

INTERNATIONAL
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ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Nineteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic reports of States Parties due in 1979

Addendum

SWEDEN 1/

[15 January 1979]

1. It should be recalled that the initial report of the Government of Sweden was dated 6 January 1973 and was considered by the Committee on the Elimination of Racial Discrimination, established under article 8 of the Convention, at its 158th and 159th meetings. The second and third reports, dated 2 January 1975 and 30 December 1976 respectively, were considered by the Committee at its 241st and 332nd meetings.

The present fourth report will contain comments on the views expressed by members of the Committee on the third report, as they appear in the report of the Committee to the General Assembly at its thirty-second session (doc. A/32/18, paragraphs 202 to 209). Information will also be given on certain new developments which have occurred after the submission of the third report to the Committee.

2. In paragraph 10 of the third report, certain information was given about the situation of the Lapps. A summary of the proposals of a Government Commission was also enclosed with the report.

When the report was examined by the Committee (doc. A/32/18, paragraph 203) it was observed that "the measures taken in favour of the Lapps were preservation measures,

1/ For previous reports submitted by the Government of Sweden and the summary records of meetings of the Committee at which such reports were considered, see:

- (1) Initial report - C E R D / C / R . 50 / Add. 2 (C E R D / C / S R . 158-159);
- (2) Second periodic report - C E R D / C / R . 77 / Add. 1 (C E R D / C / S R . 241);
- (3) Third periodic report - C E R D / C / R . 98 / Add. 1 (C E R D / C / S R . 332).

Copies of annexes 1 to 7 referred to in the report, and submitted to the Secretariat by the Government of Sweden, will be made available to members of the Committee in the original English language.

whereas the special measures envisaged in article 1, paragraph 4, and article 2, paragraph 2, of the Convention were clearly not intended to be of indefinite duration".

In view of this remark it should first be emphasized that the Lapps concerned are Swedish citizens and that they enjoy the same rights as all other Swedish citizens. The special measures taken in their regard do not in any way restrict their rights, but they are measures of support which are necessary for their survival as an ethnic minority. Such measures are in conformity with the provisions of the Swedish Constitution (chapter 1, section 2) regarding the promotion of the possibilities of ethnic, linguistic or religious minorities to preserve and develop a cultural and social life of their own.

As regards recent measures taken by the Swedish State in support of the Lapps, the following information may be provided.

On the basis of the report of the Government Commission which submitted its proposals in 1975 (see paragraph 10 of the Government's third report), the Swedish Government submitted in 1977 a Bill to the Parliament. In this Bill, which was adopted by the Parliament in May 1977, it was pointed out that the Lapps are an ethnic minority in Sweden which, being an aboriginal population in the country, is in a special position as compared with the majority population and other minority groups. In the Bill, the Government also emphasized the importance of supporting Lapp organizations and institutions and of maintaining a basis for the Lapp economy, particularly in the field of reindeer breeding, this being a pre-condition for the continued existence of the Lapp culture. The policy of the Government in regard to the Lapps should be viewed in connexion with the aims and guidelines for Swedish immigrant and minority policy which were adopted by the Parliament in 1975 (see paragraph 8 of the Government's third report). According to these guidelines the three leading principles are equality, freedom of choice and co-operation. Equality means, in this connexion, that different population groups shall have the same possibilities, rights and obligations in the Swedish society. Freedom of choice implies that members of minority groups shall be allowed to choose to what extent they wish to keep and develop their original identity. The measures taken in support of Lapp culture and the Lapp language improve the possibilities of the Lapp minority to achieve real freedom of choice and equality.

The following points in the 1977 Bill and in the subsequent Parliament decision aim at strengthening the freedom of choice of the Lapps:

(a) Reindeer breeding. The competence of various Government authorities in questions regarding the occupation of the Lapps within or outside the area of reindeer breeding is determined in a more thorough manner than before. A post as consultant for employment questions in the field of reindeer breeding is created.

(b) Lapp handicraft. The Lapp cultural organization Same-Åtnam receives State subsidies to employ a handicraft consultant. The importance of providing wood as raw material to those Lapps who are engaged in handicraft is emphasized.

(c) Language. The right of Lapp children to be taught their native language is confirmed and the need of producing and developing textbooks in the Lapp language is emphasized.

Measures are to be taken to strengthen the role of the Lapp language in the training of teachers. The National Board of Universities and Colleges has been requested, inter alia, to consider the need for special training of bilingual pre-school

teachers whose mother tongue is the Lapp language and the desirability of introducing the Lapp language as an additional subject in the regular training of compulsory school teachers at the Teachers Training College at Luleå. Moreover, the National Board of Universities and Colleges has been asked to consider the need for special training of teachers in the Lapp language.

(d) Contributions to the Lapp culture. A special entry in the State Budget is earmarked for financial subsidies of the Lapp culture. In particular, the Lapp organizations and the newspaper "Samefolket" ("the Lapp people") will receive subsidies.

(e) Documentation and research. A special officer in charge of documentation and research about Lapp culture will be appointed at Umeå.

(f) Special training. A Working Group (see below under (g)) has been asked to present proposals on the administrative and pedagogical aspect of education for Lapps. Certain proposals regarding the strengthening of the role of the Lapp language and of certain other subjects of interest to Lapps have been presented by the Working Group.

The Lapp schools will remain as a special type of school as long as the Lapps themselves wish to keep these schools.

(g) Working Group. A special Working Group composed of representatives of various Government departments has been appointed with the task of co-ordinating the work on matters of special interest to the Lapps. The Working Group consults with the organizations of the Lapps on various matters.

3. Some members of the Committee further observed (doc. A/32/18, paragraph 204) that, under article 4, paragraph (a), of the Convention, all the acts described in that paragraph shall be declared offences punishable by law, whereas chapter 16, section 5, of the Swedish Penal Code provided that no punishment shall be imposed if there was "only insignificant danger that the urging or the attempt might be followed".

In the opinion of the Swedish Government, however, section 5 of chapter 16, which deals with incitement to rebellion, has only very limited relevance to the implementation of article 4, paragraph (a), of the Convention. Most of the cases dealt with in article 4, paragraph (a), are in fact covered by section 8 of chapter 16 of the Penal Code. This section covers all statements which constitute threats or express contempt. In so far as violence is concerned, the acts are covered by the provisions of the Penal Code which deal with ill-treatment or other physical attacks upon a person (in particular chapter 3 of the Penal Code). It does not seem necessary, therefore, to proceed to a thorough analysis of the scope of section 5 of chapter 16 in relation to article 4, paragraph (a), of the Convention.

Moreover, it may be recalled that members of the Committee concluded on a previous occasion that chapter 16, section 8, of the Penal Code seemed to comply with article 4, paragraph (a) of the Convention (doc. A/10018, paragraph 129).

4. Another observation, which was made by some members of the Committee concerned article 4, paragraph (b), of the Convention (doc. A/32/18, paragraph 204). These members took the view that chapter 16, sections 5 and 8, of the Penal Code did not give effect to the mandatory requirement of article 4, paragraph (b), of the Convention, to "declare illegal and prohibit" certain organizations engaged in racist activities. One member of the Committee disagreed with that assessment, however.

The Swedish Government takes the view that each Contracting State is free to determine the technical and legal methods of implementing this provision (cf. article 2, paragraph (1)(d), of the Convention: "shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination"). These methods may differ from one State to another, depending on their legal traditions and principles. The main commitment of the Contracting States is to make it impossible for an organization to engage in racist activities of the kind referred to in the Convention. As far as Sweden is concerned, this goal has been reached by means of chapter 16, section 8, of the Penal Code which makes it a criminal offence for any person to engage in such activities. As a result of this provision, no organization of the kind referred to in article 4, paragraph (b), of the Convention can exist in Sweden, and this should be sufficient to satisfy the requirements of article 4, paragraph (b), of the Convention.

5. It further appears from the Committee's report (doc. A/32/18, paragraph 205) that some members of the Committee thought that it would be desirable for the Government of Sweden, in future reports, to specify legislative measures corresponding to each of the rights mentioned in article 5 of the Convention, as well as supply information on how those measures were applied.

Article 5 of the Convention provides for equality before the law in respect of a number of rights. The following information should be given on the situation in Sweden in respect of those rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice. Chapter 1, section 8, of the Swedish Constitution provides as follows: "Courts and public authorities as well as others who carry out functions within the public administration shall in their activities observe the equality of all persons under the law and shall maintain objectivity and impartiality." The same principle is reflected in all Swedish legislation regarding the procedure before the courts and the administrative authorities.

It may be mentioned that the Swedish Government will shortly, in a Bill, ask the Parliament to repeal an Act of 1886, according to which an alien, who is a plaintiff in a civil case, is obliged, at the request of the defendant, to furnish security for the costs of the proceedings (cautio judicatum solvi). Although the Government considers that this requirement is based on objective and defensible grounds, the Government has found it preferable to repeal the Act.

(b) The right to security of person and protection by the State against violence or bodily harm. The rules of the Penal Code dealing with ill-treatment and other attacks on the person (in particular chapter 3 of the Penal Code) are clearly the same for all persons, irrespective of race, colour, or national or ethnic origin.

(c) Political rights, in particular the rights to participate in elections, to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service. The right to vote and to be a candidate in Parliament elections is reserved for Swedish citizens, but there is complete equality between all categories of Swedish citizens. In municipal, county and ecclesiastical elections, the right to vote and to be elected has been extended

to those foreign nationals who have resided in Sweden for at least three years before the election (as to this reform, see paragraph 9 in the Government's third report). As regards access to public service, the Constitution provides in chapter 11, section 9, that appointments to Government service shall only be based on objective factors such as service merits and competence. For judgeships and certain other posts, Swedish citizenship is required.

(d) Right to freedom of movement and residence within the border of the State. Section 8 of chapter 2 of the Constitution provides that each Swedish citizen shall enjoy freedom of movement within Sweden. Although it is not stated in the Constitution, aliens who are lawfully in Sweden are also free to move from one place to another, with the restriction, however, that their access to certain so-called protected areas and control areas is limited for reasons of national defence.

(e) Right to leave any country, including one's own, and to return to one's country. Swedish citizens as well as aliens are free to leave Sweden, if they wish to do so. As regards Swedish citizens, this appears specifically from section 8 of chapter 2 of the Constitution. It further appears from section 7 of chapter 2 of the Constitution that no Swedish citizen may be refused entry to Sweden.

(f) Right to nationality. The right to Swedish citizenship is dealt with in the 1951 Citizenship Act. According to this Act, a person cannot lose his Swedish citizenship except in certain specific situations, the most common one being when the person concerned acquires, upon request, the citizenship of another State. Another case of loss of Swedish citizenship relates to a person, who was born outside Sweden and has never resided in Sweden. Such a person may lose his Swedish citizenship at the age of 22.

The right to Swedish citizenship is also protected by the Constitution which, in chapter 2, section 7, provides that no citizen who is or has been resident in Sweden may be deprived of his citizenship except when he is or at the same time becomes a national of another State. Proposals have been made for a further extension of this constitutional protection of the right to Swedish citizenship, and these proposals are now being considered by the Government.

(g) Right to marriage and choice of spouse. This right is fully enjoyed under the Swedish Code of Marriage, subject only to certain age requirements and rules about normal impediments to marriage. It is true that in respect of foreign nationals Swedish authorities will sometimes consider their national law to be applicable, but in so far as that law contains elements of racial discrimination, it will not be applied in Sweden as being contrary to Swedish ordre public.

(h) Right to own property. All persons in Sweden enjoy this right. As regards real estate and certain other property, restrictions are in force in regard to aliens.

(i) Right to inherit. All persons enjoy this right under the Swedish Code of Inheritance. In cases where Swedish authorities apply foreign inheritance law, the reasoning reflected above under (g) will apply mutatis mutandis.

(j) Right to freedom of thought, conscience and religion. All persons in Sweden enjoy this right (chapter 2, sections 1 and 20, of the Constitution).

(k) Right to freedom of opinion and expression. All persons in Sweden enjoy this right (chapter 2, sections 1 and 20, of the Constitution). It should be observed that in Sweden there are no restrictions on the right of aliens to engage in political activities.

(l) Right to freedom of peaceful assembly and association. All persons in Sweden enjoy this right (chapter 2, sections 1 and 20, of the Constitution).

(m) Rights to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration. As regards the right to work, it should be pointed out that most aliens must obtain a work permit before they are allowed to take up work in Sweden. There is an exception for citizens of Denmark, Finland, Iceland and Norway who may take up work in Sweden without a work permit. This exception is based on the Nordic Agreement of 22 May 1954 on a common labour market (see below under 6). As regards the other rights referred to here, no distinction is made in Swedish law between different categories of persons.

(n) Right to form and join trade unions. This right is guaranteed to all persons in Sweden (chapter 2, sections 1 and 20, of the Constitution).

(o) Right to housing. No distinction is made in Swedish law between different categories of persons in the enjoyment of this right. It should be pointed out that the provision on unlawful discrimination in chapter 16, section 9, of the Penal Code is also applicable to any proprietor who professionally lets his house or a flat to a tenant. If, therefore, the proprietor applies special conditions to a person on account of his race, colour, or national or ethnic origin, he commits a criminal offence under the said section of the Penal Code.

(p) Right to public health, medical care, social security and social services. An account of all the Swedish laws and regulations dealing with various aspects of this right would necessarily be very voluminous. In very general terms, it can be said that social benefits and services are available to all persons residing in Sweden, whether or not they are Swedish citizens. The right to a basic old-age pension has up to now been reserved to Swedish citizens except where bilateral or multilateral agreements give such a right to foreigners. However, a Bill has recently been submitted to the Parliament, which extends the right to a basic pension to all persons who are not Swedish citizens but have resided in Sweden for a certain period.

For the Committee's information, a leaflet about social insurance in Sweden is enclosed (annex 1). It should be pointed out that the pertinent laws and regulations may, on certain points, have been amended after the publication of this leaflet.

(q) Right to education and training. No distinction is made between different categories of persons in the enjoyment of this right.

(r) Right to equal participation in cultural activities. No distinction is made in Swedish law between different categories of persons in the enjoyment of this right. In so far as cultural gatherings and performances are concerned, private organizers as well as their assistants commit a criminal offence, if they discriminate against a person on account of his race, colour, national or ethnic origin, or religious creed by refusing him access to the gathering or the performance on the conditions which apply to other persons (chapter 16, section 9, of the Penal Code).

(s) Right of access to any place or service intended for use by the general public. No distinction is made in Swedish law between different categories of persons in the enjoyment of this right. In so far as tradesmen, persons employed in public service and organizers of public gatherings and performances are concerned, there is a general prohibition to discriminate against a person on account of his race, colour, national or ethnic origin, or religious creed by not offering him service or granting him access on the conditions which apply to other persons (chapter 16, section 9, of the Penal Code).

6. Some members of the Committee further asked whether, with regard to immigration policy, the Swedish Government made a distinction between the nationals of other Scandinavian countries, the nationals of other European countries, and those of non-European countries, and whether a quota system was in effect.

A distinction is in fact made between citizens of Denmark, Finland, Iceland and Norway, on the one hand, and other aliens, on the other.

Citizens of the four Nordic countries are allowed to enter Sweden without a passport. They are allowed to stay in Sweden without a residence permit and to work in Sweden without a work permit. Consequently, there are no restrictions on immigration from those countries. These rules are based on the following two agreements, namely

(a) the Protocol of 22 May 1954 between Denmark, Finland, Norway and Sweden on the exemption for citizens of Denmark, Finland, Norway and Sweden from having a passport and a residence permit when sojourning in another Nordic country than their home country (Iceland adhered to the Protocol by exchange of notes on 3 November 1955), and

(b) the Agreement of 22 May 1954 between Denmark, Finland, Norway and Sweden on a common labour market.

Other aliens than those who are citizens of the Nordic countries require a passport and, in many cases, a visa for entry into Sweden. They further require a residence permit to be able to stay in Sweden and a work permit to be able to work in Sweden. Due to the situation on the labour market, there is hardly any immigration of new labour at the present time, but new immigrants are mostly either refugees or family members of persons already residing in Sweden. The only quota system which is in effect now concerns the admission of refugees into Sweden.

7. It appears from the Committee's report (doc. A/32/18, paragraph 205) that information was also requested on the conditions of employment of foreign workers and on the social security system applicable to them as compared with the situation of Swedish nationals. On this point, reference is made to the leaflet already referred to above under 5 (p). As indicated above under 5 (p), the Government has recently proposed new legislation, according to which the right to a basic old-age pension would be extended also to foreign nationals who have resided in Sweden for a certain time.

8. In the Committee it was further asked (doc. A/32/18, paragraph 206) whether there was a conflict of competence between the Ombudsman and the Chancellor of Justice. A desire, expressed at an earlier session, to have the text of the Act of 1972 regarding damages supplied to the Committee was repeated.

On the first point, it should be observed that, while the Ombudsmen are appointed by the Parliament, the Chancellor of Justice is appointed by the Government. They have partly similar functions, i.e. in the supervision of public officials and in the examination of complaints from the public against such officials. A matter which has been examined by an Ombudsman can subsequently be re-examined by the Chancellor of Justice, and vice versa. Consequently, it is possible to complain about a public official first to the Ombudsman and later to the Chancellor of Justice, or first to the Chancellor of Justice and later to the Ombudsman. The two bodies are completely independent of one another, the idea being that the Ombudsmen carry out their task on behalf of the Parliament and the Chancellor of Justice on behalf of the Government. For the information of the Committee, some material about the Ombudsmen and the Chancellor of Justice is enclosed (annexes 2 to 4).

At the request of the Committee, a translation of the 1972 Act regarding damages is also enclosed (annex 5).

9. The Committee has also requested information on the application in Sweden of article 7 of the Convention (doc. A/32/18, paragraph 207).

In the existing plans of instruction for the Swedish compulsory school and secondary school, attention is given to instruction regarding human rights. Many of the basic ideas embodied in the Universal Declaration of Human Rights are to be found under "Objectives and guidelines" in these plans of instruction. One of the over-all objectives of the Swedish school is, for instance, stated to be the promotion of "the personal maturing (of the pupils) to free, independent and harmonious individuals ... to create understanding for the situation of other peoples and to be able to feel solidarity with them ...".

The theme "human rights and fundamental freedoms" is not a separate subject in Swedish schools but is dealt with within the framework of several general subjects, such as history, civics and religion. In the plan of instruction for the compulsory school it is stated inter alia that "the United Nations Declaration should be kept alive in such a way that its rules are dealt with in appropriate situations, for instance when one speaks or reads about children who are different, or about people who live in conditions alien to us, when one tries to teach the pupils to respect the cultural contributions and the social thinking of other groups, or when one speaks about legal norms under different historic eras and in different social systems etc."

An important task for the teachers is to combat any prejudiced and negative attitudes among the pupils in regard to other peoples and their habits. The teaching should promote respect for and understanding of all peoples, their cultures, views and customs so as to encourage international solidarity and co-operation.

As a result of an extensive immigration into Sweden during the post-war period, Sweden has developed into a multilingual and multicultural society. This has made it necessary, in the Swedish school system, to pay special attention to the needs and wishes of the immigrant children and their parents. At the same time it has made it essential to teach the other children respect for the immigrants and their home countries and understanding of their special problems.

In the plan of instruction for the compulsory school it is also indicated that the school shall strengthen, in the minds of the pupils, "the democratic principles of tolerance, co-operation and equality of human beings". It shall "create among the young people an increased understanding of the lives and conditions of people belonging to other, more distant societies and teach them to realize the importance of good international relations and of international co-operation".

The plan of instruction mentions, by way of example, as matters to be dealt with in the teaching of international questions, "racial problems and international co-operation in different areas". It emphasizes "the increasing requirements of solidarity between all men, which should be independent of national and racial boundaries".

Similarly, the plan of instruction for the secondary school refers to "racial and minority questions" and to "racial antagonism" as matters which should be dealt with in the teaching of civics.

A new plan of instruction for the compulsory school is now being considered by the Government. In the draft plan on instruction, the instruction in civics has been given more space. The plan will thereby also provide for an even more comprehensive elucidation of questions relating to human rights.

As to the aims of the instruction on the general subjects, the draft plan states, inter alia, that "the instruction shall help the pupils achieve attitudes and appraisals implying respect and responsibility for everything alive and understanding of the equal value of all individuals".

It should be added that the same principles of respect for human rights are the basis of the teaching at university level. In 1974, the National Board of Universities and Colleges proposed to strengthen the international elements of university teaching so as to "promote international co-operation and international solidarity", which includes the combating of any discrimination against other peoples or groups. In the 1977 University Act, the same idea has been expressed in the following manner: "A general goal of the teaching shall be the promotion of understanding of other countries and of international relations."

In the training of teachers, the universities shall pay special attention to the problems connected with the teaching of immigrant children.

10. In the course of the examination of the Government's third report by the Committee, it was also asked whether the Government had established or indicated the body mentioned in paragraph 2 of article 14 of the Convention (doc. A/32/18, paragraph 208).

On this point, it should first be observed that the designation of a body under article 14, paragraph 2, of the Convention is merely an optional measure (cf. the wording "may establish or indicate ..."). As far as Sweden is concerned, it has not been found necessary to establish or indicate a special body to consider petitions about alleged violations of the Convention. However, the Ombudsmen as well as the Chancellor of Justice are competent to examine allegations that public officials have in any way discriminated against a person on account of his race, colour, descent, or national or ethnic origin.

11. In the years 1977 and 1978, a number of measures have been taken in order to eliminate discrimination against immigrant groups in Sweden. The following measures should be particularly recalled:

(a) The reform of the "home language teaching", which entered into force on 1 June 1977 ensures to immigrant children in the nursery school, in the compulsory school and in the secondary school a training in, and a teaching of, their own mother tongue. The aim of this reform is to make it possible for immigrant children to preserve and develop the knowledge of their own language, thereby giving them a basis for a favourable development, which is in their own interest as well as in the interest of our society. A summary in English of the scope and contents of the reform is enclosed (annex 6).

(b) Financial subsidies to the immigrant press were introduced in 1977. This has considerably facilitated the publication by immigrant organizations of newspapers and magazines in other languages than Swedish. The financial support amounted in 1977 to 2.5 million Sw.crowns and in 1978 to 3.5 million Sw.crowns.

(c) The Government Commission on Aliens Legislation has presented proposals which resulted in certain amendments to the Aliens Act. The effect of these amendments is to accelerate the procedure in cases regarding deportation or expulsion, while upholding all the essential legal guarantees of the alien. The acceleration of the procedure is expected to eliminate many of the inconveniences for the aliens which were the result of the previous, rather prolonged procedure.

(d) The Parliamentary Ombudsmen have devoted special attention to the problems of immigrants, many of whom are not familiar with the Swedish legal system and with the legal remedies which are available to them. In order to inform them of the activities of the Parliamentary Ombudsmen, one of the Ombudsmen has organized public meetings to which immigrants have been invited.

The first meeting was held at Västerås in September 1977. About 100 immigrants attended the meeting. The Ombudsman first gave a short lecture about the work of the Ombudsmen. After the lecture, the immigrants were given the opportunity of speaking in private with the Ombudsman or with one of his collaborators. Interpreters to and from six different languages were available. Thirty-seven persons availed themselves of the opportunity of having a private conversation with the Ombudsman or his collaborators. Fifteen complaints were drafted with their assistance and were submitted during the meeting.

A similar meeting was organized in December 1977 at Kalmar. Immigrants arrived also from neighbouring towns in buses which had been hired by the Ombudsman for this occasion.

Finally, the Ombudsman met about thirty representatives of the immigrants at Halmstad in May 1978.

(e) In August 1978 the Swedish Government decided to appoint a senior official as commissioner with the task of considering the need for measures to prevent prejudice and discrimination against immigrants and ethnic, linguistic, national or religious minorities who have settled in Sweden.

The commissioner was requested to start by charting the background of present problems. He should examine the implementation of the provision of the Penal Code concerning unlawful discrimination. The aim should be to examine whether existing legislation against discrimination is sufficient or whether additional prohibitions should be included in the Penal Code.

The terms of reference for the work of the Commissioner are enclosed herewith (annex 7).

12. As regards cases of alleged discrimination which have been examined by the Parliamentary Ombudsmen and by Swedish courts, the following information may be of interest.

During the period which has elapsed after the Government's third report was submitted, the Ombudsmen have dealt with six cases of alleged discrimination. The Ombudsmen did not find that any concrete action was called for in any of these cases.

In paragraph 3 of the Government's third report, information was provided about a case of unlawful discrimination which had been decided by the Svea Court of Appeal. Subsequently, the two spouses who had been convicted by the Court of Appeal lodged a further appeal with the Supreme Court, asking for acquittal. On 15 September 1976 the Supreme Court rejected the appeal and confirmed the judgement of the Court of Appeal. The Supreme Court gave the following grounds for its judgement:

"The spouses R no longer invoke, in support of their repudiation of the accusation, that B and other persons in her company had made a row in the restaurant. They object to the accusation, however, by stating that Mr. R's order - according to which guests who were dressed in boots, clogs or wide, dragging skirts would not be admitted into the restaurant - had aimed at ensuring good order in the restaurant and had not been given in order to deny access to a particular group dealt with in chapter 16, section 9, of the Penal Code.

As is now admitted by the spouses R, Mrs. R denied B access on the basis of Mr. R's order regarding the clothes of the guests.

The said order by Mr. R implied, inter alia, that female guests, who wore long skirts, characteristic of female gypsies, were to be denied access. This part of the order affected almost exclusively women of gypsy origin. The spouses R have obviously been aware of this. They have not explained in a satisfactory manner why they nevertheless upheld the prohibition of such skirts. It must therefore be assumed that the main reason for the prohibition and its application to B was that they wished to avoid that other guests would object to the presence of persons who through their clothes showed that they were gypsies.

For these reasons, the Supreme Court concludes that Mr. R is guilty of incitement to unlawful discrimination and Mrs. R of unlawful discrimination."

In addition to this judgement, the following court decisions should also be mentioned:

(a) By judgement of 22 September 1977 the Landskrona District Court convicted J of unlawful discrimination pursuant to chapter 16, section 9, of the Penal Code and sentenced him to a fine. J was the manager of an hotel and had refused to give A - who was Turkish - a room at the hotel on the ground of A's national origin. J's appeal against the judgement was rejected by the Court of Appeal of Skåne and Blekinge on 22 September 1977 and by the Supreme Court on 1 March 1978.

(b) A, I and E were charged before the Jönköping District Court with unlawful discrimination pursuant to chapter 16, section 9, of the Penal Code. They were alleged to have discriminated against the Turkish citizen H by recommending, on behalf of a building society, not to sell a flat to H on account of his national origin. On 27 September 1978, A, I and E were acquitted by the District Court on the ground that the building society was not professionally engaged in housing transactions. The Public Prosecutor lodged an appeal with the Göta Court of Appeal, which has not yet taken a decision on the appeal.

(c) On 17 October 1978 the Göteborg District Court convicted S of unlawful discrimination pursuant to chapter 16, section 9, of the Penal Code and sentenced him to a fine. S, who was the manager of two restaurants, had ordered the restaurant staff to limit the number of foreign guests and to admit only a small number of negro guests every night. No appeal has been lodged against the judgement of the District Court.

(d) On 17 October 1978 the Göteborg District Court convicted B and J of unlawful discrimination pursuant to chapter 16, section 9, of the Penal Code and sentenced each of them to a fine. B, who was the owner of a restaurant, was found to have discriminated against foreign guests by applying a system of membership cards only for foreign guests as a condition for their access to the restaurant. J, the son of B and the door-keeper of the restaurant, had discriminated against foreign guests by requiring them to show membership cards at the entrance and by denying them access, if they had no such card. No appeal has been lodged against the judgement of the District Court.