

English Summary

Authors: Helène Lööw and Lotta Nilsson

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Among the provisions contained within the Swedish Penal Code, there is one that is of particular significance in relation to crimes of a racist or xenophobic nature (Penal Code, Chapter 16, Section 8). The law was introduced in 1948 and has existed in its current form since 1988. This law relates to the protection of groups, not of individuals.

During the period between the 1950s and the 1970s, very few such offences were reported and there were thus very few trials relating to the law against agitation against a national or ethnic group. This began to change during the 1980s, and there were a series of court cases against local radio stations based on legislation relating to the freedom of the press. During the first half of the 1990s, the Solicitor General began to show an interest in some of the material published by the increasingly visible ideologically racist underground culture. A number of leading activists and others responsible for the publication of these journals were prosecuted one after another. During the 1990s, there was a dramatic increase in the number of reported offences recorded by the police as agitation against a national or ethnic group. The number of cases reported to the Solicitor General also increased substantially, as did the number of persons convicted of the offence.

During the period 1992-1995, the number of offences reported to the police lay at approximately 100 per year. Since 1995, the trend has been characterised by a rather explosive increase, culminating in 865 offences being reported during the year 2000. It is nonetheless relatively uncommon that incidents of agitation against a national or ethnic group reported to the police are then tied to a specific suspect. During the latter part of the 1990s, only nine per cent of reported offences led to either prosecution, or to fines

or a caution issued by the public prosecutor. The number of persons convicted increased from an average of six persons per year during the first half of the 1990s, to approximately 40 persons per year during the second half. A number of the court adjudications passed during the 1990s have had a decisive impact on the way the law has since been applied.

Young men dominate

The crime is very much dominated by men. Fully 98 per cent of those convicted are males. In addition, looking at the age of those who are convicted, the offence is very much a youth crime – almost half of those convicted during the 1990s were under 20 years of age at the time the offence was committed. Approximately one quarter of the offences were committed in the framework of an organised context, i.e. in connection with demonstrations, concerts or meetings. The proportion of offences committed in such contexts increased during the 1990s. Approximately one quarter of the persons convicted were also convicted of other offences that had been committed at the same time as the agitation offence.

The most common action leading to a conviction for agitation against a national or ethnic group during the 1990s involved chants of "sieg heil" or Nazi salutes. In almost half of the cases (46%) the conviction related to actions of this kind. Bearing certain symbols or badges was also a common reason for being convicted, primarily during the latter part of the 1990s.

In three quarters of the convictions, the offence was not related to a specific ethnic group. The court adjudication often stated that the (convicted) person had "expressed contempt for non Nordic ethnic groups." Just over half of those receiving convictions were convicted for agitation against a national or ethnic group alone. The most common sanction for these individuals was a fine (70 per cent) whilst 28 per cent of the cases resulted in a prison sentence. The proportion of persons sentenced to prison increased during the 1990s.

Many previous convictions

Among those convicted of agitation against a national or ethnic group, there is a large group with a history of serious criminal conduct. These individuals have primarily been convicted of violent offences and threatening behaviour. By comparison with persons with a prior criminal record in the general population, the criminal records of those convicted of agitation against a national or ethnic group present a considerably higher level of prior offending.

There is a clear discrepancy between the way the courts dealt with cases concerning anti-Semitism as compared with cases relating to other forms of racial agitation. Where a trial concerned anti-Semitic activities, there were a number of cases where a series of expert witnesses was called. As a rule, this

was not the case in relation to other forms of racism or xenophobic activities. It is difficult to say what might lie behind this. In part it may be a result of the ignorance of the courts regarding what anti-Semitism actually consists in.

White-Power groups have shifted strategy

The study shows that the substantial increase in the number of offences recorded as agitation against a national or ethnic group – and that the number of persons convicted of this offence during the 1990s – is in part the result of an actual increase in the amount of racist and anti-Semitic material produced, and in the level of activity of groups propounding a racist ideology. In addition, part of this increase is the result of a hardening of attitude on the part of society, including for example increases in the level of police resources devoted to combating this type of crime.

Increased numbers of reported incidents and of convictions in the courts have not however led to a retreat on the part of the racist underground movement. The hardened attitude towards this type of crime shown to exist within the justice system – and the rest of society – has certainly led to the removal of some of the more visible expressions of racist and anti-Semitic sentiment; there are fewer demonstrations comprising individuals carrying swastika flags or wearing badges, for example. This does not necessarily mean that the opinions of the people in question have changed, however. It is rather an indication that the white-power movement has shifted strategy.

The way that society has clearly shown its strong rejection of agitation against a national or ethnic group, and the intense media attention that has been focused on the trials, probably give offences of this kind a great deal of status among a certain category of offenders. For other groups, however, these factors may function as a deterrent.