



Geneva

The Permanent Mission of Sweden presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to its note of 17 January 2008 concerning draft resolution A/C.3/62/L.66 entitled "Report of the Human Rights Council on the preparations for the Durban Review Conference" adopted by the General Assembly on 20 November 2008.

As requested please find attached the Swedish comments to the questionnaire on the implementation of DDPA.

The Permanent Mission of Sweden avails itself of this opportunity to renew to The Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 3 March 2008

The United Nations High Commissioner
for Human Rights (OHCHR)

GENEVA

OHCHR REGISTRY

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**Ministry for Foreign Affairs
Ministry for Integration and Gender Equality**

Questionnaire regarding the implementation of DDPA – Swedish comments

Question 1:

The Swedish Government's long-term objective is to ensure full respect for human rights in Sweden. The struggle to prevent and counteract discrimination and intolerance aims to defend the principle that all people are of equal dignity and have the right to be treated as individuals on equal terms.

Sweden participated actively in the negotiations at the Durban World Conference in 2001 and agreed on the final document. We have since focused our efforts on the full implementation of the agreed principles and operational recommendations of the DDPA.

Since the adoption of the DDPA, Sweden's national anti-discrimination legislation has been strengthened and developed, two national action plans for human rights have been adopted and followed up, and a large number of affirmative action and educational initiatives have been launched with the view of strengthening the fight against racism, xenophobia and related intolerance. Police and prosecutors have strengthened their efforts to combat hate crimes and unlawful discrimination. Several state initiatives, including actions to combat discrimination, have been taken to protect Sweden's national minorities and minority languages. A Migration Court of Appeal has been set up to strengthen the rights of due process for a review and consolidation of Sweden's national institutions against discrimination, the Ombudsmen, is underway. These developments are all outlined in greater detail under Question 3, and in the annex.

A core principle which permeates these developments and reforms is the firm conviction that all forms of discrimination are unacceptable. Protection against discrimination should, in principle, be the same for various forms of discrimination, whether on the basis of ethnic background, religion or other belief, gender, functional disability or

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sexual orientation. It is also important to note that the same person can be discriminated against on several grounds, and that all victims should receive the same treatment and the same protection against discrimination and intolerance.

As a member of the European Union, Sweden has participated actively in the development of the Union's strategy, at the regional level, to combat racism, discrimination and intolerance. The concept that all men and women are born free and equal in dignity and in rights is a fundamental, founding principle of the EU. Racism, racial discrimination, xenophobia and related intolerance undermine this principle, and are a challenge that the EU and its Member States remain fully determined to tackle.

Two major pieces of EU-legislation entered into force in 2004, namely the Directives on Racial Equality and on Employment Equality. These are applicable in all EU Member States and address discrimination on the grounds of race, ethnic background, religion, disability, age and sexual orientation. In order to monitor the implementation of the Directive on Racial Equality, the European Commission has set up a network of legal experts to provide information and advice on recent developments at the implementation level. The Employment Equality Directive urges Member-States to take concrete measures to end racial discrimination in the workplace.

Furthermore, a Framework Decision on Racism and Xenophobia was enacted last April. This distinctive legal tool criminalizes acts of racism and xenophobia throughout Member States of the European Union, preventing impunity for crimes motivated by racist or xenophobic attitudes. Finally, 2007 marked the 10th anniversary of the European Year against Racism, which enabled considerable progress to be made in the elimination of racial discrimination. The EU now celebrates the Year for Equal Opportunities for All, which will contribute to raise awareness on the implementation of European legislation on non-discrimination.

Against the backdrop of these developments, Sweden believes that in the context of the Durban DPA, the international community has found a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance, which has proved broadly successful and effective, and which should not be undermined. All manifestations of racism and intolerance observed in Sweden or in the other EU Member States are in one way or another

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covered by the DDPA. Sweden therefore sees no need to elaborate a new action plan, but strongly believes that the DDPA remains the best basis for future action. The Durban Review Conference in 2009 should focus on reviewing the implementation of the Durban DPA, including identifying 'implementation gaps', as well as on the sharing of good practices and the identification of the major challenges faced. This way, the Review Conference can make a contribution to a more co-ordinated and effective implementation of the DDPA and serve to reaffirm the unity of the international community behind this common strategy.

Question 2:

In spite of the wide range of measures carried out within different parts of Swedish society to combat discrimination and racism, abuses of this kind still occur in Sweden on a regular basis. This is, of course, unacceptable. The fight to counter these occurrences is an issue that is given very high priority by the Government.

Statistics shows that the number of reported hate crimes has remained relatively constant 2000-2006. In 2006 2 189 crimes with xenophobic motive, 134 crimes with anti-Semitic motive, and 252 crimes with Islamophobic motive were identified in police reports.

Since 2001 the number of complaints submitted to the Ombudsman Against Ethnic Discrimination (DO) has increased from about 400 to about 800 annually. DO does not think, however, that this increase reflects an overall increase of discrimination in society, as in that case reports to the police would increase as well. Instead, DO attributes this increase to more effective laws against discrimination has started a positive development where more cases are brought to court or to settlements. This has led to an increase in media coverage, which in turn has raised public awareness, leading to an increase of complaints.

Question 3:

National legislation

Legislative developments at the national level since the adoption of the DDPA include a new policy provision in the *Instrument of Government*, which took effect in 2003. Under this provision, public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic background, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person, thus strengthening the fundamental legal protection against ethnic discrimination provided for under the Swedish Constitution.

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The Prohibition of Discrimination Act (2003:307) which took effect 1 July 2003 proved another landmark. The law addresses discrimination on grounds of gender, ethnic background, religion or other belief, sexual orientation or disability and applies to, inter alia, labour market policy programmes, membership in trade unions and employers' organisations, access to goods, services, housing, social services, social insurance, unemployment insurance and health care and medical services. Sweden's four anti-discrimination ombudsmen have supervisory authority under the law.

The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67) entered into force on 1 April 2006. The law prohibits discrimination on grounds of gender, ethnic background, religion or other belief, sexual orientation and disability. The law shall be applied to all activities regulated by the Education Act (1985:1100), that is, preschool programmes, school-age child care, compulsory and upper secondary school and municipal adult education.

National institutions against racism and discrimination, measures to counter multiple forms of discrimination

Sweden currently has four anti-discrimination ombudsmen: the Ombudsman against Ethnic Discriminations (DO), the Equal Opportunities Ombudsman (JämO), the Disability Ombudsman (HO) and the Ombudsman against Discrimination on Grounds of Sexual Orientation (HomO). In February 2006, the Parliamentary Committee on Discrimination submitted its report *Consolidated Discrimination Legislation* which contains the Committee's recommendations for consolidated legislation against discrimination and a new, merged ombudsman encompassing all grounds for discrimination. The proposal reflects the views of the Committee that protection against discrimination should, in principle, be the same for various forms of discrimination, whether on the basis of gender, ethnic background, religion or other belief, functional disability and sexual orientation. New legislation to this effect will be considered by Parliament in 2008 and is due to take effect on January 1, 2009.

National action plans for human rights

The Swedish Government presented the first national action plan to combat racism, xenophobia, homophobia and discrimination prior to Durban, in February 2001. Since then, in 2002 and 2006, two national action plans for human rights have been presented. The national plans aim to make a comprehensive review of the human rights situation in

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Sweden and, on the basis of this review, to work systematically towards the long-term objective of achieving full respect for human rights. The national action plan for human rights 2006-2009 identify a number of concrete policy measures which aim to counteract discrimination in the enjoyment of economic and social rights, including the right to work, housing, health and education.

A midterm follow-up made in January 2008, checking the current status of the measures, suggest that most of the measures will be finished on time.

Affirmative action

A number of state agencies have been instructed to prepare anti-discrimination strategies and anti-discrimination programmes have been elaborated in state-owned companies. Anti-discrimination clauses are, as a matter of course, included in procurement contracts and regional development programmes for diversity and anti-discrimination have been developed.

Education

A Living History Forum was established as a public agency on 1 June 2003. The agency provides continuing education on intolerance expressed e.g. as Islamophobia and anti-Semitism for teachers and other professionals who work with children and youth. The Living History Forum has also carried out in-depth studies of Islamophobia and anti-Semitism in order to gain clearer understanding of the causes of such intolerance.

Hate crimes

Swedish police and prosecutors have consistently prioritised hate crimes since 2003. The effort covers everything from initiatives against unlawful discrimination in places of public entertainment to actions aimed at inducing estate agents and renters of commercial premises not to provide premises to e.g. Nazi organisations. Half of all police authorities in Sweden have held training courses for various target groups, both internal and external.

Intelligence-based operations by police authorities are being continually improved. The police cooperate and exchange information with ethnic organisations, schools and local authorities with the aim of increasing understanding of hate crimes and identifying effective measures against them. Internationally, the Security Service cooperates with corresponding police organisations in Europe concerning hate crimes linked to the white power movement.

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The National Police Board has produced manuals aimed at encouraging the police to take victim-support measures early in the investigative process. The manuals are a key component in police efforts to fight hate crimes. In January 2005, the Prosecution Authority established a special prosecution development centre with agency responsibility for issues including legal development and legal inspection of cases involving hate crime and matters related to the European Convention on Human Rights.

Question 4:

Sweden believes that the proliferation of mechanisms dedicated to racism and racial discrimination can be detrimental to the fight against these scourges. Indeed, the multiplication of interlocutors at the UN level undermines their visibility and their accessibility by the outside world. Moreover, there is a clear risk of overlap and duplication.

Sweden believes that there is a need to rationalise and streamline these mechanisms. The Durban review conference will provide an important opportunity to evaluate the work done by all the mechanisms created in the aftermath of the Durban World Conference in 2001 or closely related to the issue (i.e. *the SR on racism, the WG of the five eminent experts, the WG of experts on people of African decent, the Intergovernmental WG on the follow up to the DDPA, the five experts on complementary standards, the ad hoc Committee on complementary standards, the new WG that will be established after the next PREPCOM*). The review conference should decide on a rationalisation with a view to enhancing the effectiveness of these mechanisms. In the run-up to the Review Conference, all the existing mechanisms should concentrate their work on their contribution to the review process without taking any new initiative.

Sweden also notes that, in line with the DDPA (Programme of Action paragraph 198), other Special Procedures can also participate in the implementation of the DDPA. Sweden therefore believes that the cooperation of States with Special Procedures should be addressed and assessed during the upcoming Review Conference.

Question 5:

CERD is a core legal instrument, the full implementation of which is instrumental to the success of the global fight against racism. The convention is a living document. Through its work, the Committee on the Elimination of Racial Discrimination has demonstrated the

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pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance.

Sweden believes that CERD should remain the legal basis of the international community in its fight against racial discrimination as well as in combating new and contemporary forms of discrimination, xenophobia and intolerance. The efforts for universal ratification of CERD should be stepped up.

Sweden ratified CERD in 1971 and submitted its seventeenth and eighteenth periodic report on measures taken in accordance with CERD in December 2006. As recommended by the Committee on the Elimination of Racial Discrimination, the report is an update of Sweden's earlier reports. The issues raised in the Committee's concluding observations to Sweden's previous reports are attended to in particular detail.

Question 6:

Sweden would like to stress the following examples of good practices and specific measures undertaken in the fight against racism, racial discrimination, xenophobia and related intolerance:

The role played by regional organisations such as the Council of Europe or the OSCE:

Within the framework of the Council of Europe a number of valuable initiatives have been taken in the fight against racism and intolerance. A few recent examples include the preparation of a "White Paper on Intercultural Dialogue" and also the work of the Committee of Experts for the Development of Human Rights (DH-DEV) and its reports on "Hate Speech" and on the "Wearing of Religious Symbols in Public Areas".

The importance of democracy, of accountable and participatory good governance which is responsive to the needs of the people and the rule of law in the fight against racism and discrimination, and the role of civil society:

Efforts aimed at increasing awareness and knowledge of human rights is fundamental to achieving concrete and sustainable results. This applies both to the public sector, i.e. the government agencies, courts, municipalities, municipalities and county councils that are responsible for respecting human rights, and to the general public, which should be aware of, make use of, assert and safeguard their rights.

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Awareness raising activities must be seen as an ongoing process, and must be participatory and democratic in nature, empowering the individual, and facilitating accountability. Civil society and independent media make a crucial contribution to this work, by raising awareness and in monitoring abuses, when such occur.

Improving accountability is the other key component in an effective fight against discrimination and intolerance. In Sweden, civil laws prohibiting discrimination, many of them emanating from EC-directives, sanctioned by damages and with a burden of proof favouring the person who has suffered from discrimination, has proven to be a more effective tool than the penal provisions when it comes to improving accountability and providing redress for victims of discrimination.

The role of information, communication and the media

As mentioned above, anti-discrimination cases brought before national courts have increased substantially, followed by a proportional increase in media coverage. The increased media coverage has in turn increased potential victims awareness of their rights, which has led to a increasing number of complaints to the Ombudsman. Thus a 'positive spiral' has been created in which the focus on discrimination and human rights in general has increased in society as a whole.

ANNEX

1. The Swedish legislation to prohibit racial discrimination is accounted for under question 2. The Government has presented three national action plans since 2001 containing measures to guarantee the equal enjoyment of human rights. Reference is made to the action plans enclosed regarding what specific measures have been taken to guarantee different rights.

2. Protection is offered through the constitution as well as penal code and civil laws;

Constitutional laws

The Swedish Constitution provides fundamental legal protection against ethnic discrimination. A new policy provision took effect 1 January 2003. Under Chapter 1, Section 2, fourth paragraph of the Instrument of Government, public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

Penal code

The Penal Code contains two provisions directly concerned with contempt or discrimination on the ground of race, colour, national or ethnic origin or religious belief; namely those relating to agitation against a national or ethnic group and unlawful discrimination. An explanation of the provisions is presented in paragraph 32 of the twelfth periodic report and paragraph 66 of the fifteenth and sixteenth periodic report.

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

The Act on Responsibility for Electronic Bulletin Boards (1998:112) also counteracts agitation against national or ethnic groups. The provision on leading youth astray in Chapter 16, Section 12 of the Penal Code counteracts the spread of racist propaganda. An explanation of these provisions is provided in paragraphs 62 and 65 of the fifteenth and sixteenth periodic report.

Civil law

The Measures to Counteract Discrimination in Working Life Act (1999:130) in respect of discrimination on grounds of ethnic affiliation, religion or other belief took effect 1 May 1999. The Ombudsman against Ethnic Discrimination (DO) has supervisory authority under the law.

The Equal Treatment of Students in Higher Education Act (2001:1286) took effect 1 March 2002. The law addresses discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation or disability. DO, the Equal Opportunities Ombudsman (JämO), the Disability Ombudsman (HO) and the Ombudsman against Discrimination on Grounds of Sexual Orientation (HomO) have supervisory authority under the law.

The Prohibition of Discrimination Act (2003:307) took effect 1 July 2003. The law addresses discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation or disability. The four anti-discrimination ombudsmen have supervisory authority under the law. With respect to prohibition of discrimination on grounds of ethnic affiliation or religion or other belief, the law applies to labour market policy programmes, membership in trade unions and employers' organisations, access to goods, services, housing, social services, social insurance, unemployment insurance and health care and medical services.

The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students (2006:67) took effect 1 April 2006. The law prohibits discrimination on grounds of gender, ethnic affiliation, religion or other belief, sexual orientation and disability. The law shall be applied to all activities regulated by the Education Act (1985:1100), that is, preschool programmes, school-age child care, compulsory and upper secondary school and municipal adult education.

3. Measure 94 of the national action plan for human rights states that the Government during the period 2006–2009 intends to carry out a range of activities geared towards increased and more equal civil participation within the framework of the measures programme entitled *Delaktiga Sverige* ("Participating Sweden"). One of the projects funded is a network for foreign born elected representatives.

4. Currently four ombudsmen is working against discrimination in Sweden, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination on grounds of Sexual Orientation, the Disability Ombudsman and the Equal Opportunities Ombudsman.

The Ombudsman against Ethnic Discrimination was established in 1987 but ever since 1999 the ombudsman position has strengthened. This is partly because of increased funding, in 1999 the Ombudsman had 7 employees, to be compared with 48 in 2007. The Ombudsman has also been given a stronger mandate, related to the civil laws coming into effect with prohibitions of discrimination in most parts of society, supervised by the ombudsmen. The mandate of the Ombudsman against Ethnic Discrimination is;

- to investigate reports of discrimination on the basis of ethnic affiliation, religion or other religious beliefs and, when a breach of a prohibition is found, represent the claimant in the civil proceedings,
- through advice and other means help a person who has been subjected to discrimination to ascertain their rights,
- through discussions with authorities, businesses and organisations, as well as through opinion building, information and in other ways, initiate measures to counteract discrimination,
- make recommendations to the Government concerning legislative amendments and other measures to combat discrimination.

5. In February 2001, the Swedish Government presented to the Parliament the written communication "A national action plan to combat racism, xenophobia, homophobia and discrimination". The action plan presented ongoing measures to combat racism, xenophobia, homophobia and discrimination on the basis of ethnic affiliation and sexual orientation as well as relevant legislation. In January 2002, the Government presented the communication "A Swedish Human Rights Action Plan". In mars 2006 both the previous action plans was revised and included in the same communication "A national action plan for human rights 2006-2009"

6. In 2007 the Government implemented the Re-entry Jobs scheme. The long-term unemployed and newly arrived immigrants are among the groups that will be eligible for 'Re-entry Jobs', which will be exempt from payroll taxes and social security contributions for at least one year. The initiatives will apply to certain groups including asylum-seekers who have been granted residence permits and quota refugees and their families for the first three years after a residence permit has been granted.

7. In 2000, EU leaders established the Social Inclusion Process to make a decisive impact on eradicating poverty by 2010. Since then, the European Union has provided a framework for national strategy development as well as for policy coordination between the Member States on issues relating to poverty and social exclusion. Participation by actors such as NGOs, social partners and local and regional

authorities has become an important part of this process. In 2003 EU's member states cooperated in drafting national action plans against poverty and social exclusion. The implementation of the measures in the action plans were evaluated in 2005 and in 2006 a new action plan was incorporated in Sweden's strategy report for social protection and social inclusion 2006-2008. The new government after the elections in 2006 updated the strategy in 2007.

8. A parliamentary committee has suggested a merger of the four current ombudsmen against discrimination in one authority. This suggestion is included in the new Anti-Discrimination Bill that will be put forward to the Parliament this spring. The new Ombudsman will exercise supervision of discrimination on seven grounds including sex, sexual orientation, gender identity, ethnic background, religion or other religious beliefs, disability, and age. One of the reasons for this merger is to tackle multiple discrimination.

9. In 2003 a study of the complaints at the Ombudsman against ethnic discrimination showed that the average complainant was a well educated man that had been living in Sweden for 12 – 15 years. The conclusion of the study was that large groups being especially exposed of discrimination had little or no knowledge of the Ombudsman or their rights. Since then the Ombudsman has had an assignment to aim education efforts and awareness activities at these groups. One of these groups was identified as non-European women. (Measure 17 in the national action plan for human rights)

10. Sweden do not keep official statistics of people's ethnic origins other than citizenship and country of birth. As a main rule under the Swedish Personal Data Act (1998:204), processing personal data that identifies race, ethnic origin or religious belief is prohibited. This of course makes research more difficult. However, in accordance with Measure 111 in the national action plan 2006-2009, the Government intends to devise indicators that will make it possible to evaluate and follow up the work on national goals for human rights

11 & 12. Increasing knowledge and awareness is an important method in efforts to achieve the objective of full respect for human rights. This applies both to the public sector, i.e. the government agencies, courts, municipalities, municipalities and county councils that are responsible for respecting human rights, and to the general public, which should be aware of, make use of, assert and safeguard their rights. Efforts to increase knowledge and awareness of human rights cannot be regarded as a temporary measure but must be an ongoing process. These efforts should also include measures in the public sector, including the educational sector, and measures focused on the general public.

The Swedish Government has initiated numerous measures, which are accounted for in the action plans. The measures include special tasks to agencies in key-areas of society, but also establishing new agencies with an awareness rising agenda or funding of NGO's activities.

A Living History Forum was established as a public agency on 1 June 2003. The agency provides continuing education on intolerance expressed e.g. as Islamophobia and anti-Semitism for teachers and other professionals who work with children and youth. The Living History Forum has also carried out in-depth studies of Islamophobia and anti-Semitism in order to gain clearer understanding of the causes of such intolerance.

In March 2006 the Government set up the Delegation for human rights charged with the task of supporting central government agencies, municipalities and county councils in the long-term work of ensuring establishing full respect for human rights in their activities. The delegation will also be given the task of spreading information and knowledge about human rights among the general public and stimulating public debate on human rights.

13. Reference is made to question 2 for a description of the Swedish legislation.

14 & 15. Not applicable

16. The process of making the national action plan was used to strengthen partnerships with civil society. According to the UN handbook on national action plans for human rights, an action plan will be both a result and a process, two aspects presented in the handbook as equally important. The Swedish Government shares this view. Through an open process for preparation of the survey and the action plan, various sections of the community can be mobilised in the work for human rights and knowledge spread about the coming action plan. For these reasons, points of view and proposals on the content of the communication were obtained from a large number of actors in the community, among those all relevant civil actors, including the NGO's.

The Swedish National Board for Youth Affairs allocates state funding to local 'anti-discrimination agencies' pursuant to the Ordinance on State Grants for Activities that Prevent and Combat Discrimination (2002:989). There are about twenty anti-discrimination agencies nationwide receiving funding.

17. As accounted for under question 2 there are both civil and penal provisions against acts of racism and racial discrimination, which means an discriminatory

offence can potentially be investigated by both the police and the Ombudsman against discrimination.

Swedish police and prosecutors have consistently prioritised hate crimes since 2003. The effort is on a broad front and covers everything from initiatives against unlawful discrimination in places of public entertainment to actions aimed at inducing estate agents and renters of commercial premises not to provide premises to e.g. Nazi organisations. Reports from the police show that trends related to these crimes vary across the country. Resource allocation and methods are governed by local conditions. Half of all police authorities in Sweden have held training courses for various target groups, both internal and external. Intelligence-based operations by police authorities are being continually improved. The police cooperate and exchange information with ethnic organisations, schools and local authorities towards increasing understanding of hate crimes and identifying effective measures against them. Internationally, the Security Service cooperates with corresponding police organisations in Europe concerning hate crimes linked to the white power movement.

The National Police Board has produced manuals aimed at encouraging police to take victim-support measures early in the investigative process that improve opportunities for the police to clear the crime. The manuals are a key component in police efforts to fight hate crimes.

Local Prosecution Service offices and special prosecutors for coordinating actions against hate crimes have effective and ongoing cooperation with the police in relation to both crime trends and investigative methods. The National Police Board, the Security Service and the Swedish Prosecution Authority have held a joint conference for police liaisons and special prosecutors appointed to work with hate crimes.

The Prosecution Authority established in January 2005 a special prosecution development centre with agency responsibility for issues including legal development and legal inspection of cases involving hate crime and matters related to the European Convention on Human Rights. This prosecution development centre carried out a comprehensive project in 2005 oriented towards identifying and rectifying problems related to police and prosecutorial initiatives against hate crimes. The project reviewed a large number of cases involving unlawful discrimination and agitation against a national or ethnic group. The project was concluded with a memorandum whose contents included guidelines for direct support to prosecutors. The memorandum has been made available to all prosecutors in the country. The development centre carried out a special supervisory programme by reviewing cases

and visiting local prosecutors in spring 2006. The special initiatives taken have further reinforced efforts to combat hate crimes.

18. The remedies available for victims of racial discrimination is damages. The damages awarded under the civil discrimination laws is substantially higher than the damages awarded to victims of the crime "unlawful discrimination". The reason for the discrepancy is that the civil legislation is based on the EC directives requiring effective, proportionate and dissuasive penalties. The damages awarded to crime victims are on the other not supposed to be dissuasive. The new Anti-discrimination Bill the Government will put forward this spring will also underline that there should be a cost for discriminating and the damages for discrimination will be increased even further.

19. The National Police Board is working actively and successfully to increase the number of students from immigrant backgrounds at the Police College.

20. Under amendments that took effect 31 March 2006, the Swedish Migration Board shall have original jurisdiction to rule on cases under the Act (1991:572) on Special Control in Respect of Aliens. Migration Board decisions in deportation cases may be appealed to the Government. Appeals must be submitted to the Migration Board, which is required to swiftly refer the matter to the Migration Court of Appeal. The court is required to hold oral proceedings at which the alien is questioned and gives testimony on the matter. The statements and documents must thereafter be referred to the Government for decision. If the court rules that there is an impediment to executing the deportation order, the Government is required to ban execution of the deportation order until further notice.

The stated requirements for effective legal remedies and trial in more than one court can thus be considered met through the new regulations. The new regulations strengthen rights of due process for the individual. Impediments to execution of a deportation order, such as risk that the person will be subjected to the death penalty, corporal punishment or torture or other inhumane and degrading treatment or punishment, are also more clearly considered in that the Government is bound by the opinion of the Migration Court of Appeal, as it must in such cases order that a deportation order cannot be executed until further notice.

21 & 22 People with African descent will gain from general measures taken against discrimination and social exclusion. This group has also been one of the targeted groups in the awareness raising activities accounted for under question 9.

23 & 24. The Government submitted a bill on greater Sami influence in early 2006. Aimed at increasing Sami self-determination, the Government proposed designation

of the Sami Parliament as the central administrative agency responsible for reindeer husbandry and transfer of a number of administrative tasks from county administrative boards and the Board of Agriculture to the Sami Parliament.

A Nordic expert committee appointed by ministers responsible for Sami issues submitted a draft for a Nordic Sami Convention in late 2005. The convention is the first attempt to create a regional indigenous people's convention. The draft has been referred for consideration and will be addressed by the responsible ministers at the next Nordic meeting between the ministers and presidents of the Sami Parliaments.

An information campaign about the Sami people was initiated in 2001. The campaign has been turned over to the Sami Parliament, which was allocated additional resources for the purpose. The Sami Parliament has established an information centre aimed at government agencies, non-governmental organisations, the media and the general public.

A Boundary Commission was appointed in 2002. The Commission submitted its report (SOU 2006:14) in early 2006. The report has been referred for consideration and the recommendations are being reviewed by the Government Offices.

A study of hunting and fishing rights in the reindeer breeding area was also concluded in early 2006. The report (SOU 2005:116) has been referred for consideration and the recommendations are being reviewed by the Government Offices.

In light of considerations including the aforementioned studies, the Government will be assessing conditions for ratification of ILO Convention 169.

25.

26. Under amendments that took effect 31 March 2006, the Swedish Migration Board shall have original jurisdiction to rule on cases under the Act (1991:572) on Special Control in Respect of Aliens. Migration Board decisions in deportation cases may be appealed to the Government. Appeals must be submitted to the Migration Board, which is required to swiftly refer the matter to the Migration Court of Appeal. The court is required to hold oral proceedings at which the alien is questioned and gives testimony on the matter. The statements and documents must thereafter be referred to the Government for decision. If the court rules that there is an impediment to executing the deportation order, the Government is required to ban execution of the deportation order until further notice.

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strengthen rights of due process for the individual. Impediments to execution of a deportation order, such as risk that the person will be subjected to the death penalty, corporal punishment or torture or other inhumane and degrading treatment or punishment, are also more clearly considered in that the Government is bound by the opinion of the Migration Court of Appeal, as it must in such cases order that a deportation order cannot be executed until further notice.

27. Between 2002 and 2006 The Council for Roma Issues functioned as an advisory body to the Government. The work of the Council has furthered the implementation of several initiatives to improve the situation of the Roma in Swedish society, including instructing the National Agency for Education to perform an in-depth study of the situation of Roma students in Swedish schools.

In September 2006 a delegation for Roma issues was established. The delegation's mandate is to advance the effort to improve the Roma's situation in Sweden. It has been instructed to study the situation of the Roma and submit recommendations towards improving the living conditions of the Roma in society. The delegation will also promote and support local projects and programmes aimed at improving the situations of the Roma.

In 2004 a project implemented to combat discrimination against the Roma was reported to the Government by the Ombudsman against ethnic discrimination. The report recommended actions to continue the effort towards eliminating discrimination. The Agency thereafter was given a continued mandate and special funds to work with this issue.

The working group of Roma women set up in 2002 has held regional seminars to provide opportunities for networking and discussions of the situation of Roma women and girls in Sweden in relation to education and employment.

28. A Living History Forum was established as a public agency on 1 June 2003. The agency provides continuing education on intolerance expressed e.g. as Islamophobia and anti-Semitism for teachers and other professionals who work with children and youth. The Living History Forum has also carried out in-depth studies of Islamophobia and anti-Semitism in order to gain clearer understanding of the causes of such intolerance.

29. In August 1996 Sweden hosted the first world congress against commercial sexual exploitation of children. Governments and NGO's from 122 countries participated with the goal to establish global cooperation against this modern slavery. In 1998 the first Swedish action plan were presented. Since then numerous of measures has been taken against trafficking in women and children.

Part of Sweden's effort against trafficking involves constantly changing and updating rules and laws. Sweden has a unique law criminalizing those who purchase sex. The law was passed in 1999 and the penalty is a fine or up to six months imprisonment. On July 1, 2002, legislation that imposed criminal liability for trafficking in human beings for sexual purposes came into force. On July 1, 2004, amendments were made extending criminalization to all forms of trafficking in human beings, including trafficking within national borders. These laws are important instruments for preventing and combating trafficking in human beings and for protecting people, mainly women and children, who are or who risk becoming subjected to prostitution or other forms of sexual exploitation. In October 2004, Sweden amended the Aliens Act to enable prosecutors to obtain time limited residence permits for trafficking victims who cooperate in the criminal investigation of traffickers. In July 2007 these rules were clarified in accordance with an EC directive.

Other measures include national and international cooperation and funding of projects against trafficking around the world. The Government has adopted a strategy outlining how Swedish international development assistance could help fighting human trafficking.