had increased overall, probably as a result of legislation which highlighted the criminal nature of such acts and provided greater support to victims who reported them.

23. As for trafficking in human beings, there had been criticism that female victims had not always been perceived as victims and were sometimes deported before questioning could begin. Sweden was a party to the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. A parliamentary committee was considering how to facilitate the institution of legal proceedings against persons guilty of trafficking in human beings and ways of providing support and legal protection to the victims.

24. **Mr. Lindqvist** (Sweden), replying to a question by Mr. Scheinin, said that the problem of "honour killings", in which men from certain cultures killed

their daughters if they did not adhere to family values, was bound up with the larger question of the relationship between immigrant parents and children, particularly daughters, who wanted to live like their Swedish friends. There had been a heated debate about the issue, since, in Swedish society, every individual above a reasonable age was entitled to pursue his or her own life. The Government had recently adopted a package of measures dealing with, *inter alia*, the marriageable age, to support vulnerable girls from patriarchal families. Social services and educational personnel were aware of the seriousness of the situation and were making every effort to assist the victims. In addition, funding was being provided, on a priority basis, to organizations promoting the integration of such girls into Swedish society.

25. **Ms. Hemtke** (Sweden) said that the prohibition of corporal punishment of children had been in force for approximately 30 years and enjoyed widespread support by both government authorities and the public at large. It had achieved its objective of changing mentalities concerning the relationship between parents and children and strengthening the child's right to physical and personal protection. It had also succeeded in educating society, generating norms and increasing respect for children. Under new legislation, a special representative, usually a lawyer, was appointed to represent child victims in criminal cases where the parent or guardian was the alleged offender. The dissemination of photographs or other material constituting child pornography for profit had been criminalized in order to stress the obligation of businesspeople to exercise greater caution.

26. **Mr. Ehrenkrona** (Sweden) said that euthanasia, defined as taking another person's life with that person's consent, was characterized as manslaughter under Swedish law, although the sentence might be lightened depending on the circumstances. The Swedish legislature had not really taken a position as to whether euthanasia constituted a violation of the right to life. The question had been debated by the general public, in the medical profession and among philosophers, but not at the ministerial or parliamentary level.

27. **Ms. Hemtke** (Sweden) said that there was a parliamentary committee that dealt with questions of medical care, particularly in terminal cases, where every effort should be made to respect the person's dignity. Since her Government had indicated its total

opposition to legalizing euthanasia, the subject had not been considered by the parliamentary committee.

28. **Ms. Hemtke** (Sweden) said that the marriageable age for both parties was 18 years, although minors could obtain special permission to marry. A foreign national who had been resident in Sweden for at least two years could choose to abide by Swedish law to ensure that a marriage considered valid in one State was not considered invalid in another. However, foreign marriages were not recognized if they were forced or otherwise incompatible with Swedish policy. Under new legislation being proposed, the Swedish marriageable age would also apply to foreign nationals resident in Sweden.

29. **Mr. Lindqvist** (Sweden) said that the main objective of the national action plan for the disabled was to mainstream opportunities for disabled persons in all government policies. All government agencies had been instructed to ensure equal opportunities for the disabled, as well as their full participation in society and a national centre for furthering the access of disabled people to various sectors had been established. Legislation was also in place to prohibit discrimination in the labour market on the grounds of disability.

30. **Mr. Ehrenkrona** (Sweden) said that, although compulsory service still existed in principle, nobody was forced to carry arms. Although sanctions existed to punish persons refusing to engage in any kind of public service — alternatives included working as a fireman or nurse — in practice they were rarely applied. Only 70 per cent of men were drafted to serve in the armed forces. Like many other European countries, Sweden was reluctant to accede to Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms owing to the difficulty of predetermining the interpretation by Swedish courts of its general prohibition of discrimination. Concern had also been expressed in Sweden that the Protocol might even prevent the introduction of affirmative measures to address discrimination against women.

31. **Ms. Hemtke** (Sweden) said that all defendants did in practice enjoy the right to an interpreter during criminal proceedings, since courts were obliged to fully examine the facts of a case.

32. **The Chairperson** invited the delegation to address the remaining issues on the list of issues.

Freedom of opinion and expression (article 19 of the Covenant)

33. **The Chairperson** read out the questions relating to article 19: steps taken to counter the concentration of media ownership and measures to combat the dissemination of racist, discriminatory, xenophobic and intolerant ideas through the media; differences in the periods of limitation for hate-speech offences and for offences against ordinary statutory law (report, para. 102), and any plans to change them.

34. **Mr. Ehrenkrona** (Sweden) said that the long-standing pluralism and diversity within Sweden's mass media would continue to be safeguarded through high-quality public television and radio broadcasting and policies promoting the interests of linguistic and ethnic minorities. Moreover, press subsidies promoted comprehensive news coverage and a broad circulation of daily newspapers. The freedom of the mass media was accorded constitutional protection, but legislation also existed to counter racial agitation and other crimes against the freedom of expression. In practice, racist or xenophobic ideas were rarely disseminated through the mass media. Regulations governing radio and television broadcasting stipulated that programmes must be characterized by democratic values.

35. The periods of limitation for offences against the freedom of the press and the freedom of expression were short, since opinions on what should constitute such an offence could change rapidly. It should be noted that hate-speech disseminated in the street or otherwise outside the mass media fell outside the scope of the Constitution and was thus subject to ordinary statute law, with longer periods of limitation. A legislative amendment to be introduced on 1 January 2003 would provide a stronger legal tool for dealing with hate speech and other offences disseminated in sound, picture or text recordings. In addition, a new bill sought to ensure that short periods of limitation would no longer apply to recordings of unknown origin.

Principle of non-discrimination (article 26 of the Covenant)

36. **The Chairperson** read out the questions relating to article 26: time limits for instituting legal proceedings against breaches of the Penal Code prohibition against public dissemination of racist statements or communications (report, para. 7), and the

possibility that legal proceedings would be barred when the date of dissemination cannot be ascertained; cases in the past three years in which aggravating circumstances as defined in the Penal Code (report, para. 11) were found in the commission of racist acts; by findings of the Parliamentary Commission studying crimes related to certain organizations (report, para. 15), and measures under review to combat anti-national or anti-ethnic propaganda and prevent the functioning of racist organizations; suggestions made by the panel of experts set up to review the provisions of the Penal Code on unlawful discrimination (report, paras. 16 and 17); protection provided to immigrants unable as yet to apply for a job under the new Act on Measures to Counteract Ethnic Discrimination in Working Life (report, para. 121), and figures on the unemployment rate among non-European legal immigrants in Sweden.

37. **Mr. Ehrenkrona** (Sweden) said that no sanction could be imposed unless the individual in question had been remanded in custody or received notice of prosecution for the crime within five years of its commission, when the applicable sentence was one to two years' imprisonment. The burden of proving the date of dissemination rested with the prosecutor. No information was as yet available on the number of cases in which aggravating circumstances had been applied. In 2000, the provision had been applied only four times.

38. The Parliamentary Commission had recommended new penalty scales for blatant agitation against an ethnic group (six months' to four years' imprisonment) and flagrant disorderly conduct (a fine or up to six months' imprisonment), the latter to ensure that the use of Nazi symbols and other expressions of racism were always punishable. The Commission had further recommended criminalization of agitation against persons based on sexual orientation. The Commission had also concluded that participation in a criminal organization should not be made a special offence, since a racist organization could not act without breaking the law. A recently introduced bill proposed stiffer punishments for agitation against a national or ethnic group and for dissemination of racist and homophobic material. Measures had also been proposed to strengthen the protection of witnesses.

39. A one-person commission of inquiry had considered the possibility of amending existing provisions on unlawful discrimination and introducing

a general prohibition on discrimination of persons with disabilities. A newly established parliamentary commission would undertake further consideration of the matter and present its findings in December 2004. Protection against discrimination in the workplace covered the entire recruitment process. Moreover, employers were required by law to promote ethnic diversity. In that connection, various ombudsmen had disseminated handbooks with a view to sharing best practices.

40. The fivefold increase since 1997 in the number of complaints of ethnic discrimination could be explained by increased awareness of the law among employers and immigrant employees. The employment rate among non-European legal immigrants for the first half of 2001 had been 54.4 per cent, which was far below the 77 per cent average for Swedish nationals. The corresponding unemployment rates had been 13.7 per cent and 3.3 per cent respectively.

Protection of minorities (article 17 of the Covenant)

41. **The Chairperson** read out the questions relating to article 17: problems encountered in the implementation of article 27 in the light of the Covenant concept of minorities and in the context of past Committee concluding observations and of the report (paras. 129-30); information concerning the rights of the Sami, including clarifications about the scope of Sami hunting and fishing rights (report, para. 136), the role to date of the Sami assembly as an elected body and government agency, and the findings of the commission of inquiry which reviewed its organization (report, para. 137).

42. **Mr. Ehrenkrona** (Sweden) said that it was too early to report on problems in implementing the Swedish minority policy adopted in December 1999. Similarly, the Government was not aware of any substantial problems in the implementation of article 27 of the Covenant, although some difficulties had been encountered at the local government level. With regard to the Sami, the Reindeer Breeding Policy Commission in December 2001 had recommended an investigation into the extent of all hunting and fishing rights on land within the reindeer management area, with particular attention paid to land set aside for use by the Sami. The Commission's findings would be published in November 2002.

43. The Sami exercised their autonomy through the Sami assembly (Sameting) which was responsible, inter alia, for fostering Sami culture, distributing government funds, appointing the Sami school board, directing efforts to promote the Sami language and helping to ensure that Sami needs were taken into consideration in the utilization of land and water resources. The Sami Parliament would be strengthened to enable it to assume further administrative functions in the near future.

Dissemination of information relating to the Covenant (article 2 of the Covenant)

44. **The Chairperson** read out the questions relating to article 2: steps taken to disseminate information on the fifth periodic report and its consideration by the Committee and on the Committee's concluding observations on the fourth periodic report; arrangements made to raise the awareness of judges, public servants, police officers and other law enforcement officials, legal advisers and teachers with regard to the Covenant and the Optional Protocol.

45. **Mr. Ehrenkrona** (Sweden) said that he would submit written information on the various initiatives being conducted to raise awareness within the judiciary of human rights, with particular focus on the European Convention on Human Rights. A recently approved national human rights action plan incorporated an information strategy and human rights education component in particular targeting civil servants and executives. The State party's periodic reports to various United Nations human rights mechanisms would be made available on a special web site. They would also be translated into Swedish (together with various concluding observations) for domestic dissemination.

46. **Mr. Yalden** said that the Government's approach to human rights following the terrorist attacks of 11 September 2001 on the United States of America had been somewhat uneven. Although the delegation had responded categorically to Mr. Klein's question concerning its policy of non-refoulement, non-governmental sources indicated that the policy was not applied in all cases. The significant increase in complaints of discrimination could also surely be explained by increased incidence of xenophobia and racism, as alleged by certain non-governmental sources. The Committee would welcome further information on concrete measures being taken by the Government to address the matter, as well as the issue

of high unemployment among ethnic minorities, mentioned in passing. The fact that various issues were being studied by large numbers of bodies was no guarantee of concrete results.

47. In referring to the self-determination of the Sami people, the Committee had had in mind some form of self-management within the Swedish State. The delegation should indicate when Sweden planned to become party to International Labour Organization (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries. It should also provide more detailed information on Sami fishing and hunting rights, services provided in the Sami language and the Sami Language Act, which apparently did not apply to the whole of the Sami people's traditional territory.

48. **Sir Nigel Rodley**, expressing interest in receiving the text of the Government's written guarantees relating to the two Egyptian nationals, asked about the circumstances and timing of the two visits paid to them in the Cairo prison by the Swedish ambassador. Especially in a country where torture was prevalent, protection was most urgent in the earliest months, when visible signs of torture could still be detected, and that required considerable expertise and diligence.

49. **Mr. Ando** noted the laudable effort on the Government's part to amend its legislation in order to create new categories of crime (report, paras. 9 to 12), but he doubted that that was the best way to cultivate human rights and prevent their violation. At any rate, he did not understand how the legal provision described in paragraph 9 could prevent the establishment of organizations beyond the reach of democratic control; what other kind of control was envisaged? He also wondered whether, in its effort to balance freedom of expression and the limitation of discrimination, Sweden needed to maintain its reservation to article 20, paragraph 1, of the Covenant.

50. **Mr. Lallah** asked whether — since the Covenant had not been incorporated as such into Swedish law — the provisions of article 26, broader than the corresponding provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, were fully reflected in Swedish legislation. It would be useful for the Committee to know the judicial thinking in the country. He believed Sweden should become less Eurocentric on the matter because, especially in view of the doctrine of exhaustion of

domestic remedies, it would be a pity if Swedish judges were deprived of opportunities to pronounce on Covenant rights. The implications of incorporating the Covenant were far-reaching. For instance, with reference to Ms. Hentke's explanations regarding the law applying to the marriage of foreigners, Sweden would gain by giving the protections of its own law even to foreigners governed by other legal systems, some of which, like Islamic personal law, discriminated against women as to inheritance and divorce. He would be interested to know whether the secret wiretaps allowed in Sweden, which clearly violated the right of privacy but which the Government nonetheless felt demanded the observance of fundamental rights, required a prior judicial order setting conditions and time limits, and were eventually brought to the attention of the person concerned with a view to the possibility of securing a remedy.

51. **Mr. Ehrenkrona** (Sweden) said that the growing number of complaints being received by the Ombudsman against Ethnic Discrimination could be explained in part by the greater familiarity of immigrants with the employment rules. The fact remained, however, that it was harder for a foreigner to find work. The Government was aware of the problem and was acting to find solutions.

52. **Mr. Lindqvist** (Sweden) said that the Government was leaving no stone unturned to reduce unemployment among immigrants. The factors at issue could be individual — a lack of instruction or of awareness of networks — or structural. The National Labour Market Board publicized areas of discrimination and fought to do away with them, and made it a priority to provide vocational training for immigrants, having allocated the considerable sum of \$10 million in four consecutive years to train unemployed immigrants with some prior academic background. Since most immigrants were concentrated in urban areas, local governments sought to promote economic growth and received funding to counteract segregation.

53. He assured the Committee that his Government was not establishing committees and ordering inquiries as a way of avoiding action. Many complicated problems arose in the course of enforcing existing legislation and the detailed regulatory provisions needed called for considerable preliminary work. In order to combat racism, for example, the Government had adopted a National Action Plan against Racism,

Xenophobia, Homophobia and Discrimination, a very ambitious attempt to mobilize all levels of society so as to arrive at a situation where all in Sweden were treated equally. It prescribed many concrete measures covering many areas: among others, as a way of promoting democratic values in the schools, the National School Authority was making an inquiry into the actual presence of racism in the schools. Under the Plan, far-reaching proposals had been made to counter discrimination in the public sector, from which had emerged the requirement that anti-discrimination clauses would henceforth be included in all public procurement contracts.

54. The Ombudsman against Ethnic Discrimination had been given the new tasks of informing the public and the key actors about the causes of discrimination and proposing legislation; and a two-year assignment to improve the situation of the particularly victimized Roma minority, to empower them and to change Swedish attitudes towards them. Also under the Plan, the National Integration Office worked at the local level and with non-governmental organizations; and a national web site had been established to suggest methods that could be used by the schools and public service organizations to counter discrimination.

55. **Ms. Hemtke** (Sweden) observed that although the adoption of criminal legislation was not enough, it was still a necessary tool. Her Government constantly sought to balance the right of freedom of expression and the abuse of that freedom to deprive others of their rights. The rise in reported cases of racism — unfortunately not matched by successful prosecution despite the funds spent — had prompted the Government to look into alternatives. Most such cases, incidentally, had been reported by the police because of the greater government focus on combating racism. The general Constitutional provision against discrimination meant that the Government and municipalities could not discriminate in their law-making and decision-making; and work was being done on a more general prohibition against discrimination also in the private sector.

56. **Mr. Ehrenkrona** (Sweden) observed that the Sami issue was complicated by conflicts not only between the Sami minority and the Swedish majority but between different groups of Sami.

57. **Ms. Ström** (Sweden) said that, while not recognizing their right under international law to self-

determination in a conventional sense, the Government did recognize the Sami as an indigenous people and a minority and gave them the right to self-management in certain aspects of their lives. They had the right to develop their own culture, and their cultural rights as a minority had been laid down specifically. Their self-management in the economic, social and political fields needed study. A Sami parliament had been set up, although its scope was limited to allocating funds, establishing school boards, promoting the Sami language and participating in public planning regarding the utilization of their land and water resources, the latter involving difficult delimitation issues and identification of fishing and hunting rights.

58. Once it had resolved certain concerns with regard to land rights, the Government planned to accede to ILO Convention No. 169. The fact that the Sami parliament was both a public authority and an elected body made for a difficult handling of issues, yet its involvement in public affairs was increasing. The Government was studying other ways of introducing the right form of Sami self-determination and was working, in the United Nations context, with bodies such as the Working Group on Indigenous Peoples of the Commission on Human Rights. The Sami question was politically sensitive and the Government continued to reconcile clashes between interests.

59. **Mr. Ehrenkrona** (Sweden) said that the text of the written guarantees requested by Sir Nigel was covered by the Secrecy Act and could not be released. The two Egyptians in question had been expelled because they had been suspected of deep involvement in terrorist activities. When the Swedish ambassador had visited them, he had not been able to talk with them alone but had had the impression that the two men had spoken freely, and they had made no complaints about ill-treatment in the Cairo prison. The Government would continue to follow up on them. A general anti-discrimination clause that encompassed all the guarantees of article 26 of the Covenant did indeed exist in Swedish law, in the Instrument of Government.

60. **The Chairperson** expressed appreciation for the good report and the delegation's oral presentations. No country was free of human rights violations, but Sweden stood as a role model. The Government would do well, however, to continue to foster a culture of respect for human rights, for laws alone would not suffice. He was sure that the Government would take the concerns and recommendations of the Committee

into account as it had done so constructively in the past.

61. **Mr. Ehrenkrona** (Sweden) thanked the Committee for a very interesting dialogue.

The meeting rose at 6.10 p.m.