

636th meetingMonday, 18 July 1983,
at 3.15 p.m.Chairman: Mr. INGLES

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 2) (continued)

Initial report of Solomon Islands (CERD/C/101/Add.1) (concluded)

At the invitation of the Chairman, Mr. Mauala (Solomon Islands) took a place
at the Committee table.

1. Mrs. SADIQ ALI observed that, like all other States parties whose initial reports were due in 1983, Solomon Islands had submitted its report to the Committee on time, an action which she deeply appreciated in view of the problem which existed with regard to late reports. She also commended the Government of Solomon Islands for having complied with the Committee's revised guidelines. If the report displayed deficiencies, the Committee should bear in mind that the country was newly independent.

2. The information regarding the demographic composition of Solomon Islands was particularly welcome. Although many countries maintained that it was not their policy to compile census data on the basis of racial and ethnic groups, such information greatly assisted the Committee in its monitoring of a State's implementation of the Convention.

3. Since Solomon Islands had only recently become independent, and since its population was composed of many racial groups, it was quite likely that some of the legislation remaining from the colonial period might be discriminatory in nature. She therefore wished to know whether the Government was taking measures in accordance with article 2, paragraph 1 (c), of the Convention to review policies at all levels and rescind any legislation that might create or perpetuate racial discrimination.

4. She took issue with the statement in paragraph 10 of the report that the fact that no cases of racial discrimination had been heard by the High Court of Solomon Islands indicated an absence of discrimination in the country. She thought it quite possible that instances of racial discrimination at the grass-roots level might have occurred without attracting Government attention. People should be made

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(Mrs. Sadiq Ali)

fully aware of the protection afforded by the Government under the provisions of the Convention so that such cases could be brought before the authorities.

5. Given the fact that Solomon Islands had a multi-racial society, she wished to know what political rights, as spelled out in article 5 (c) of the Convention, were guaranteed and what provision had been made by the Government to ensure equality of access to education and employment. It was possible that, as a result of colonialism, some groups in a multi-racial society might have experienced less advancement than others. Consequently, she wanted to know what economic policies had been formulated by the Government in accordance with article 2, paragraph 2, of the Convention to ensure the adequate development and protection of disadvantaged groups within the population. She pointed out that States parties were required to meet the three objectives spelled out in article 7, even if their societies were free from racial discrimination, and requested that more detailed information on compliance with that article should be included in the country's second periodic report.

6. Mr. SHERIFIS endorsed the comments made by Mr. Nettel regarding the philosophy of periodic reports as well as the observations of Mr. Devetak. He commended the Government of Solomon Islands for having initiated a dialogue with the Committee and for the fact that its report followed to a large extent the Committee's guidelines. While he welcomed the provision of detailed information concerning the ethnic composition of the population, he hoped that the second periodic report would contain more precise information regarding the country's implementation of the articles of the Convention.

7. Contrary to what was stated in paragraphs 13 and 14 of the report, the Government of Solomon Islands did indeed have cause to give effect to articles 3 and 4 of the Convention. All countries, regardless of size, ought to contribute to the international campaign against racial discrimination. He felt certain that the Government of Solomon Islands could and did contribute to that campaign, and therefore wished to see more information on the subject in the next report. Furthermore, while it was probably true that the Constitution of Solomon Islands provided sufficient protection regarding rights under articles 5 and 6, the inclusion of the relevant provisions of that instrument would enable the Committee to reach its own conclusions in that respect. He was willing to accept the fact

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(Mr. Sherifis)

that racial discrimination did not constitute a problem in Solomon Islands; however, as had been pointed out many times in the past, the fact that racial discrimination did not exist in a State did not exempt it from fulfilling its obligations under the Convention.

8. Mr. PARTSCH said he wished to limit his remarks to a technical matter. It was his feeling that much of the material which had been provided as general information in part I of the report could have more effectively been used to give substance to part II of the report, which dealt with implementation of the Convention by the Government of Solomon Islands. For instance, the information on provisions of the Constitution contained in paragraph 3 of the report could have been cited in the context of article 6 of the Convention. Likewise, the information in paragraphs 3 and 4 explained how the Constitution of Solomon Islands fulfilled the obligations imposed by article 6 of the Convention. Therefore, subsequent reports should strive to include all relevant information pertaining to the implementation of the Convention in the second, rather than the first, part of the report.

9. Mr. SHAHI joined the other members of the Committee in welcoming the representative of Solomon Islands and expressed his agreement with the views put forward thus far. He wished to know the details of the procedure by which a person whose rights had been contravened might apply to the High Court for redress, as stated in paragraph 3 of the report.

10. Paragraph 10 of the report stated that the Constitution was the supreme law of the land in Solomon Islands. However, any country that freely became a party to an international agreement became subject to the principle that the sovereignty of a State was exercised subject to the supremacy of international law. Accordingly, the answers provided in part II of the report should be revised in the light of that principle.

11. A breakdown of the population by ethnic groups had been provided in paragraph 11. He wished to know whether all groups listed in that paragraph were citizens of the country, or whether only Melanesians enjoyed that status.

12. Mr. APIOU supported the observations made by Mr. Partsch and offered a number of observations of his own. He wished to know what procedures available under section 13 of the Solomon Islands Constitution enabled a person whose rights had

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(Mr. Apiou)

been contravened to obtain compensation. Section 18 of the Constitution stated that compensation could be sought by any person whose rights had been, were being or were likely to be contravened. Since, according to his own country's legal system, compensation could be awarded only if it could be proved that an individual had been wronged, he wished to know how compensation could be awarded for an injury that might occur in the future.

13. He requested more details with regard to the organization of the legal system in Solomon Islands, as the report was not clear on that matter. With respect to the court case described in paragraph 4 of the report, he wished to know whether the three persons accused of murder would have had the right to seek reparations if they had been found guilty. He also sought further information regarding the case described in paragraphs 5 and 6: did the decision imply that legal action could not be sought in cases of customary ownership, or had the complainants committed an error in seeking action?

14. With respect to the three areas of protection from racial discrimination listed in paragraph 7 of the report, he wished to know how discriminatory legislation could be annulled and what procedures existed to rectify situations in which discrimination had occurred. With regard to part II of the report, he stressed the importance of articles 2 to 7 of the Convention and suggested that in future reports the Government of Solomon Islands should provide more thorough information concerning their implementation. The statement made in paragraph 10 of the report that the Convention could be described only as being "supplemental to the Constitution of Solomon Islands" was invalid, since international law should take precedence over national legislation.

15. Mr. DECHEZELLES said that at the preceding meeting Mr. Nettel had suggested valuable guidelines which all States reporting for the first time should follow in preparing the form and substance of their reports, and he felt that Mr. Nettel's remarks should be covered as fully as possible in the summary record.

16. Mr. KARASIMEONOV said that Mr. Nettel had indeed presented a learned analysis of the difference between internal and constitutional law, on the one hand, and international law, on the other hand. He considered that international law took precedence over internal law and therefore could not agree with the position of the Government of Solomon Islands that the Convention could only be described as

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(Mr. Karasimeonov)

supplemental to the Constitution of that country. He urged the Government to reconsider its approach and hoped that its next report would indicate the fact that the Convention's provisions were reflected in its internal legislation.

17. The statement in paragraph 17 of the Solomon Islands report to the effect that article 7 was given lowest priority in the national policies could lead to a misinterpretation of the Government's understanding of the main provisions of the Convention. He hoped that in its next report the Government would provide more specific information regarding those provisions.

18. Mr. MAUALA (Solomon Islands) said that he would transmit the questions, observations and reservations of the Committee to his Government and assured members that more detailed information would be given in future reports.

19. The CHAIRMAN expressed the hope that the next periodic report of Solomon Islands would provide information on, inter alia, the provisions of the Constitution which implemented articles 2, 4, 5, 6 and 7 of the Convention.

Mr. Mauala (Solomon Islands) withdrew.

Sixth periodic report of Sweden (CERD/C/106/Add.2)

At the invitation of the Chairman, Mr. Saland (Sweden) took a place at the Committee table.

20. Mr. SALAND (Sweden) said that the sixth periodic report contained information on relevant new developments which had occurred since the submission of the fifth report and comments on points raised by the Committee during its consideration of that report, as reflected in its own report. The Penal Code had been amended to extend protection to groups such as immigrants, and the Freedom of the Press Act had been amended to make an act punishable even when committed by way of statements in a printed publication. Furthermore, the Penal Code had been amended to permit public prosecution of cases of defamation, provided that the person aggrieved reported the instances of defamation and that prosecution was called for in the public interest.

21. Further information was also provided regarding the Lapps, now officially called the Samis. With regard to their claim to certain land in northern Sweden, the Supreme Court had found that they could not be held to have title to that land and that their usufructuary rights did not go beyond the provisions of the 1971 Act on reindeer breeding. A Government Commission had been established in 1982 to

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(Mr. Saland, Sweden)

investigate the possibility of strengthening the position of the Samis in regard to reindeer breeding, to determine whether a central body representing all Swedish Samis was needed since none of the existing Sami organizations was recognized by that population as a whole, and to propose measures to preserve and develop the Sami language. The Commission would work in close co-operation with Sami organizations.

22. Regarding the situation of gypsies in Sweden, he said that they did not have any special legal status. Of the 6,000 or so gypsies in his country, approximately 1,400 were Swedish, 3,000 were Finnish and 1,700 were from other countries. Gypsies who were Swedish citizens had the same rights and obligations as other Swedes and those who were not citizens had the same status as other aliens.

Measures taken during the past few decades to improve the situation of gypsies had taken the form, not of legislative action, but rather of measures in the economic and social fields.

23. Regarding the 1979 Act restricting the operations of Swedish companies in South Africa and Namibia, he noted that the Act in principle prohibited Swedish investments in those countries, but permitted exceptions for Swedish juridical persons on condition that the investments did not entail an expansion of the company's business activities there. During the 1981 fiscal year twelve Swedish companies had been operating through subsidiaries in South Africa and Namibia. Every year the Government provided a white paper to Parliament on the business activities of Swedish companies in South Africa and Namibia. So far no violations of the 1979 Act had been discovered which necessitated prosecution or other action. A Government Commission was investigating the application of the Act with a view to possibly extending its scope to other fields, such as the transfer of technology.

24. As to the concern expressed during the consideration of his country's fifth report that existing legislation in Sweden failed to declare illegal organizations of racist intent, he noted that the legal situation in Sweden with regard to article 4 (b) of the Convention had been explained in previous reports. The Penal Code now prohibited any statement or other communication, made publicly or otherwise, which threatened or expressed contempt for an ethnic group or any similar group by allusion to race, skin colour, national or ethnic origin or

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(Mr. Saland, Sweden)

religious creed. The question of prohibiting organizations of racist intent had been examined several times, inter alia, in connection with the presentation of the Government bill which had resulted in the amendment of the Penal Code referred to earlier. The Government Commission on Ethnic Prejudice and Discrimination had found that the provision on agitation against an ethnic group represented sufficient protection against such organizations and that, since no racist organizations of any importance existed in Sweden, there was no need for a prohibition. The Government and the Parliament had agreed, but the Minister of Justice had stated that the question could be discussed again if the situation so warranted.

25. With regard to Sweden's policy towards immigrants, he referred members to appendix II of the report, which was available in the files of the Secretariat. The appendix indicated that, while statistics concerning vocational training, employment and occupation for foreign nationals residing in Sweden were readily available, unfortunately no such statistics existed for naturalized Swedish citizens or for native Swedes with one or both parents born abroad. The substantial labour immigration in the 1940s, 1950s and 1960s, which had resulted in immigrants constituting, as they did today, roughly 10 per cent of Sweden's population, had ended during the 1970s, with the result that labour immigration, especially from non-Nordic countries, was negligible. While labour immigration from the Nordic countries continued, although on a smaller scale, non-Nordic immigration consisted mainly of relatives of established immigrants and refugees and persons allowed to remain for political and humanitarian reasons.

26. Roughly half of the foreign nationals worked in manufacturing, one fifth in the private service sector, one fifth in health care and one tenth in offices. Unemployment among foreign nationals was approximately twice as high as in the population as a whole. Foreigners accounted for 28 per cent of participants in labour market training programmes, 15 per cent of the participants in municipal adult education programmes offering elementary or secondary school training and 70 per cent of the participants in basic adult education which offered intensive language and other instruction for further training.

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(Mr. Saland, Sweden)

27. As to the question whether Sweden intended to establish a policy of voluntary return, he referred members of the Committee to the Swedish report to an expert meeting held under the auspices of OECD, which was reproduced in appendix III to the report under consideration. The question of the return of foreign workers had not been an important issue in Sweden. The notion of "guest workers", implying the dependency of foreign workers' rights on economic trends had been rejected in Sweden in the 1960s. Instead, it was held that once a foreign national had obtained residence and a work permit, he should enjoy basically the same rights as Swedish workers. Thus there were no economic or other incentives to induce immigrants to return. While some voluntary return migration did take place, the influx of immigrants into Sweden continued to surpass the outflow.

28. Appendix IV to the report under consideration provided a detailed picture of Sweden's efforts to assure Vietnamese refugees and their children of their rights to education and cultural development, and described the difficulties encountered. Linguistic and cultural problems were especially complex with regard to the Vietnamese, but were certainly encountered, although to a lesser extent, when services were provided to other groups of immigrants.

29. The Commission on Ethnic Prejudice and Discrimination had issued a series of reports in 1981 and 1982 on various aspects of prejudice and discrimination with respect to immigrants and ethnic minorities. Although they were available only in Swedish, some of their findings were presented in a brochure entitled "Ethnic Conflicts in Sweden", which was reproduced in appendix V. Whereas most experts held that conflicts between Swedes and immigrants had escalated in recent years and that attitudes had become harsher, the Commission had found that the attitudes of Swedes towards immigrants had changed quite dramatically for the better since 1969, even though those interviewed felt that relations had deteriorated. Increased tolerance was probably due to improved education and expanded contacts between Swedes and immigrants. The perception that relations had worsened might be attributable to increasing coverage by the mass media of prejudice and tensions. It had emerged from the Commission's interviews with immigrants that the most common complaint concerned treatment in the labour market. Accordingly, the Commission had proposed legislation to prevent such discrimination, it having traditionally been left to the parties in the labour market to ensure equitable

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(Mr. Saland, Sweden)

treatment. The proposed legislation would be considered by the Ministries concerned and, if the Government decided that it was appropriate, it would be circulated for comment to the various parties involved, including immigrants' organizations.

30. With regard to the Committee's request for the text of an amendment to the Constitution extending protection of the right to Swedish citizenship, he noted that the amendment (para. 27 of the report) had entered into force on 1 January 1980 and was designed to improve protection in matters relating to citizenship, especially in regard to persons who had come to Sweden as refugees and had since become Swedish citizens without losing the citizenship they had held in another State.

31. Paragraphs 20 to 23 of the report provided information on proceedings and judgements in specific cases of agitation against ethnic groups which had occurred in the period covered by the report. The decision by the Chief State Prosecutor that offences of agitation against ethnic groups and unlawful discrimination would be dealt with at a higher level, namely, at the regional or the national level, had been made to guarantee the expertise needed and to promote uniform adjudication. Regarding the case referred to in paragraph 22, he noted that the person concerned had been sentenced to ten months in prison.

32. Mr. DEVETAK congratulated the Swedish Government on an excellent report. As a result of developments in international law, the principle of non-discrimination had won acceptance as a general principle of jus cogens, and imposed certain restrictions on the legal positions that countries could adopt. Thus, while article 1 of the Convention would not generally apply to distinctions made by Governments between citizens and non-citizens, any legal provisions which were intended to single out a particular group should be regarded as discriminatory. He supported the stand taken by the Swedish Government in that regard, and applauded the amendment to chapter 16, section 8, of the Swedish Penal Code described in paragraph 2 of the report.

33. He praised the Swedish approach to migrant workers, described in paragraph 15 of the report, and called for further details of the Government's policy on the integration of migrant workers. For example, were they accorded rights only as individuals or also as minority groups? Was their culture protected? Were they

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(Mr. Devetak)

given specific linguistic rights? The seventh periodic report of Sweden should also contain information on the legislative proposals made by the Swedish Commission on Ethnic Prejudice and Discrimination and details of Sweden's co-operation with the countries from which its migrant workers came.

34. On the question of the Sami population, he wished the Committee to be supplied with the findings of the government commission established in 1979. An earlier periodic report had referred to a working group that had made a series of interesting proposals relating to the Samis: he wondered whether it was still in existence and, if so, what it had been doing recently. He would also like more information on the arrangements for imparting education to the Samis in their own language; an indication of how successful the municipal programmes to foster the development of the Sami population in economic and social terms were proving; and a fuller description of Nordic co-operation on the problems facing the Samis, as well as the findings of the government Commission set up in September 1982.

35. Concerning article 4 (b) of the Convention, he supported the view of the Swedish Minister of Justice, reflected in paragraph 12 of the report, that Sweden should perhaps reconsider whether to ban organizations that propagated racial hatred or committed acts of racial discrimination. Such organizations, which abused established freedoms of conscience, assembly, peaceful demonstration in order to spread racial hatred, nazism or neo-Fascist ideology, should not enjoy the protection of democratic institutions in any country.

36. Finally, concerning article 2 of the Convention, he applauded the Swedish Government's policy on investments in South Africa and hoped that it might eventually be extended to cover such matters as the transfer of technology.

37. Mr. DECHEZELLES said that the Swedish Government had taken a very upright stand in amending chapter 16, section 8, of the Penal Code on agitation against an ethnic group, and chapter 5, section 5, on defamation. He considered, however, that those amendments amounted to no more than a partial application of the chapeau of article 4 of the Convention, which called on all States Parties to eradicate all incitement to, or acts of, racial discrimination. Certainly, paragraph 12 of the report indicated that the Government saw no need for legislation declaring organizations of racist intent illegal; but the paragraph itself implied that such organizations has existed. Thus Sweden was bound, under the Convention which it

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(Mr. Dechezelles)

had signed without reservation, to declare illegal and prohibit organizations and activities which promoted racial discrimination.

38. He noted in paragraph 15 of the report the statement that the legal position of foreign workers in Sweden should not be dependent on economic trends. Yet paragraph 19 of the report said that the provision on unlawful discrimination in the Penal Code was not applicable to the labour market - in other words, that discrimination remained permissible, or at least was not penalized, where employment was concerned. In a country like Sweden, such an omission was startling. He hoped that the Government would reconsider its position.

39. Finally, he was a little perplexed at the statement in paragraph 24 of the report, that cases involving agitation against an ethnic group or unlawful discrimination were to be dealt with by prosecutors at a high level, who were "called upon to work for a uniform adjudication". He wondered why that decision had been taken, whether it implied that judgements had previously been widely disparate, and why the prosecutors were being called upon to seek uniform adjudication when adjudication was the responsibility of the courts.

40. Mr. NETTEL said that he was concerned at the committee's inability to make any headway in its long-standing controversy with the Swedish authorities over the interpretation of article 4 (b) of the Convention. The Committee construed article 4 (b) as meaning that States parties were bound to pass legislation declaring racist organizations and activities illegal. Paragraph 12 of the Swedish report provided no legal justification for Sweden's failure to meet its obligations; it was simply a declaration of political utility. He called for an explanation of the legal reasoning by which the Swedish Government could conclude that it was not bound under the Convention to pass the legislation for which the Committee had repeatedly called.

41. It had been stated by one member of the Committee that the principle of non-discrimination had become a part of jus cogens, limiting the extent to which different treatment for citizens and non-citizens was permissible. Even if that were true, prohibiting racial discrimination as a peremptory norm of international law could not invalidate the reservation made in article 1, paragraph 2, of the Convention, without which the Convention would never have been adopted at all. In any event, he was not aware of any addition to international law subsequent to the

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(Mr. Nettel)

adoption of the Convention which annulled or amended article 1, paragraph 2. If there had been such an addition, it would have invalidated the agreements establishing the European Communities, the treaty creating the Nordic Council and virtually all consular conventions. Care should be exercised in discussing points of international law in the Committee. Until Committee members agreed on a collective view, he did not believe it was right for any State to be told that its actions were or were not in keeping with international law.

42. Mr. STARUSHENKO said that he would like to associate himself with the regard expressed for the role played by Sweden in the international community. The Swedish Government continued to work to incorporate the provisions of international conventions into domestic legislation.

43. He would evaluate the Act of 1979 regulating investment in South Africa somewhat differently than had been done in the report. It merely limited relations with South Africa and prevented new capital investment. The process of the international isolation of South Africa was developing rather slowly at a time when, from the point of view of international law, racism had been declared illegal and had been equated with slavery.

44. In the third periodic report, it had been stated that a government commission had recommended the allocation of 350,000 kronor for the development of the Sami people and that other significant sums were to be allocated for publications in their language. If such material assistance had been given, it would be of interest to know the magnitude of the amounts involved. In the fourth report, it had been emphasized that Sami children had a right to education in their native language. The next report should state how many school children studied in that language, how many schools there were and whether the textbooks published in the Sami language had been satisfactory. In 1971 a government commission had recommended that measures should be taken to develop the language and culture of the Samis, and in 1982 another Commission had made very similar recommendations. He would like to know what had been done in the intervening decade.

45. He associated himself with the views expressed in the Committee on the implementation of article 4 of the Convention. It might be possible to argue that the Swedish Government could postpone the adoption of legislative measures against racist organizations if it had succeeded in eliminating all manifestations of

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(Mr. Starushenko)

racial discrimination. It was clear, however, that such manifestations were not rare. The Commission on Ethnic Prejudice and Discrimination had drawn up a list of such violations which had not, unfortunately, been annexed to the report.

46. There were a number of annexes which would have been of great interest to the Committee in its consideration of the report, but to consult them it was necessary to go to the files of the Secretariat. In future, brief summaries of such annexes should be made and copies of the annexes should be provided to all members of the Committee.

47. A number of migrant workers were said to be unemployed; signs had appeared at campsites prohibiting access to gypsies; anti-Semitic material had been disseminated; and there had been cases of racist agitation on the radio and in the press. The logical conclusion to be drawn from the report was that conflict between Swedes and immigrants on racial grounds had increased. The representative of Sweden had nevertheless claimed that the situation had improved and that his Government was optimistic for the future.

48. It was his personal view, and one shared by other members of the Committee, that in order to eliminate all forms of racial discrimination, racist organizations and racist propaganda had to be totally eliminated and therefore should be prohibited by law. That had been an obligation assumed by Sweden on signing the Convention. The Committee hoped to read in the next report that concrete steps had been taken in that direction.

49. Mr. DEVETAK said that he had nothing to add to his previous comments on article 1, paragraph 2, of the Convention other than to say that, if the views of Mr. Nettel were accepted, it would follow, inter alia, that denying migrant workers the right of access to restaurants and other public places was fully in line with the spirit and provisions of the Convention merely because they were foreigners and not nationals. As everyone knew, that was not the case.

50. Mr. PARTSCH said that the previous speaker had confounded two quite different questions. Article 1, paragraph 2, referred to distinctions between nationals and non-nationals, while article 5 (f) prohibited the discriminatory treatment of people on the basis not of nationality but of ethnic origin. He associated himself unreservedly with the remarks of Mr. Nettel in that regard. It was not the first time that the question had been raised in the Committee and he had had frequent

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(Mr. Partsch)

occasion to reiterate his view that article 1, paragraph 2, must be taken seriously and that it was basic to the Convention.

51. Of all the questions put to the Swedish Government on the occasion of the examination of its last report, only one had not been answered. That was the question concerning the expulsion from Sweden of aliens with more than three years residence there. He would like to know if that had in fact happened and, if so, for what reasons.

52. Mr. SALAND (Sweden) said that the Commission established in 1979 to examine the conditions of the Sami population had not so far published any results. After the change of government in 1982, the terms of reference of the Commission were renewed without change and the new Government had requested it to proceed more quickly with its work.

53. A number of comments had been made on Sweden's interpretation of its commitments under article 4 (b) of the Convention. One member had criticized paragraph 12 of the report for not being a legal argument but merely "a declaration of political utility". That paragraph had not been intended to be read as a legal argument, but simply as a truthful and factual picture of what had happened in the field in question. As had been said, the discussion had now been going on for a number of years and interested members might wish to refer to the fourth periodic report for the relevant legal arguments. He would convey the views expressed in the Committee to his Government, together with the request for the presentation of a legal argument.

54. One member of the Committee had expressed concern because the Swedish labour market was not covered by existing legislation against racial discrimination. Part of the reason for that was the social tradition in Sweden whereby, given the relatively equal strength of the parties in the labour market and the peaceful conditions prevailing there since the 1930s, successive governments had to a very great extent left matters pertaining to the labour market to the parties involved. Those parties were, almost exclusively, the association of employers and the trade union movement. White-collar unions had not, traditionally, played a great role. Questions regarding participation in company decision-making, insurance coverage and the like, had traditionally been left to the parties directly involved and that was also the case with questions of racial discrimination in the labour market. It

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(Mr. Saland, Sweden)

should be noted from the report that the Commission on Ethnic Prejudice and Discrimination had recently proposed a labour law dealing with racial discrimination in the workplace. The fact that it was a labour law and not a penal law also reflected a Swedish tradition that breaches of workers' rights tended, in general, to be regarded as breaches of agreements between employers and employees or between employers' associations and trade unions. The dividing line between Swedish penal law and Swedish labour law was drawn a little differently than in some other countries.

55. It had been asked whether there were provisions in Swedish law to guarantee compliance with article 4 (c) of the Convention. Such provisions did exist and derived from a general article of the Constitution; the text in question would be provided in the next report.

56. There seemed to have been a slight misunderstanding concerning the decision of the Chief State Prosecutor that the offences of agitation against an ethnic group and unlawful discrimination should be dealt with by prosecutors at a high level and that that would be conducive to a uniform adjudication. In the Swedish system, prosecutors, courts and other legal institutions existed at the district, regional and national level. The two parties to any civil or criminal case were regarded as equal and had the task of convincing an impartial court of the virtues of their case. There was therefore no impropriety on the part of the Chief State Prosecutor in asking prosecutors to take on certain cases at certain levels. Some very rare cases, those involving espionage for example, were dealt with by one or two special prosecutors in Stockholm regardless of where they occurred in the country. The enumeration of cases involving breaches of the laws on racial discrimination given in the report was in fact exhaustive for the period in question. Given that there were so few cases, it could not be expected that any given prosecutor would ever come across such an offence. It had therefore been thought preferable for such cases to be tried at a higher level so as to concentrate a body of expertise at that level. The term "uniform adjudication" may not have been well chosen, since prosecutors did not pass judgement. They did however ask for sentences and penalties for agitation against an ethnic group varied from two or more years imprisonment to "daily fines" assessed in accordance with the income of the person concerned.

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(Mr. Saland, Sweden)

57. A number of questions had been asked on the Samis, their schools and their social conditions. Much of that information had been given in the third and fourth reports and more would be provided in future.

58. His Government would take note of the comments made on the advisability of providing summaries of the annexes to the report and of providing sufficient quantities of the annexes themselves, some of which were very substantial documents.

59. There might have been a slight misunderstanding on the part of one member of the Committee who had found it necessary to disagree with the assessment that the situation with regard to racial prejudice had improved. A sociological investigation conducted on the basis of interviews had had the somewhat surprising result of showing that attitudes among Swedes towards immigrants had become more tolerant since 1969 when a similar investigation had been made. He had referred in his introductory statement to that investigation and not to the view of his Government.

60. The failure to reply to the question on the expulsion from Sweden of aliens who had had more than three years residence was due to an oversight and would be remedied at a future date.

61. The CHAIRMAN said he hoped that the next periodic report of Sweden would take due account of the views of Committee members with regard, in particular, to the concern expressed over the non-implementation of article 4 (b) of the Convention. The Committee had now concluded its consideration of the sixth periodic report of Sweden.

The meeting rose at 6.10 p.m.

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