IHF FOCUS: detainees' rights; ill-treatment and police misconduct; right to privacy; national minorities; intolerance, xenophobia, racial discrimination and hate speach; asylum seekers and immigrants; women's rights.

Despite its generally good human rights record, Sweden has been repeatedly criticized by international organizations and NGOs for its policy concerning asylum seekers and for its failure to guarantee asylum seekers full rights. Racist and xenophobic violence also persisted, and the judicial system did not succeed in combating the production and distribution of "White Power" music. Comprehensive anti-discrimination legislation was lacking, and ethnic discrimination occurred on different levels within society. The follow-up of cases of misconduct by law enforcement officials remained ineffective and the State's interference with the right to privacy continued to give rise to concern.

Following the terror attacks in the United States on 11 September, the Swedish Government called for respect for the rule of law in the international campaign against terrorism. However, according to the Swedish Helsinki Committee (SHC), the Government in reality acted in contradiction to its own demands when neglecting and violating human rights in order to implement measures aimed at curbing terrorism. In particular, the SHC pointed out that the Swedish practice regarding deportation and expulsion changed in the aftermath of the 11 September events. According to the new practice, the Government would allow for the expulsion or deportation of suspected terrorists even though the possibility existed that these persons would be tortured or sentenced to death in the requesting States.

Indeed, the Government would ask for a written guarantee from the Governments concerned that the requested individuals not be subjected to abuse or sentenced to death. However, the SHC considered it highly questionable whether such guarantees would result in any effective protection of the expelled persons since only inadequate follow-up mechanisms existed. The SHC also stressed that the new practice violated both national law and international human rights law, in particular the principle of *non-refoulment*, and contradicted Sweden's long-time engagement in favour of abolishing the death penalty.[2]

Detainees' Rights

A few weeks after the 11 September attacks against the WTC and Pentagon, the UN Security Council adopted a resolution calling on UN member States to freeze funds and other financial assets of persons suspected of terrorism.[3] Moreover, on 9 November, the UN Security Council Committee on Afghanistan presented a list of persons and organisations believed to be associated with Osama Bin Laden or the Al-Qaida terrorist network. Three Swedes were mentioned on this list and within a few days the Swedish authorities had taken the necessary measures to have their bank assets frozen.

The list of terror suspects was drawn up on the basis of information received from the US Government, which was not made publicly available. The Afghanistan Sanctions Committee also took the decision to include the three Swedes on the list without any prior consultation with the Swedish Government, the Swedish police or the individuals concerned. When the list had been published, the three Swedes in question strongly denied any connection with Bin Laden or Al-Qaida.

The SHC concluded that the Swedish Government had acted in violation of basic human rights protections as laid down in Swedish law as well as in international treaties, when ordering the freezing of the bank accounts of the three Swedes. The three men were punished without any

hearing, without any chance to defend themselves, and without any crime having been committed because alleged association with a terrorist organisation did not qualify as a criminal offence under Swedish law. Initially, the three Swedes were also denied legal aid, in spite of the fact that they did not have any economic resources at their disposal given the freezing of their funds. The SHC stressed that the Swedish Government could have complied with the UN Security Council resolution in a manner that safeguarded the rights of the three men and in accordance with the fundamental principles of a law-based society. The SHC also emphasized that a State has an unconditional obligation to protect citizens from abuses by a third party – no matter whether this is another State or an international organisation.

Torture, Ill-treatment and Police Misconduct

In recent years, there have been several cases of people being shot dead in confrontations with the police. On one occasion, a police officer shot an alleged car thief in the back when he tried to escape, leading to the death of the man. In another case a police officer accidentally fired a shot after he had pulled a drunken driver out of his car, thereby killing the driver. In the most recent incident, which took place in March 2001, a police officer shot dead a Kurdish man facing expulsion during an identity check.

The manner in which police and prison officers restrained people in detention also gave rise to concern. The SHC stressed that there was an obvious need for guidelines as to what techniques of restraint were allowed and for information to be given to law enforcement officials about relevant international human rights standards.

Cases of excessive force on the part of police officers seldom led to prosecution or even to internal disciplinary measures. If officers were prosecuted, they were usually acquitted. It was not uncommon that a lack of proper training was cited as a ground for exempting officers from criminal responsibility or for clearing them of suspicion. This occurred for instance in the above-mentioned case of the drunken driver.

In its report on a 1998 visit to Sweden[4], the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) emphasized that access to effective legal instruments is an important guarantee and deterrent as regards the prevention of use of excessive force by police. In particular, the CPT questioned two aspects of the Swedish procedure relating to complaints against law enforcement officials: the fact that the police authorities themselves conduct investigations into misconduct of their own colleagues and the fact that complaints seldom result in disciplinary measures when officials have been exempted from criminal responsibility. The CPT recommended that an external body be charged with investigating complaints instead of the special internal investigative units that were responsible for the matter under the legislation in force so as to ensure independent and impartial investigations.

Statistics from the Greater Stockholm Police Authority showed an increase in the number of reported complaints against local police officers in the last decade. While 738 complaints were filed in 1990, the corresponding number for 1999 was 1,231. In a great majority of cases no action was taken. The statistics did not indicate any cases of unlawful discrimination or racially motivated offences. As the SHC did not believe that no complaints regarding such cases existed, it requested an explanation from the police authority. The latter responded that it would be too time-consuming to carry out such investigations.

Right to Privacy

The law continued to allow the police, under certain circumstances, to use secret

surveillance techniques during pre-trial investigations. Those techniques included secret wiretapping[5], secret wire-surveillance[6] and secret camera surveillance[7]. Sometimes the police also employed methods that were not prescribed by law, such as surveillance with the help of body microphones.[8]

The permission to use secret surveillance was granted by a court on the basis of an application from a prosecutor. The suspect was not informed that an application had been made and was not offered any possibility to dispute the decision. Nor did the suspect have any possibility to appeal against a decision proved to have been made upon false allegations, a fact that contradicted the European Convention on Human Rights (ECHR). Another problem was that there were no regulations as to how information obtained through secret surveillance was to be handled.

The SHC concluded that the authorities' right to interfere in the private life of citizens lacked in both legality and transparency, and called for an independent assessment of the necessity and effectiveness of the secret surveillance methods in use as well as for improvements in the information on these to the Parliament.

According to a 1998 law, camera surveillance could be practised in public places if certain requirements were met. The law stipulated that such surveillance was to be carried out with due regard to the privacy of individuals and that the public was to be informed of it by means of clearly visible public notices. Under the law, county administrative boards granted permits for public camera surveillance. Post offices, banks and shops, however, only needed to register by mail in order to set up cameras filming cash-point areas, entrances and exits, if the purpose was to prevent crime. The statistics maintained by county administrative boards were far from complete, which made it impossible to gain an exact picture of the increase of camera surveillance locations over time. However, the Office of the Chancellor of Justice, which functioned as the review body in these cases, stated that the increase had been dramatic in the last few years.

The SHC continued to carry out random sample checks aimed at determining compliance with the law on camera surveillance on the part of permit holders and those who had reported that they maintained such surveillance. These checks showed that a majority of the camera surveillance points violated the law: public information on the filming was lacking, such information was inadequately displayed and the cameras filmed a wider area than permitted. The random sampling also substantiated concerns that the 1998 law was deficient, especially since not even the legislator, i.e. the Parliament, complied with the requirements imposed by law. Moreover, although county administrative boards were obliged to supervise camera surveillance points, only about 15% of these locations had been checked over the past four years.

National Minorities

Sweden has not ratified the ILO Convention No 169 on Indigenous and Tribal Peoples in Independent Countries. The aim of this convention is to safeguard respect for the dignity and rights of indigenous peoples. If implemented in Sweden, the convention would grant the approximately 17,000 Sami[9] living in the country the right to use land and water according to their own culture and traditions and, thus, a certain degree of autonomy. The authorities claimed that the main obstacle to the ratification of the ILO Convention No 169 was the question of land rights.[10] In 1997 a governmental committee was charged with the task of considering the possibility and implications of Sweden ratifying the Convention. The committee concluded that the Swedish legislation in force was not in line with the Convention regarding the protection of land rights of Sami. It therefore suggested that a special commission be appointed in order

to clarify, among other things, the scope of Sami hunting and fishing rights on the land they traditionally occupied. However, as of early 2002, no such commission had reportedly presented any findings.

Intolerance, Xenophobia, Racial Discrimination and Hate Speech

According to the Government the fight against racist crimes was a high priority. However, the SHC asserted that not enough efforts were made to educate police and judicial officials about racist organisations and racist crimes. Noting that only few crimes with racist overtones were prosecuted, the SHC concluded that this probably was due to a lack of knowledge or awareness about the nature of racist crimes on the part of police officers and prosecutors. The SHC also called for increased co-operation between the police and the Swedish Security Services in this field.

"White Power" Music

As in previous years, Sweden was one of the leading countries in the world regarding the production and distribution of "White Power" music. There was a growing interest in racist ideologies, with new organisations emerging, and new supporters becoming involved.[11] In-depth interviews with former neo-Nazis showed that music played a central role in relation to the ideology within the "White Power" movement: via the music the members discovered Nazism, where they found inspiration and material for both an ideological position and a male role glorifying physical force and violence.[12]

A major problem regarding the fight against "White Power" music remained the statute of limitations. According to the legislation in force, legal proceedings had to be initiated within a year from the day material with a "White Power" content had been distributed, which usually was taken to imply that it had become available for sale. However, in many cases it was impossible to determine exactly when the distribution of the material had started, and thus no legal proceedings could be initiated. Producers of "White Power" music often deliberately chose not to include any distribution information on their products in order to avoid prosecution.

Courts and Racially Motivated Crimes

According to legislation passed in 1994 on racially motivated crimes, crimes undertaken with a motive to violate a person or a group of persons on the basis of race, colour, national or ethnic origin, religion or any other similar ground (such as sexual orientation) were to be considered committed under aggravating circumstances. The purpose of this legislation was to oblige courts to pay special attention to racial motives in their rulings. The Government also considered this legislation (together with some Criminal Code provisions) a sufficient substitute for separate legislation outlawing organisations promoting or inciting racial hatred, which Sweden has repeatedly been recommended to adopt in order to fulfil its obligations under Article 4 of the Convention on the Elimination of Racial Discrimination.[13]

There was concern that the 1994 law was not being adequately applied, and the SHC saw an urgent need for the implementation of the law to be scrutinized.

Legal Provisions on the Protection against Discrimination

In principle, non-Swedish citizens living in Sweden enjoyed the same rights as Swedish citizens, with the major exceptions involving protection against the registration of opinions, deportation and citizenship, as well as the right to travel within the country and to leave it. It was also possible to restrict freedom of religion of non-citizens by way of special provisions of the law. In addition, non-Swedish citizens enjoyed a lower level of protection against potential new legislation limiting a certain number of oth-

er freedoms and rights. This was due to the fact that the appropriateness, the proportionality and the effects of such changes of the law only had to be considered if the changes affected Swedish citizens.[14]

However, the universal ban on discrimination established in the Constitution also applied to non-Swedish citizens. Thus, it was under all circumstances prohibited to introduce limitations of freedoms and rights *solely* on the basis of political, religious, cultural or other views, and to treat persons disadvantageously due to their race, skin colour, ethnic origin or minority membership.

Swedish legislation also contained a number of other prohibitions of discrimination. However, the different provisions did not form a coherent and exhaustive framework for the protection against discrimination. There was no general definition of discrimination, it remained unclear how direct vs. indirect forms of discrimination were to be treated, and there was a lack of consistency in the requirements for measures to be taken to prevent discrimination. The SHC also noted that important areas, where discrimination may occur, were not covered by the legislation.

Discriminatory Legislation

In spite of the constitutional ban on discrimination, legislation that was clearly discriminatory in character remained in force.

The 1991 Act on Special Control of Aliens allowed the police to, in certain cases, use secret wiretapping and secret wire-surveillance to eavesdrop on (exclusively) foreign citizens. The purpose of these provisions was to prevent politically motivated offences. Either the Government or the Stockholm City Court decided on the applicability of the provisions. Under the Aliens Act, the Government could also refuse entry to/expel a foreign citizen if he/she represented a threat to public safety or national security. The expulsion order could be enforced with immediate effect and the person affected had no legal right to seek a court hearing or to appeal against the Government's decision, a practice that was in violation of international standards.[15]

Furthermore, Swedish law, as derived from private international law, allowed persons under 18 that were not Swedish citizens to, under certain circumstances, marry without the permission of the county administrative board as was required for Swedish citizens. Given that the persons concerned were at least 15 years of age they could marry if the legislation in their native country permitted this. The SHC called for an immediate change of these provisions, noting that early marriages increased the risk of – in particular – girls dropping out of school, which undermined their opportunities in terms of both further education and a career outside the home. In order to combat the problem of early marriages the SHC also stressed the need to inform non-citizens about Swedish legislation on education (including that school attendance was compulsory up to the age of 16) and to follow up individual cases (so as also to prevent girls even younger than 15 from being taken out of the country to be married off).

Prosecution of Unlawful Discrimination

According to the Criminal Code unlawful discrimination with regard to the grounds laid down in the Constitution was a crime punishable with up to one year in prison. Most cases of unlawful discrimination that were reported concerned refusal of entry to restaurants. Other cases were related to discrimination by shops, housing and property companies, security companies, social services, workplaces and bus companies.[16] It was particularly disturbing that an increasing number of cases of unlawful discrimination within the education system were reported.

Few cases on unlawful discrimination ended up in court. Statistics from 1999 showed that only four out of 263 complaints filed resulted in a trial.[17] The main reason for complaints not being brought to

court was the prerequisite that the discrimination be intentional: in order to be able to initiate legal proceedings the prosecutor needed to prove that the actual reason for discriminatory treatment was the victim's race, skin-colour, ethnicity, religion, or sexual orientation. The SHC noted that the ineffective prosecution of acts of unlawful discrimination was likely to have a negative effect on the public's trust in the judicial system, and questioned the very idea of retaining unlawful discrimination as a criminal offence when it was so difficult to bring such cases to court.

The SHC suggested that a ban on unlawful discrimination might possibly be better enforced via civil law, and regretted the fact that Sweden had chosen not to sign the Optional Protocol 12 to the ECHR. This protocol, which was opened for signature in November 2000, provides for a general prohibition of discrimination through legislation or government practice.[18] The Government primarily motivated its decision not to sign the new optional protocol with the fact that the protocol would hold the State responsible for so-called horizontal discrimination, i.e. discrimination between individuals. The SHC considered this argument flawed, stressing that it is not only the obligation of a State to respect human rights but also to prevent human rights abuses on the part of third parties.

Ethnic Discrimination in the Workplace

Following a tightening of the legislation on ethnic discrimination in work life[19] in 1999, the Ombudsman against Ethnic Discrimination (DO) functioned as investigator, mediator and prosecutor in cases where private persons had faced discrimination in their workplace due to their ethnic background. According to the law, in order to bring a case to court, it was not necessary to prove that an employer consciously had discriminated against an employee or a job applicant, as long as it could be proved that discrimination had in fact taken place.

Moreover, the 1999 law required both employers and employees to promote ethnic diversity and to combat discrimination in the workplace, *inter alia* through targeted activities. However, the Ombudsperson stated that this part of the legislation was not effectively implemented and that employers and trade unions did not treat the question of discrimination in the workplace seriously enough. The Ombudsperson also feared that the number of reports of ethnic discrimination would rise as persons with immigrant backgrounds become better represented in the labour market, which was the trend in 2001.

During the year a total of 633 reports of ethnic discrimination were filed with the DO. Of these, 273 concerned discrimination in the workplace, and 311 related to discrimination in society in general. Compared to the previous year, the total number of reports increased by about 10%, whilst the number of reports on discrimination in the workplace increased by 66%.[20] No more than 20% of the cases were brought to the Swedish Court of Labour. The rest of the cases were discontinued because discrimination could not be proven or because the period of prosecution (2 years) had expired.

Protection of Asylum Seekers and Immigrants[21]

In eight separate cases the UN Committee Against Torture (CAT)[22] has criticized Sweden for breaches of the principle of *non-refoulment*. The CAT also continues to receive new complaints related to this problem. According to the CAT, the Swedish authorities often employ too harsh a position when assessing the credibility of asylum applications. The CAT has also noted that the Swedish authorities lack sufficient knowledge of how torture victims behave, pointing out that the fact that asylum applicants change their stories over time does not necessarily mean that they are lying, but may just as well be due to post-

traumatic stress. Furthermore, the CAT has criticized the Swedish procedure of dealing with asylum applications, as much of the data the authorities base their decisions on is not made available to the applicants. According to the CAT this practice seriously compromises the legal protection of applicants, including the stage when their cases are being reviewed.

After its 1998 visit to Sweden the CPT stressed *inter alia* that asylum seekers must be granted a genuine opportunity to have their applications considered and that expulsion orders must be subjected to independent review before being enforced.[23] Accordingly, the CPT questioned the status of the Aliens Appeals Board as the first and final appeal instance in cases where new information to support asylum claims is reported. The CPT also criticized the risk assessments carried out in cases where there is a risk of *refoulment*, arguing that they were flawed, and requested information on how the Government followed up decisions to refuse entry to/expel asylum seekers. In light of this, the SHC noted that no follow-up investigations took place – not even in cases where asylum seekers claimed that they risked being tortured upon return.

As a result of the criticism of the procedure for handling asylum claims, the Government decided to abolish the Aliens Appeals Board and charge specific county courts with the review of asylum cases. However, as of the end of the year, it had not yet been decided when the reform would take effect.

Carrier Liability

The entry into force of the Schengen Agreement in Sweden in March triggered a new wave of discussions on carrier liability regarding transportation of aliens. The Government proposed that carriers be "required to check that an alien being transported directly to Sweden from a State other than a Schengen State possesses a passport and the necessary entry documents". Thus, according to the proposals, the staff of airline companies would be expected to assess the authenticity and validity of passports and visas. In addition, the SHC noted that airline staff would, in principle, be supposed to be able to determine whether the persons they take on board are likely to destroy their travel documents in the course of the journey. This followed from a provision of the draft stating that in cases where an alien had presented valid travel documents at the start of a journey but these had disappeared by the time the person entered Sweden, the carrier *may* be exempted from liability.

According to the proposals, carriers which fail to comply with the requests, and bring persons with invalid travel documents to the country from outside the Schengen area, would have to compensate for the return journey of the persons at issue as well as pay penalty charges of up to 5,000 Euro per person. However, should the aliens be granted Swedish residence permits at a later date, the carriers would be exempted from any payment or penalty charge.

The SHC concluded that the plans to impose a supervisory obligation of this kind on private companies aroused clear misgivings. If airline staff knew that substantial fines could be imposed on their employers, they might be inclined to consider extraneous and irrelevant grounds, such as skin-colour and ethnicity of individuals, when assessing the validity of travel documents. The SHC also criticized the fact that carriers were entrusted with exercising government authority, without any public control or legal sanctions accompanying this authority. For example, persons stopped by the staff of an airline company would not be able to appeal against the decision.

EU "Terrorist Legislation"

In late 2001 the EU Council adopted two decisions aimed at improving the prospects of member States effectively prose-

cuting and convicting those responsible for serious crimes; the Council Framework Decision on Combating Terrorism and the Council Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States.

The SHC considered that the two decisions reflected hasty and insufficiently thorough preparation and violated fundamental human rights standards. In particular, the SHC feared that the decisions would be used to curtail the rights of refugees and asylum seekers, and claimed that EU Commission statements linking the fight against terrorism to the fight against "illegal" immigration clearly seemed to suggest this.

Under the Framework Decision on Combating Terrorism, terrorism was defined as "intentional acts that by their nature or their circumstances may cause serious harm to a country or an organisation". More specifically, the acts were to have been committed with the purpose to a) seriously alarm a population; b) unlawfully force a public body or an international organisation to take or refrain from taking a specific action; or c) seriously destabilise or destroy fundamental political, constitutional, economic or social structures in a country or international organisation.

The SHC noted that the acts listed in the decision were already liable to criminal prosecution in Sweden, as in most other member States, although they were not defined as terrorism. The SHC therefore concluded that only the stated purposes would render the acts terrorist acts. The SHC considered this a dangerous approach to combating terrorism, as the definitions used were open for arbitrary, politically motivated interpretations.

Women's Rights

Trafficking

During the last few years the Government has given high priority to the combat of trafficking in persons. In 1999 the Parliamentary Law Committee on Sexual Offences was charged with the task of defining the crime of trafficking. On the basis of the proposals made by this Committee, a Government Bill was eventually adopted.[24]

The SHC welcomed the new bill, but regretted that it only covered those forms of trafficking that result in forced prostitution. The Committee stressed that the omission of other forms of forced labour risked undermining the definition of the term. The SHC also noted that trafficking sometimes resulted in forced teenage marriages, which were only penalized under Swedish law if they involved Swedish citizens, in violation of the principle of non-discrimination and other standards laid down by international treaties.

Further, the SHC welcomed the fact that the new bill criminalized the trafficker and not the trafficked. However, at the same time, the SHC expressed dissatisfaction with the fact that trafficking was only seen to have taken place if the victim had been unlawfully coerced, deceived or otherwise improperly recruited, with the last condition relating to recruitment of a person in a particularly vulnerable situation such as economic hardship. Thus, under the law, women who had "voluntarily" agreed to being transported to the country, and to work as prostitutes there, would be considered illegal immigrants if they were discovered. This would, according to the SHC, discourage them from reporting the abuses, assaults, or exploitation they were subjected to and from seeking help to get out of their situation. The SHC emphasized that these women should, if they so wished, be treated as asylum-seekers, and be protected against those who abused them and not be punished (explicitly or implicitly) for residing illegally in the country.

The Two-Year Rule for Immigrant Women

According to the Aliens Act a person whose partner was residing in Sweden had the right to apply for and receive a resident

permit. The general requirement was that the applicant was involved in a permanent relationship with his/her partner and was able to prove that the relationship had developed before the partner immigrated to Sweden.[25] It was also possible for a person to apply for a residence permit if he/she was to marry/co-habit with a permanent resident of Sweden. However, in both of these cases, a residence permit was only granted for a limited period of time. Only after two years could the applicants receive a permanent residence permit, something that usually required that they still were involved in relationships with the same partners.

This so-called two-year rule was problematic for women who lived with abusive partners. As a rule, women who left their partners before the regulated two-year period had expired were not allowed to stay in the country. The Aliens Act provided scope for exceptions from the general rule, but the prerequisites were hard to meet: the persons who wished to be considered an exception needed to prove that they had been subjected to frequent abuse by their partners and that their relationship to them had been sincere. This requirement was particularly difficult for women to meet who were only co-habiting with their partners.

Endnotes

1 Unless otherwise noted, based on the *Annual Report 2001* of the Swedish Helsinki Committee (SHC) and on the alternative report of the SHC and the Swedish NGO Foundation for Human Rights to the UN Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR) with respect to Sweden's commitments under the ICCPR, 2002.

2 In an example of the new parctice, on 18 December, two men, Ahmed H. Agiza and Muhammad S. El-Zari, were expelled to Egypt, even though there was an imminent risk that they would be subjected to torture and sentenced to death in Egypt. Relatives who managed to visit Mr Agiza in detention after his expulsion reported that he bore visible traces of torture. At the time of writing the whereabouts of the two men were not known. Amnesty International in Sweden, at www.amnesty.se.

3 UN Security Council, Resolution 1373 (2001), 28 September 2001, at www.un.org/Docs/scres/2001/res1373e.pdf

4 At www.cpt.coe.int/en/reports/inf1999-04en1.htm

5 Secret wiretapping was regulated in the Criminal Procedure Code (*Rättegångsbalken*) 27:18 and was defined as secret interception of the communication (written or oral) between two or more people via a telephone or fax etc.

6 Secret wire-surveillance was regulated in the Criminal Procedure Code 27:19 and was defined as the hindrance of the use of a telephone (or fax, etc.) or secretly finding out how many messages were produced from and to one or more specific telephone numbers and when these took place.

7 Secret camera-surveillance was regulated in paragraph 1 of the Law of Secret Camera Surveillance (*Lagen om Hemlig Kameraövervakning*) and was defined as the use of hidden remote-controlled cameras in order to observe people.

8 See SHC, *Buggning och Hemlig Kameraövervakning - Statliga Tvångsingrepp i Privatlivet*, 2000.

9 Statens Offentliga Utredningar (SOU) 1999:25, *The Sami, an Indigenous People in Sweden. The Question Regarding the Swedish Ratification of ILO Convention No. 169*.

[10] In 2000 the European Court of Human Rights declared a Swedish case related to the land rights of Sami admissible. According to the complaint filed, the residents of a Sami village claimed that the Swedish authorities had violated their right to a fair trial, as provided for in Article 6 of the European Convention on Human Rights, by denying them the right to appeal a decision on the use of land for reindeer herding. However, in early 2001, the case was struck out of the court records as the two parties reached a friendly settlement, amounting to an apology from the Swedish Government and compensation to the Sami village. Case of Muonio Saami Village v. Sweden, January 2001, at http://hudoc.echr.coe.int/hudoc/

[11] According to the organisation Exit Sweden, which supports former neo-Nazis who have defected from the "White Power" movement.

[12] Jonas Hållén and Karl-Olov Arnstberg (ed.), *Smaka Känga, Intervjuer Med Avhoppade Nazister* (Taste My Boot, Interviews with Ex-Nazis), 2000.

[13] By the Committee on Elimination of Racial Discrimination, at www.unhchr.ch/html/menu2/6/cerd.htm.

[14] The Swedish Constitution 2:22, section 2, paragraph 7, as against the Constitution 2:12.

[15] This practice was also criticized by the European Social Committee in its *Conclusion Concerning Articles 1,5,6,12,13,16 and 19 of the European Social Charter in respect of Sweden*, 1998.

[16] The Security Police, *Brottslighet Kopplad till Rikets Inre Säkerhet 1999* (Crime Linked to the Internal Security of the Nation 1999), p. 16.

[17] SOU 2001:39, *An Efficient Prohibition against Discrimination. On Unlawful Discrimination and the Terms Race and Sexual Orientation*.

[18] For more information on the Optional Protocol No. 12, see http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm.

[19] Government Bill 1997/98:177.

[20] *DO:s Nyhetsbrev*, No. 1/2002.

[21] See also Women's Rights.

[22] At www.unhchr.ch/html/menu2/6/cat.htm

[23] See endnote 4.

[24] Government Bill 2001/2002:124.

[25] Married, unmarried as well as homosexual partners qualified under this provision.