

Sweden

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 18 March 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/sweden>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

12 stakeholders' reports were submitted for the UPR. 11 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. Two domestic NHRIs were contacted as well.

2 NGOs responded to our enquiry. The UN agency did not respond. The State under Review provided a mid-term report. The domestic NHRIs did not respond to our enquiry.

The following stakeholders took part in the report:

1. **State** of Sweden
2. **NGOs:** (1) Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) (2) Tandem Project (TP)

IRI: 10 recommendations are not implemented, 23 recommendations are partially implemented, and 68 recommendations are fully implemented. No answer was received for 45 out of 151 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues which the MIA deals with:

| rec. n° | Issue | page | IRI |
|---------|--|---------|-----------------|
| 1 | Asylum-seekers - refugees | page 25 | fully impl. |
| 2 | Racial discrimination | page 8 | fully impl. |
| 7 | Asylum-seekers - refugees | page 25 | fully impl. |
| 8 | Asylum-seekers - refugees, Migrants, Minorities, Rights of the Child, Women's rights | page 8 | fully impl. |
| 9 | Civil society, UPR process | page 7 | fully impl. |
| 10 | Environment, Indigenous peoples, Right to water | page 27 | fully impl. |
| 11 | Indigenous peoples, Right to land, Right to water | page 27 | fully impl. |
| 12 | Racial discrimination | page 8 | partially impl. |
| 13 | Migrants, Minorities, Rights of the Child, Women's rights | page 29 | partially impl. |
| 14 | Development, Technical assistance | page 51 | fully impl. |
| 16 | Freedom of religion and belief, Racial discrimination | page 11 | partially impl. |
| 17 | Migrants, Right to health, Right to housing, Rights of the Child | page 16 | partially impl. |
| 20 | Rights of the Child, Trafficking | page 38 | fully impl. |
| 21 | Human rights education and training | page 14 | fully impl. |
| 25 | Indigenous peoples, International instruments, Rights of the Child | page 37 | fully impl. |
| 29 | Asylum-seekers - refugees, Migrants, Minorities, Women's rights | page 8 | fully impl. |
| 30 | Racial discrimination | page 8 | fully impl. |
| 31 | Women's rights | page 19 | fully impl. |
| 32 | Racial discrimination | page 15 | fully impl. |
| 33 | Asylum-seekers - refugees, Detention conditions, Migrants | page 38 | fully impl. |
| 35 | Sexual Orientation and Gender Identity | page 42 | fully impl. |
| 36 | Indigenous peoples | page 27 | fully impl. |
| 37 | International instruments, Justice | page 35 | partially impl. |
| 39 | Right to education, Rights of the Child | page 45 | fully impl. |
| 40 | Migrants, Right to education, Right to health, Right to housing, Rights of the Child | page 46 | fully impl. |
| 41 | Women's rights | page 19 | fully impl. |
| 43 | Rights of the Child, Women's rights | page 19 | fully impl. |
| 44 | Sexual Orientation and Gender Identity | page 43 | fully impl. |
| 45 | Women's rights | page 47 | fully impl. |
| 46 | Minorities | page 29 | fully impl. |
| 47 | Freedom of religion and belief, Racial discrimination | page 11 | partially impl. |
| 50 | International instruments, Torture and other CID treatment | page 40 | fully impl. |
| 52 | Asylum-seekers - refugees | page 25 | fully impl. |
| 55 | NHRI | page 52 | fully impl. |
| 56 | Human rights education and training | page 16 | fully impl. |



| rec. n° | Issue | page | IRI |
|---------|--|---------|-----------------|
| 58 | Justice | page 22 | fully impl. |
| 60 | Freedom of opinion and expression,International instruments | page 22 | fully impl. |
| 62 | Racial discrimination | page 14 | partially impl. |
| 63 | NHRI | page 52 | fully impl. |
| 64 | Other | page 34 | fully impl. |
| 66 | Asylum-seekers - refugees | page 16 | fully impl. |
| 68 | Freedom of religion and belief | page 8 | fully impl. |
| 69 | Indigenous peoples | page 27 | fully impl. |
| 70 | Women's rights | page 19 | fully impl. |
| 72 | Rights of the Child | page 45 | fully impl. |
| 73 | Asylum-seekers - refugees,Rights of the Child | page 48 | partially impl. |
| 74 | NHRI | page 52 | fully impl. |
| 77 | Disabilities | page 30 | fully impl. |
| 80 | Indigenous peoples,International instruments | page 27 | not impl. |
| 82 | National plan of action,Women's rights | page 19 | partially impl. |
| 84 | Racial discrimination | page 8 | fully impl. |
| 85 | Women's rights | page 47 | partially impl. |
| 86 | NHRI | page 52 | fully impl. |
| 87 | Asylum-seekers - refugees,Migrants,Minorities,Special procedures,Treaty bodies,Women's rights | page 36 | fully impl. |
| 88 | International instruments | page 36 | not impl. |
| 89 | Freedom of opinion and expression,Freedom of religion and belief,International instruments,Racial discrimination | page 11 | partially impl. |
| 90 | Women's rights | page 19 | fully impl. |
| 91 | Freedom of opinion and expression,Freedom of religion and belief | page 11 | fully impl. |
| 93 | Trafficking | page 38 | not impl. |
| 94 | International instruments,Migrants,Right to health | page 16 | partially impl. |
| 95 | Rights of the Child | page 49 | not impl. |
| 96 | National plan of action | page 52 | fully impl. |
| 97 | Other | page 40 | fully impl. |
| 98 | Special procedures,Treaty bodies,Women's rights | page 19 | - |
| 99 | Indigenous peoples | page 31 | fully impl. |
| 100 | Disabilities,International instruments | page 33 | partially impl. |
| 101 | Asylum-seekers - refugees,Torture and other CID treatment | page 25 | - |
| 102 | Women's rights | page 47 | fully impl. |
| 104 | International instruments,Minorities,Treaty bodies | page 34 | partially impl. |
| 107 | Indigenous peoples,International instruments | page 27 | not impl. |
| 108 | Indigenous peoples,International instruments | page 27 | not impl. |
| 109 | Minorities | page 8 | fully impl. |
| 111 | CP rights - general,International instruments | page 36 | not impl. |
| 114 | Women's rights | page 47 | partially impl. |
| 115 | Asylum-seekers - refugees,Freedom of religion and belief,Migrants,Minorities,Racial discrimination | page 9 | partially impl. |
| 116 | Freedom of religion and belief,National plan of action | page 24 | - |



| rec. n° | Issue | page | IRI |
|---------|--|---------|-----------------|
| 118 | Development | page 18 | - |
| 119 | Human rights education and training,Racial discrimination | page 18 | fully impl. |
| 120 | Human rights education and training,Rights of the Child,Women's rights | page 20 | fully impl. |
| 121 | Women's rights | page 50 | partially impl. |
| 122 | Women's rights | page 50 | fully impl. |
| 123 | Racial discrimination | page 11 | partially impl. |
| 124 | Racial discrimination | page 22 | fully impl. |
| 125 | Racial discrimination | page 11 | fully impl. |
| 127 | Special procedures | page 37 | - |
| 128 | NHRI | page 52 | fully impl. |
| 130 | Counter-terrorism | page 40 | partially impl. |
| 131 | Asylum-seekers - refugees,Migrants,Minorities,Women's rights | page 31 | fully impl. |
| 132 | Women's rights | page 47 | fully impl. |
| 133 | Racial discrimination | page 22 | fully impl. |
| 134 | Indigenous peoples | page 31 | partially impl. |
| 135 | Asylum-seekers - refugees | page 25 | fully impl. |
| 136 | Migrants,Rights of the Child | page 50 | not impl. |
| 137 | Migrants,Right to education,Rights of the Child | page 45 | fully impl. |
| 138 | Enforced disappearances,International instruments | page 37 | not impl. |
| 139 | International instruments,Migrants,Right to health | page 17 | partially impl. |
| 141 | National plan of action,Rights of the Child | page 46 | fully impl. |
| 142 | Disabilities | page 34 | fully impl. |
| 143 | Sexual Orientation and Gender Identity | page 44 | fully impl. |
| 144 | Other | page 22 | fully impl. |
| 145 | Migrants | page 29 | fully impl. |
| 146 | Trafficking | page 39 | fully impl. |
| 147 | Racial discrimination | page 8 | partially impl. |
| 148 | Torture and other CID treatment | page 40 | fully impl. |
| 149 | Racial discrimination | page 8 | not impl. |
| 150 | Women's rights | page 51 | partially impl. |

3. Feedbacks on recommendations

CP Rights

Recommendation n°9: *Continue its cooperation with civil society organizations in the follow-up to this review (Recommended by Austria)*

IRI: *fully implemented*

State of Sweden response:

Sweden regularly consults representatives from civil society organisations on human rights issues, among others. Moreover, consultations with civil society, concerning the implementation of the recommendations Sweden received and accepted as State under review in the UPR, were an important part of the drafting of this mid-term report. Civil society organisations, which had submitted a shadow report to the UN concerning any of Sweden's latest report on any of the UN's central human rights conventions, were sent an invitation to participate. Nevertheless, the meeting was open to all representatives of civil society organization who wished to participate. Information about the consultation was hence also published on the Government's [general website](#), the Government's [specific website for human rights](#) and the [website regarding national minorities](#).

Furthermore, the Ministry for Foreign Affairs has held meetings on human rights issues with civil society organisations on average four times a year over the past few years. About 30–40 organisations have attended these meetings on human rights in Sweden's foreign policy. In addition, organisations that work more specifically within certain areas, such as the rights of the child, the rights of persons with disabilities, and the rights of LGBT persons and persons belonging to national minorities have been consulted separately.

In the process of evaluating the human rights situation in Sweden, civil society organisations have been consulted on several occasions. Representatives of organisations have been given an opportunity to submit comments and proposals in the areas where they see shortcomings and where Sweden has received comments or recommendations from international monitoring bodies. The Government Offices have compiled a memorandum containing the opinions and recommendations that Sweden has received from various monitoring bodies, including the recommendations received from Human Rights Council in the context of the Universal Periodic Review. The compilation has been distributed during consultations, and has been published on the Government's [official website](#).

The Government has further contributed financially to and [taken part in a major conference](#) on human rights that is organised every year by civil society organisations, universities and others. At the conference in 2010 for example, the



Government Offices participated actively in a seminar on the UPR-review of Sweden.
[...]

Recommendation n°2: *Envisage implementing effective measures aimed at sustainably preventing and combating xenophobia and racist manifestations* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°8: *Intensify efforts intended to punish and prevent discrimination based on ethnic grounds in all areas of life, in particular in cases affecting children and women belonging to ethnic minorities, refugees and asylum-seekers and members of migrant families* (Recommended by Argentina)

IRI: *fully implemented*

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Recommendation n°12: *Strengthen efforts and take additional steps, in particular beyond the adoption of legislation, to prevent discrimination on the basis of ethnicity in all aspects of daily life* (Recommended by Austria)

IRI: *partially implemented*

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Recommendation n°29: *Take additional steps to prevent discrimination against immigrant, refugee and minority women* (Recommended by Bosnia & Herzegovina)

IRI: *fully implemented*

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Recommendation n°30: *Take further measures to prevent discrimination on the basis of ethnicity* (Recommended by Bosnia & Herzegovina)

IRI: *fully implemented*

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Recommendation n°68: *Adopt the measures necessary to protect people of different religious beliefs from discrimination* (Recommended by Greece)

IRI: *fully implemented*

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Recommendation n°84: *Undertake a comprehensive set of measures to combat racism and racial discrimination* (Recommended by Iran)

IRI: *fully implemented*

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Recommendation n°109: *Intensify its efforts to further combat all discrimination on the ground of ethnic origin* (Recommended by Norway)

IRI: *fully implemented*

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Recommendation n°147: *Take adequate measures to combat all forms of racial discrimination, racism and xenophobia on the basis of ethnicity* (Recommended by Uzbekistan)

IRI: *partially implemented*

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Recommendation n°149: *Adopt specific legal measures to better protect aliens and racial and ethnic groups against discrimination* (Recommended by Viet Nam)

IRI: *not implemented*

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Recommendation n^o115: *Take concrete and stern actions to ensure equal treatment for all in society, in particular to remove de facto discrimination against and xenophobic attitudes towards migrants, asylum seekers, refugees and other ethnic-religious minorities* (Recommended by *Pakistan*)

IRI: *partially implemented*

Tandem Project (TP) response:

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. US State Dept. 2011 IRFR

State of Sweden response:

The objective of Sweden's efforts to combat discrimination is to create a society free from discrimination. The Swedish discrimination policy is aimed at:

- reducing discrimination and promoting equal rights in society regardless of ethnicity, religion or other belief, etcetera;
- spreading good knowledge of the incidence and extent of discrimination in society and knowledge about the mechanisms behind discrimination;
- making employers aware of the discrimination legislation and acting to prevent discrimination;
- creating conditions for work against racism and related forms of intolerance.

Through the Discrimination Act of 2009 (2008:567), which includes additional grounds of discrimination and more areas of society than previously, as well as through the establishment of the Equality Ombudsman (DO), Sweden created conditions to combat discrimination in society more effectively. Sweden is monitoring the effects of these changes.

The Discrimination Act

Sweden's law against discrimination offers protection against discrimination on the basis of seven grounds, i.e. sex, ethnicity, religion or other belief, disability, sexual orientation, age and transgender identity or expression. The law prohibits discrimination in principally all sectors of society.

In the Swedish law ethnicity refers to "national or ethnic origin, colour or other similar aspect". National origin means that individuals have the same national affinity. Ethnic origin means that people have relatively uniform cultural patterns. The word race is not used in the law because the law assumes that all people belong to the same race: the human race. Instead, the definition uses the words colour "and other similar aspects". This definition includes perceptions that it is possible to divide people into races. If discrimination occurs with reference to a person's "race" or any other derogatory designation referring to persons with a foreign background, it falls within the area of what is meant by "other similar aspects". The discrimination of immigrants is included in the collective term of ethnicity. In the preparatory work to the law, it is stated that discriminatory grounds, such as religion or other belief and ethnicity, are complementary. What may be perceived as cultural or traditional behaviour or expression can therefore generally be assumed to fall under the discriminatory



ground of ethnicity, unless it is deemed to fall within the scope of religion or other beliefs (Bill 2007/08:95 p. 122).

The prohibition of discrimination by law has been given a wide scope of application and covers all persons who are discriminated against on any of the above-mentioned grounds.

Equality Ombudsman

The Equality Ombudsman's (DO) remit is to ensure that the Discrimination Law is followed; to combat discrimination and to promote equal rights and opportunities for all. The DO has the power to investigate complaints of discrimination and to represent persons who have been subjected to discrimination by settlement or, ultimately, in court.

The Authority prevents and combats racism and xenophobia (Bill 2007/08:95 p. 380) through the preparation of independent studies, reports and recommendations, among other things. A study carried out by the DO, on behalf of the Government, shows that ethnicity is the most common basis for discrimination in the housing market. In response to this, there are plans to obtain more knowledge in the area in order to take appropriate measures. In addition, the DO has produced:

- Roads to rights – An inspirational book of local anti-discrimination work;
- Roma rights – report on discrimination, routes to redress, and how the law can contribute to a change of Roma living conditions; and
- Experiences of discrimination – A report prepared in collaboration with the Swedish Institute of Public Research, Sifo, on perceived discrimination.

The DO strives to interact with other key actors who can counteract discrimination and racism, such as Sweden's municipalities and county councils and representatives of civil society, including Sweden's various anti-discrimination agencies. The Authority cooperates with various cities in Sweden that are working with the implementation of an action programme to combat discrimination and racism developed by Unesco ECCAR (European Coalition of Cities Against Racism). The DO has furthermore served as an advisor to ECCAR.

Special measures

In 2011, the Government took comprehensive approach to work against xenophobia and related forms of intolerance. The Government set up an inquiry in order to obtain a comprehensive picture of knowledge on xenophobia and related forms of intolerance, and to identify shortcomings that need to be addressed.

The Government gave the Forum for Living History (FLH) the task of conducting a survey of anti-Semitism and Islamophobia. The FLH recently reported on the issues in a compendium of the knowledge that exists on the existence of anti-Semitic and Islamophobic ideas in Sweden and about the Jewish and Muslim groups' vulnerability and willingness to exercise their rights.

In 2012, the Government further invested SEK 4 million in order to improve safety and reduce the vulnerability of the Jewish minority exposed to anti-Semitic hate crimes and harassment. Of these funds, the Jewish Central Council, after assessing



the needs of security-enhancing efforts, allocates SEK 3.5 million to Jewish congregations, associations, organisations and others who work for the Jewish minority.

The Centre against Racism and the Interest Organisation for Popular Movement of Folk High Schools have been conducting a project called Act – without discriminating. The project is aimed at increasing knowledge of methods to prevent and combat discrimination, as well as to increase knowledge of discrimination in Sweden today.

In addition, government support is given to activities against racism and related forms of intolerance. The aid goes to activities that combat racism, Afrophobia, Islamophobia, anti-Ziganism and anti-Semitism. For the last few years, a number of government agencies have worked with anti-discrimination strategies to combat discrimination, both internally and externally in their operations. [...]

Recommendation n°16: *Take effective legislative, administrative and judicial measures against the propagation of racial and religious hatred in the media and through the Internet* (Recommended by Bangladesh)

IRI: *partially implemented*

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Recommendation n°47: *Criminalize and effectively combat incitement to racial hatred, xenophobia and religious intolerance - including by prohibiting racist and xenophobic organizations and prosecuting perpetrators* (Recommended by Cuba)

IRI: *partially implemented*

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Recommendation n°89: *Pay more attention to the issues of Islamophobia, hatred towards Muslims, and incitement to hatred against Islam and Muslims, including through newspaper articles and caricatures of the Prophet Mohammed published by certain media under the pretext of freedom of expression, which are an affront to many Muslims throughout the world and an affront to their beliefs and are denounced by all international instruments to which Sweden is a party* (Recommended by Libya)

IRI: *partially implemented*

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Recommendation n°91: *Noting the Government's commitment to the promotion and protection of the right to freedom of opinion and expression, continue ensuring that exercise of this right does not impact negatively on other fundamental rights, including the right to privacy and freedom of religion or belief, among others* (Recommended by Malaysia)

IRI: *fully implemented*

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Recommendation n°123: *Adopt comprehensive legislation to combat racism as a crime* (Recommended by Qatar)

IRI: *partially implemented*

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Recommendation n°125: *Prohibit hate speech and prosecute perpetrators of racist crimes* (Recommended by Qatar)

IRI: *fully implemented*

TP response:

If a person believes he or she has been discriminated against for any reason in the private sector, in the government, or by a government agency or authority, he or she can file a complaint with the Discrimination Ombudsman (DO). The DO will then represent the individual in the event of legal proceedings. The DO received 121 complaints related to religion and religious beliefs during the year. US State Dept. 2011 IRFR

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There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, prominent societal leaders took positive steps to promote religious freedom. US State Dept. 2011 IRFR

State of Sweden response:

Sweden accepts the first part of recommendation [n° 89] and the recommendation to prosecute perpetrators, but does not accept the remainder of the recommendation. Sweden has comprehensive legislation in place to address racism. The Penal Code (1962:700) contains two provisions directly concerning contempt or discrimination on the grounds of race, colour or national or ethnic origin; namely those relating to incitement against a national or ethnic group and unlawful discrimination. The Act (1998:112) on Responsibility for Electronic Bulletin Boards also counteracts incitement against a national or ethnic group and could be applied to racist propaganda. The Penal Code provides for aggravated sentencing when the motive for an offence is xenophobic, or otherwise motivated by hatred. This provision is applicable to all categories of crimes. See recommendation [n° 19].

Sweden accepts recommendation [n° 89] to pay more attention to the issues of Islamophobia, hatred towards Muslims and incitement to hatred against Muslims, while underlining that Sweden is already paying continuous attention to these issues. Sweden does not accept the remainder of the recommendation. See recommendation [n° 76].

In a strong democracy, it is essential that human rights and fundamental freedoms are given strong protection. In Sweden, these rights and freedoms are therefore valued very highly. In all legislation, however, it is important that a careful balance is kept between an individual's rights and freedoms and the rights and freedoms of others, so that a proper balance is achieved. Sweden is keen to ensure that a balance is always carefully maintained when new legislation is developed that could cause an infringement of a fundamental right.

Sweden has comprehensive legislation that can be used to punish different manifestations of racism, xenophobia and religious intolerance. The Penal Code contains two provisions directly related to contempt or discrimination of persons on the grounds of their race, colour, national or ethnic origin or belief, namely those included in hate speech (Chapter 16 Section 8) and unlawful discrimination (Chapter 16 Section 9).

**Chapter 16 Section 8 of the Penal Code.**

A person who, in a disseminated statement or communication, threatens or expresses contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin, religious belief or sexual orientation, shall be sentenced for *agitation against a national or ethnic group* to imprisonment for at most two years or, if the crime is minor, to a fine.

If the crime is gross imprisonment for at least six months and at most four years shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether the message had a particularly threatening or offensive content and was disseminated to a large number of people in a way that was intended to arouse considerable attention.

Chapter 16 Section 9 of the Criminal Code, first paragraph

A businessman who in the conduct of his business discriminates against a person on grounds of that person's race, colour, national or ethnic origin or religious belief by not dealing with that person under the terms and conditions normally applied by the businessman in the course of his business with other persons, shall be sentenced for *unlawful discrimination* to a fine or imprisonment for at most one year.

What is provided in the first paragraph regarding a businessman shall also apply to a person who is employed in a business. Similarly, organisers of public meetings or public events may be sentenced for unlawful discrimination.

A provision corresponding to the Criminal Code's provision on agitation against a national or ethnic group (hate speech) is found in Chapter 7 Section 4 of the Freedom of the Press Act, which specifically governs statements in printed publications, including newspapers and books. In the Fundamental Law on Freedom of Expression there is a reference to sanctions through the Freedom of the Press Act, by which hate speech is also punishable regarding the content of media covered by the Fundamental Law on Freedom of Expression, including television, radio and certain websites on the Internet. The Chancellor of Justice is the only prosecutor with respect to crimes related to the press and freedom of expression. With regard to press and freedom of expression, in 2011, the Chancellor of Justice launched investigations on suspicion of incitement to racial hatred in three cases. One case led to prosecution, one preliminary investigation was closed and one is ongoing.

For those parts of the Internet that are not covered by freedom of expression, the Act (1998:112) on Responsibility for Electronic Bulletin Boards also counters hate speech. According to the law, the provider of a so-called electronic bulletin board is required to delete a message from the service, or otherwise prevent the further spread of the message, if the content of the message is obviously such that is referred to in the provision on hate speech in the Penal Code. Failure to do so, in intentional and grossly negligent cases, may be punishable by a fine or imprisonment for at most two years. In addition, the provision on leading youths astray in Chapter 16 Section 12 of the Criminal Code counters the dissemination of racist propaganda.



Furthermore, according to Chapter 29 Section 2 paragraph 7 of the Criminal Code, when assessing the penal value of a crime it shall be considered to be an aggravating circumstance if a motive for the crime was to aggrieve a person, an ethnic group or some other such group of persons on grounds of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. This provision is applicable to all types of crimes.

Individuals can lodge a complaint with the Press Ombudsman (PO) against newspaper items they regard as a violation of good journalistic practice. The Swedish Press Council (PON), founded in 1916, is the PO's superior authority. It is the PON that finally determines whether a newspaper is convicted or acquitted for a publication. PO and PON are part of a self-disciplinary ethical system of the Swedish press that strives to uphold good journalistic practise, as defined in the Code of Ethics for Press, Radio and Television. The Code has been drawn up by four of Sweden's independent press organisations. [...]

ESC Rights

Recommendation n°21: *Carry out national campaigns against all forms of discrimination, publish its new law against discrimination and ensure its implementation* (Recommended by *Bolivia*)

IRI: *fully implemented*

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Recommendation n°62: *Widely distribute information on available domestic remedies against acts of racial discrimination and the legal means available for obtaining compensation in the event of discrimination* (Recommended by *Egypt*)

IRI: *partially implemented*

State of Sweden response:

The task of the Equality Ombudsman (DO) includes spreading knowledge and information about the law against discrimination and the work for equal rights and opportunities to organisations in the private and public sectors, as well as to individuals. The DO offers advice and support on the development of methods to prevent and combat discrimination to employers, colleges, schools and so on. The Government has earmarked specific funds to the agency for information and training with regard to the new anti-discrimination law and agency. To spread information about the new anti-discrimination law, the DO has distributed information material and placed advertisements in industrial magazines and in certain voluntary organisations' magazines. The agency has developed its website and started translating information on the website into several different languages. The DO has also participated in several conferences and has arranged courses in schools about the work against discrimination, and produced courses in anti-discrimination legislation for key actors. Active measures are taken to prevent discrimination in schools and workplaces, i.e. manuals and audit methods have been developed to facilitate for training providers and employers to fulfil their obligations in the area.



In the budget proposal for 2012, a three-year investment in awareness-raising activities for children and young people about xenophobia and related forms of intolerance has been announced for 2012–2014. Sweden intends to initiate specific awareness-raising activities on anti-Semitism and Islamophobia for children and young people. SEK 4.5 million has been allocated for these actions, i.e. SEK 1.5 million per year.

Moreover, NGOs have been given funds to disseminate information on the anti-discrimination law. Last year, 2011, government grants were given to local activities against discrimination, so-called anti-discrimination agencies. These activities were based on local underpinning with commitments from volunteer workers. Furthermore, through the right to speak for individual organisations that was introduced through the anti-discrimination law has been used by two anti-discrimination agencies.

The Government's [website for human rights](#) promotes the dissemination of knowledge and information on human rights. The website was created as to provide information to those who need it in their work and to the public, in accordance with Sweden's international commitments. The website supplies information on conventions ratified by Sweden, national reports, comments and recommendations of monitoring bodies, civil society shadow report, information on the Government's obligations towards the individual, the rights of the individual as well as summaries of the European Court's judgements against Sweden. Moreover, there is information on where people may turn if they consider their human rights to have been violated. The website further describes the Government's work on human rights in various areas, such as work against discrimination and the rights of persons belonging to national minorities.

The website has an average of 50.000 individual hits per month. The website's main language is Swedish. For increased accessibility, there is also basic information in English, some information in national minority languages and in sign language. The website was re-launched in June 2012, after a year's work to improve and update it. The website continues to be updated regularly. [...]

Recommendation n°32: *Collect and generate disaggregated data on actual manifestations of racism and discrimination* (Recommended by *Brazil*)

IRI: fully implemented

State of Sweden response:

Hate crimes constitute an attack on human rights and are contrary to the fundamental values of society; that all human beings have equal value. Sweden has allocated large resources to identify the incidence of hate crimes. Swedish hate crime statistics are published annually on commission by the Government.³ These statistics are mainly based on reported crimes. The statistics are the result of automated reviews of reported crimes in combination with manual audits of reports. The statistics include reported hate crimes based on whether the offender's motives were the victim's ethnic background, religious belief, sexual orientation or transgender identity or expression. The statistics continues to be developed. In recent years, for example, reports have been made more detailed on a geographical



level. In addition, more information has emerged as a result of a so-called hate crime marking the Police use in crime reports. Furthermore, for some years now results have also been included in hate crime statistics from the Swedish National Crime Survey, which enables statistics to be reported on for example the victim's gender and age. Moreover, a comprehensive and recurrent Swedish survey on youth crime now contains questions about hate crimes and there are plans to investigate the vulnerability of politicians. The results of these will be presented in the hate crime statistics for 2013.

Islamophobic hate crimes are reported separately in Sweden's hate crime statistics. In these statistics, Islamophobic hate crimes are defined as crime due to fear, hostility or hatred towards Islam and Muslims, triggering a reaction against Islam, Muslim property, its institutions or the person or persons who are, or are perceived to be, Muslim or a representative of Muslims.

Recommendation n°56: Create greater awareness on the part of law enforcement personnel, and launch efforts in the field of education and training on tolerance and cultural diversity (Recommended by Egypt)

IRI: *fully implemented*

State of Sweden response:

Basic training for prosecutors, which is compulsory for all new prosecutors, contains a module with twelve lectures on human rights. Prosecuting hate crimes is included in the curriculum. Police personnel are trained in issues relating to tolerance and non-discrimination, as part of their basic training. Further education for police officers includes education on human rights and cultural awareness. In addition, the Regional Police Authorities are responsible to develop their internal skills. A number of police authorities, including Stockholm, have made efforts to increase knowledge and skills regarding non-discrimination and tolerance. Efforts are also being made to increase the ethnic diversity within the Police Force in general.

Recommendation n°17: Adopt a legislative framework for ensuring the right of all migrant children to the best possible medical services and adequate housing, and fully implement those rights (Recommended by Belarus)

IRI: *partially implemented*

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Recommendation n°94: Guarantee in equal fashion for both its national citizens and foreigners residing in Sweden the highest level of health possible, without any form of discrimination, pursuant to its international obligations, particularly those set out in ICESCR (Recommended by Mexico)

IRI: *partially implemented*

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Recommendation n°66: Improve the services, especially social services, provided to asylum-seekers - stress the importance of providing asylum-seekers deprived of means of subsistence with health insurance comparable to that afforded to nationals (Recommended by France)

IRI: *fully implemented*

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Recommendation n°139: *Ensure that those who find themselves in an irregular situation have legally recognized access to medical services and assistance, as provided in article 12 of the International Covenant on Economic, Social and Cultural Rights (Recommended by Spain)*

IRI: *partially implemented*

State of Sweden response:

The Swedish Migration Board, under the Act (1994:137) on the reception of asylum seekers and others, has the main responsibility for the reception of asylum seekers. All adult asylum seekers are offered an introduction, which provides information on the asylum process, on how the Swedish labour market works, on the Act on reception of asylum seekers, on health, dental and medical care, on housing and residence as well as on community issues. In 2011, a reform was carried out; leading to the standardisation of both the contents and the time-frame for this introduction.

The Health and Medical Services Act (1982:763) regulates residence in a county council area. Those residing within the county council area shall, in accordance with the provisions of the Population Registration Act (1991:481), be offered complete care. Residents pay a charge for their health care. For in-patient and out-patient care and medicines there is a high-cost ceiling, which means that the patient no longer needs to pay for medicine above a certain cost level. Costs over the maximum amount are financed through subsidies.

Asylum seekers that are 18 years of age and above shall be offered health and dental care that cannot be deferred, maternity care, abortion care and contraceptive advice. Care that cannot be deferred means care offered in addition to the immediate care pursuant to the Health and Medical Services Act and the Dental Care Act (1985:125), if it is deemed that such care is required to prevent serious illness. Asylum-seeking children are offered the same health care and dental care as children resident in Sweden. This is regulated in the Act (2008:344) on Health and Medical Care for Asylum Seekers and Others. The same applies to children who avoid enforcement of a decision on refusal-of-entry or expulsion. For children residing in the country without applying for a permit, there is no statutory obligation on a county council to provide care under the same conditions as for persons resident in Sweden. County councils are, however, obliged to provide immediate health care to all residents of the county council, i.e. including persons who are staying in Sweden without a permit. County councils are not obliged to provide care free of charge or to a subsidized cost, but they may not deny a patient immediate care due to an inability to pay.

The issue of offering subsidised health and medical care for asylum seekers, persons in hiding to avoid enforcement of decisions on refusal-of-entry or expulsion orders and undocumented persons who stay in Sweden without having applied for necessary permits, has been subject of a review. The inquiry on care for undocumented persons in hiding and others submitted its final report to the Government on 31 May 2011 (Care according to need and on equal conditions – a human right, SOU 2011:48). Subsequently, the Government and the Swedish Green Party have concluded a framework agreement on asylum and migration policy that persons who avoid the enforcement of a decision on refusal-of-entry or expulsion



order and persons staying in the country without having applied for permits will be legally entitled to subsidised care corresponding to the care to which asylum-seekers currently have access (see above). Measures to implement the agreement are currently being prepared within the Government Offices. The new rules will take effect on the 1 July 2013. [...]

Recommendation n°118: *Enhance its cooperation programmes and its assistance to developing countries* (Recommended by *Philippines*)

IRI: -

State of Sweden response:

Sweden's policy for democratic development and human rights in Swedish development cooperation 2010–2014 gives priority to three areas: 1) civil and political rights, 2) the institutions and procedures of democracy and the rule of law, and 3) actors for democratisation. The Policy specifies that a rights-based approach and the perspective of the poor on development shall be applied throughout the development cooperation. The Government has also decided on a new strategy for special initiatives for democratisation and freedom of expression for 2012–2014. The Strategy aims at strengthening actors for change, mainly individuals and actors in civil society promoting democracy and freedom of expression. The activities contribute to reducing various forms of deprivation and oppression. The Strategy complements and strengthens other efforts for democratic development and human rights in Sweden.

Sweden exceeds by far the UN target (0.7 per cent of GNI) since Swedish aid amounts to one per cent of its gross national income. Sweden channels about half of the total assistance through multilateral organisations such as the UN, the EU, the World Bank, regional development banks and global funds. This part of the Swedish aid amounts to just over SEK 17 billion per year.

Recommendation n°119: *Strengthen human rights education programmes at the national and local levels aimed at eradicating racism and xenophobia* (Recommended by *Philippines*)

IRI: *fully implemented*

State of Sweden response:

The new School Act (2010:800) entered into force on 1 July 2011. The Act emphasises that respect for human rights shall provide the normative basis for all activities covered by the law. The law stipulates that education in schools “shall convey and underpin the respect for human rights and the fundamental democratic values on which Swedish society is based” (Section 6). It further specifies that education shall “be designed in accordance with fundamental democratic values and human rights” (Section 5), and that everyone involved in education “shall promote human rights and actively discourage all forms of discrimination” (Section 5). Issues relating to human rights shall be clearly included in the national curricula and syllabuses of schools.

In autumn 2011, the Government Offices organised a course on human rights for Sweden's local and regional municipalities. Furthermore, in 2011, the Forum for Living History (FLH), on commission from the Government, developed a learning



material called Assignment: Democracy for grade 9 and upper high school. The package includes twenty-two internet based workshops with three themes: democracy, tolerance and human rights. The FLH is also disseminating the learning material to teachers, decision-makers and educators throughout the country via continuing professional development for teachers and at conferences. In addition, in 2011, FLH opened an exhibition called P.C. (abbreviation for politically correct) with a workshop for upper secondary school pupils, in which the meaning of tolerance/intolerance is examined. The exhibition continues throughout 2012 and is based on a FLH survey of upper secondary school students' attitudes towards vulnerable groups in Sweden (report series 1:2010). In 2010, in collaboration with the Museum of Ethnography and the Swedish Exhibition Agency, FLH created an exhibition with the name Human, discussing questions of categorisation in the modern world and the importance of respecting everyone's equal value and equal rights. The exhibition has been on tour around the country in 2011 and 2012. The exhibition includes a workshop for schools and teaching materials. The workshop was given the award Best educational project 2010 by the Association for Educational Development in Swedish Museums.

Recommendation n°31: *Continue to implement its effective measures to prevent discrimination against women and to combat violence against them* (Recommended by Botswana)

IRI: *fully implemented*

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Recommendation n°41: *Intensify measures to avoid discrimination against women and to combat violence against them* (Recommended by Chile)

IRI: *fully implemented*

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Recommendation n°43: *Continue the full implementation of its plan of action to combat violence perpetrated by men against women, violence and oppression in the name of honour, and violence in relations between people of the same sex* (Recommended by Colombia)

IRI: *fully implemented*

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Recommendation n°70: *Consider increasing the financial resources allocated to programmes combating violence against women* (Recommended by Greece)

IRI: *fully implemented*

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Recommendation n°82: *Intensify its efforts to eliminate violence against women and to develop a national plan of action* (Recommended by Iran)

IRI: *partially implemented*

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Recommendation n°90: *Continue addressing the issue of violence against women* (Recommended by Malaysia)

IRI: *fully implemented*

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Recommendation n°98: *Intensify its efforts to eliminate violence against women, in line with recommendations by the Human Rights Committee, the Committee on the*

Elimination of Discrimination against Women, CRC and the Special Rapporteur on violence against women (Recommended by Netherlands)

IRI: -

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Recommendation n°120: Develop awareness-raising campaigns aimed at changing attitudes and behaviours related to domestic violence (Recommended by Portugal)

IRI: *fully implemented*

State of Sweden response:

During this parliamentary term, Sweden follows up the large efforts made in 2006–2010 within the framework of the three previous action plans to combat men's violence against women, violence and oppression, and violence in same-sex relationships, to combat prostitution and human trafficking for sexual purposes and to prevent young people from being forced into marriage. Sweden's ambition in the area remains high.

As previously, these efforts are implemented by the authorities responsible. It is thus the authorities' task to give improved help and support to particularly vulnerable groups of women subjected to violence, such as those with a foreign background and victims of honour-related crimes.

The goal is to integrate new working methods and approaches into ordinary activities. An important part of the continued efforts is the monitoring and evaluation of ongoing development work as well as of authorities' activities supporting and protecting those women and children who witness violence. Another major part is further education initiatives and development of working methods to enhance knowledge and research on the issue.

Six areas have been identified as particularly important to give structure to the work carried out within the framework of the current action plan. These are:

- national mobilisation and coordination;
- measures against sexual violence;
- strengthened preventive work as well as protection of and support to those women and children who witness violence;
- prevention and combat of honour-related violence and oppression, including forced marriages;
- preventive measures targeting men; and
- measures to combat prostitution and trafficking for sexual purposes.

Measures adopted within these areas in 2011–2014 include the following:

- A national coordinator has been appointed for 2012–2014. The coordinator is responsible for bringing together stakeholders working to counteract violence in close relationships. The coordinator's mission includes gathering and supporting relevant authorities, municipalities, county councils and organisations in order to increase efficiency, quality and sustainability in the work against violence in close relationships. The coordinator further considers how support and protection of victims can be developed.



- During the period 2011–2013, the National Police Board is implementing an information campaign on crimes in close relationships, including honour-related violence and oppression. The information campaign is one of the measures that give structure to the work carried out within the framework of the action plan to combat men's violence against women, honour-related violence, oppression and violence in same-sex relationships. The campaign is followed up with relevant measures to ensure that vulnerable women who seek contact are given adequate support and help. Relevant institutions should also have the competence to deal with these cases.
- The Swedish National Board of Health and Welfare has been asked to develop methods and guidance for people who are violent towards their close family.
- The Government has granted funds to Karolinska University Hospital during the period 2011–2014 to develop the Centre for Andrology and Sexual Medicine (CASM) that receives people who exercise or are at risk of exercising sexual violence. The assignment includes the development of a national phone line for sex offenders.
- The Crime Victim Compensation and Support Authority has been instructed to distribute SEK 42 million in funds to research, to the development of methods and to other similar efforts with a view to increase knowledge on men's violence against women, including sexual violence and sexual abuse.
- The Swedish National Board of Health and Welfare has a long-term commission to continue to stimulate the development of the Social Services' activities in support of women subjected to violence and children who witness violence. The commission states that the Swedish National Board of Health and Welfare should ensure that the Social Services are long-lasting, strategic, and evidence-based. The Board shall also improve quality and competence in the field.
- The National Centre for Knowledge on Men's Violence Against Women (NCK) at Uppsala University has a commission to spread information and knowledge on men's violence against women, honour-related violence, oppression and violence in same-sex relationships. The information is aimed at authorities, organisations and the public. The NCK has been commissioned to develop a national help-line, the abused women's help-line, and to reach out to more people who have been subjected to threats, violence, and/or sexual abuse.
- Every year, the Swedish National Board of Health and Welfare allocates special development funds to support municipalities and voluntary organisations to improve the quality of their work with abused women, children who have witnessed violence and perpetrators of violence. Moreover, this year the Board has been charged with the task of creating a national and regional knowledge and methodology support unit together with the County Administrative Boards.

In addition, legislative changes have been implemented and inquiries started, such as the following:

- The Government has set up an inquiry to identify and analyse the occurrence and extent of violence, threats and violations that may affect foreign women who have been granted a residence permit on the grounds of an association with a man residing in Sweden. The inquiry includes identifying the need of the support municipalities, county councils and central administration currently offers to



abused women. In June 2012, the inquiry submitted its final report (Women and children in the borderland of the law, SOU 2012:45).

- In October 2011, changes came into force regarding the rules on restraining orders, which aim to improve the situation for people who in different ways have been subjected to, or are likely to be subjected to, violence, threats or harassment, often repeatedly – i.e. stalking. A new crime has been introduced, unlawful persecution, to reinforce penal sanctions against harassment and stalking.
- In order to better implement the ban on forced marriages and child marriages, the Government tasked a special investigator in 2010 to propose measures and possible changes to the statutes concerning forced marriage and child marriages. In May 2012, the final report Reinforced protection against forced marriages and child marriages (SOU 2012:35) was presented. A number of measures, based on proposals presented in the report, are currently being considered by the Government Offices.
- The Government has adopted new legislation on investigations relating to women and men who have died as a result of crimes by family members or previous family members. The purpose is to provide a basis for proposals for measures designed to prevent women and men from being exposed to violence or other abuse by family members or previous family members. The law entered into force on 1 January 2012.

[...]

Recommendation n°58: *Ensure that relevant criminal law provisions and policy directives are effectively implemented* (Recommended by Egypt)

IRI: *fully implemented*

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Recommendation n°60: *Intensify efforts to prevent, combat and prosecute hate speech violating article 20 of ICCPR* (Recommended by Egypt)

IRI: *fully implemented*

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Recommendation n°124: *Increase efforts to ensure the implementation of legislation prohibiting racist crimes in practice* (Recommended by Qatar)

IRI: *fully implemented*

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Recommendation n°133: *Adopt further special measures to prevent, combat and punish hate crimes as well as xenophobia and racism* (Recommended by South Africa)

IRI: *fully implemented*

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Recommendation n°144: *Continue its efforts to vigorously prevent, combat and prosecute violent hate crimes* (Recommended by United States)

IRI: *fully implemented*

State of Sweden response:

Sweden takes crimes motivated by racial, religious or homophobic hatred seriously. It is a criminal offence, regardless of whether it takes place in the media, on the Internet or in any other forum, to express disrespect towards an ethnic group on the grounds of, inter alia, race or religious belief. In Sweden, developments of this type of



crime nationally, as well as the judiciary's work against hate crime, is closely monitored in order to assess the need for further crime preventive and law enforcing measures.

There are several reasons for the relatively low proportion of prosecutions compared to the number of reported hate crimes. With regard to hate speech (agitation against a national or ethnic group), it appears that many of these offences relate to graffiti or other messages which can rarely be linked to a perpetrator. Some hate crimes are also committed together with other crimes, such as violent crimes. Therefore, hate crimes are difficult to identify, since there are often multiple motives for a crime. An established practice in Sweden to overcome these difficulties is the practice of the Police of looking for hate motives of a crime when first-hand measures are taken and when filing a crime suspicion. The Prosecution Authority has continued to give priority to the aim of combating hate crime. One example is a project in progress at the Prosecution Authority's unit, the Development Centre of Malmö (UC Malmö). The project aims at creating better conditions and bases for further monitoring and review of the handling of hate crimes by the police and prosecutor. Representatives from UC Malmö have participated in a project in the Organisation for Security and Cooperation in Europe (OSCE), with the aim of developing new guidelines for prosecutors regarding hate crimes, which are to be published later this year.

Moreover, the Police have given priority to hate crime in recent years. Among other things, the National Police Board has initiated a project aimed at increasing knowledge of and improving working methods of detecting violence-oriented radicalisation. The Police in Stockholm, Västra Götaland and Skåne County have created special so-called dialogue police officers as a link between police management and those who arrange different modes of expression, mostly demonstrations. The purpose of the dialogue police officers is to prevent misunderstandings in these situations, when people are expressing their opinions.

Furthermore, the Police in Stockholm County are coordinating work against hate crimes through a Hate Crime Centre. The Centre educates professionals in the treatment of victims and provides assistance in investigations of hate crime reports in order to increase the number of prosecutions for hate crimes. The Hate Crime Centre interacts with various organisations, associations, researchers and government agencies.

To combat hate crime, the Police in Skåne has focused on internal training during the period 2009–2011. Among other efforts, training in hate crimes has been conducted in the police area of Malmö. Anti-Semitic hate crimes have been observed, and there are more anti-Semitic hate crimes in Skåne than in Sweden in general. Anti-Semitic hate crimes declined from 27 per cent of all hate crimes in 2009 to 10 per cent of all hate crimes in 2010. In 2011, anti-Semitic hate crimes increased again. The Police in Skåne are working actively on the issue of hate crime and have regular dialogues with the Jewish community, among others.

The Security Police is responsible for preventing crimes against national security and terrorism, including certain types of hate crimes. The Security Police are working to



uncover, combat and prevent such activities that through violence or threats are intended to change the democratic system of government or to influence political decisions, the implementation of such decisions or free public debate. The Government submitted an updated national strategy against terrorism to the Swedish Parliament, the Riksdag, which was adopted on 9 February 2012. The work that the Security Police are carrying out in order to prevent violence-oriented extremism is described in the Government's official communication Responsibility and commitment – a national strategy against terrorism (2011/12:73).

Tasks have also been delegated to authorities outside the judicial system, such as to publish reports and study materials. For example, in May 2011, the National Council for Crime Prevention presented a survey and analysis of the authorities' efforts regarding hate crimes in the years 2003–2010.

In November 2011, the Minister for Integration decided on a contribution of SEK 150.000 to the Uppsala Discrimination Agency to strengthen the Agency's work on a project to prevent and combat cyber-hatred. The measures are intended to prevent or counteract xenophobia of spreading via the Internet. Furthermore, as a part of the Government's work against xenophobia, the Minister for Integration has launched a new website on the Government's official website as a way to respond to some of the most common myths about immigrants and minorities by providing facts. [...]

Recommendation n°116: Continue its efforts to ensure full respect for human rights and further pursue the implementation of the national action plan in that direction, taking into account as a matter of priority the importance of respecting the freedoms of religion and belief (Recommended by Palestine)

IRI: -

State of Sweden response:

Freedom of religion or belief is an absolute right in Swedish fundamental law (Chapter 2 Section 1 paragraph 1.6 in the Instrument of Government) and is protected by the European Convention of Human Rights that applies as Swedish law. Discrimination on the grounds of religion or belief is prohibited under the Discrimination Act (2008:567). Discrimination on the grounds of religion or religious belief is punishable as unlawful discrimination under certain conditions (Chapter 16 Section 9 of the Penal Code, 1962:700). According to Swedish criminal law, any person who, in a disseminated statement or communication, threatens or expresses contempt for a national, ethnic or other such group of persons with allusions to inter alia religious belief shall be sentenced for agitation against a national or ethnic group (Chapter 16 Section 8 of the Penal Code). To interfere with a public religious service or other public devotional service, for example, is punishable as disturbing a function or public meeting (Chapter 16 Section 4 of the Penal Code). In addition, the Government regularly holds a dialogue with representatives of religious communities through the Government Council for Contacts with Religious Communities, among other channels. [...]

Indigenous & Minorities

Recommendation n°1: *Authorize the detention of asylum seekers only in exceptional situations, and limit its duration* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°135: *Review the law and practice related to the lengthy detention of asylum-seekers* (Recommended by South Africa)

IRI: *fully implemented*

State of Sweden response:

Asylum-seekers and aliens staying in Sweden without a permit may only be detained under certain conditions laid down in the Swedish Aliens Act (2005:716). Detainees shall have access to public counsel and adequate information. They further have the right to contact, i.e. the possibility of contacting their embassy for consular assistance etcetera. The Aliens Act specifies that aliens' freedom shall not be restricted more than necessary in each individual case. A decision on detention shall be served only if other less restrictive measures, such as a decision on supervision, are not sufficient in the case at hand. An alien who is subject to a final decision on refusal-of-entry or expulsion and who is detained prior to the enforcement of this decision may not be detained for more than two months unless there are exceptional reasons for doing so. Amendments to the Aliens Act regarding detention entered into force on 1 May 2012, including a maximum limit of 12 months for so-called enforcement detention. The amendments were implemented in line with the EU return directive (European Parliament and Council Directive 2008/115/EC of 16 December 2008 on common standards and procedures for returning third-country nationals staying illegally in the Member States).

Recommendation n°7: *Give precedence to the principle of non-refoulement when considering the situation of refugees or asylum-seekers who allege that their lives, liberty or personal integrity may be at risk in their countries of origin* (Recommended by Argentina)

IRI: *fully implemented*

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Recommendation n°52: *Ensure that its national legislation and practice effectively protect the principle of non-refoulement* (Recommended by Czech Republic)

IRI: *fully implemented*

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Recommendation n°101: *Use diplomatic assurances in a manner consistent with the UNHCR Note on Diplomatic Assurance and International Refugee Protection dated August 2006* (Recommended by New Zealand)

IRI: -

State of Sweden response:

The principle of non-refoulement has long been a part of Swedish law. It is expressed in the Swedish Aliens Act (2005:716), mainly in two ways: through the provisions on the right to asylum (Chapter 5) and through the provisions on impediments to enforcement of refusal-of-entry and expulsion orders (Chapter 12). In Sweden,



refugees (and persons otherwise in need of protection) are entitled to a residence permit.

A refugee may be refused a residence permit if he or she, through a particularly serious crime, has shown that it would entail serious danger to public order and security to allow him or her to stay in Sweden, or has engaged in activities which endanger national security and there is reason to believe that he or she would continue such activities here. A refusal-of-entry or an expulsion of an alien may never be enforced to a country where the alien risks being subjected to persecution or if the alien is not protected in that country from being sent to another country where the alien would be at such risk. This protection goes beyond the 1951 Convention relating to the status of refugees (Geneva Convention), since not only refugees, but all aliens are covered by it.

Protection against enforcement of refusal-of-entry and expulsion orders does not apply if it is not possible to enforce the refusal-of-entry or expulsion to another country and the alien, through a particularly serious crime, has shown that it would entail serious danger to public order and security to allow the alien to stay in Sweden. However, this does not apply if the threatening persecution in the other country involves a danger to the alien's life or is otherwise of a particularly difficult nature. Nor does protection against enforcement of refusal-of-entry and expulsion orders apply if the alien has engaged in activities which endanger national security, and there is reason to believe that the alien would continue such activities in this country and it is not possible to send the alien to any other country. Note, however, that there is an absolute impediment to the enforcement of a refusal-of-entry or expulsion order for an alien to a country where there are reasonable grounds to believe that the alien would be in danger of being punished by death or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, or is not protected in that country against being sent to a country where he or she would be in such danger.

In cases where a decision has been made on refusal-of-entry or expulsion, the alien has the right to have his case tried in court. The court makes an individual assessment on the basis of the framework specified in legislation and thereby ensures a process in compliance with the rule of law. If, in a case concerning the enforcement of a decision on refusal-of-entry or expulsion that has gained legal force, new circumstances are presented, which mean that there are such impediments to enforcement as mentioned above, the Migration Board may grant a permanent or temporary residence permit, depending on whether the impediment is permanent or temporary (Chapter 12 Section 18 of the Aliens Act). The Government has, in its annual appropriation directive for 2012, indicated that the Migration Board shall specifically report on how it becomes aware of a case where an assessment of impediments to enforcement under Chapter 12 Section 18 of the Aliens Act is to be made, and how the Authority ensures the uniform application of this provision.

By the amendments, which entered into force on 1 January 2010, security issues under the Aliens Act are examined in essentially the same manner as other cases under the same law. Decisions in such cases are thus now appealed against to a



court, not to the Government. In cases relating to expulsion under the Act (1991:572), concerning special controls in respect of aliens, the Government is still the highest instance. Before such a case is handed to the Government, however, a court always states its own opinion on matters including the issue of impediments to the decision being enforced. If the court considers that there are absolute impediments to enforcement, the Government may not deviate from the court's assessment. In light of the above, the possibility of using diplomatic assurances in the area of migration is now very limited. In general, diplomatic assurances should only be considered in exceptional cases and under a procedure that provides adequate security.

Recommendation n°10: *Develop measures in order to ensure that affected Sami communities can take part and participate actively in consultations held between federal government and municipalities on issues related to land rights, water and resources* (Recommended by Austria)

IRI: *fully implemented*

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Recommendation n°11: *Initiate further studies on methods by which Sami land and resource rights could be established, taking into account the culture of the Sami community* (Recommended by Austria)

IRI: *fully implemented*

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Recommendation n°36: *Continue to develop and institute effective mechanisms for improved dialogue and consultation with the Sami people in all areas of Government policy that affect them and in the development of legislation* (Recommended by Canada)

IRI: *fully implemented*

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Recommendation n°69: *Amend the Swedish Constitution so as to give explicit recognition to the Sami people* (Recommended by Greece)

IRI: *fully implemented*

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Recommendation n°80: *Implement effectively the United Nations Declaration on the Rights of Indigenous Peoples, and establish mechanisms for its full implementation in full cooperation with the Sami people* (Recommended by Iran)

IRI: *not implemented*

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Recommendation n°107: *Complete the work on clarifying the legal consequences of the ratification of ILO Convention No. 169 as a matter of priority* (Recommended by Norway)

IRI: *not implemented*

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Recommendation n°108: *Consider ratifying ILO Convention No. 169 as a matter of priority* (Recommended by Norway)

IRI: *not implemented*

State of Sweden response:

On 1 January 2011, changes to one of Sweden's constitutional laws, the Instrument of Government, entered into force. The Instrument of Government now stipulates that



the Government shall encourage opportunities for the Sami people and for Sweden's other ethnic, linguistic and religious minorities to preserve and develop their own culture and community life. This provision was previously optional; the provision indicated that these opportunities should be promoted. The change also means that, unlike in the past, it is now clear from the constitution that the Sami have a special status as indigenous people in the country.

Sweden voted in favour of the UN Declaration on the Rights of Indigenous Peoples with an explanation of vote. The Swedish Sami policy is in line with the spirit of the Declaration. Among other things, Sweden is working actively, alongside Norway and Finland, to negotiate a Nordic Sami Convention. This work is a priority for Sweden. National negotiation delegations have been designated and members appointed. The Swedish negotiating delegation consists of five members, of whom two are Sami representatives, appointed by the Sami Parliament. The other three are representatives of the Government Offices, one of whom also leads the delegation. The delegation's expenses are borne by the Government Offices. Negotiations are expected to last for five years.

The national minorities in Sweden are Sami, who are also recognized as an indigenous people, Jews, Tornedalers, Sweden-Finns and Roma. The national minority languages are Sami, Yiddish, Meänkieli, Finnish and Romany chib. The objective of the Swedish minority policy is to provide protection for persons belonging to national minorities, and to strengthen their opportunities to influence and support the historical minority languages as to keep them alive. The protection of national minorities' right to influence is stipulated in the Council of Europe's conventions on national minorities – i.e. the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages – both of which Sweden has ratified, as well as in the Swedish Act (2009:724) on National Minorities and National Minority Languages.

Influence and empowerment increases knowledge about minority rights among the national minorities themselves so that they can assert their rights. At the same time, persons belonging to national minorities should be given the opportunity to influence at central, and in particular at local levels in society. The Act on National Minorities and National Minority languages means that the administering authorities shall as far as possible consult with representatives of minorities in all matters that concern them. At the local level, this often involves discussions on, for example, matters relating to education, elderly care and childcare. Consultation is an arena where the national minorities' special requirements can be discussed. This provides an opportunity to assess in what ways these needs can and should be met. The Sami Parliament and the County Administrative Board of Stockholm have a responsibility to monitor and evaluate the application of the law and implement supportive and awareness-raising activities in the work to implement the legislation.

In addition, the Sami villages can influence through various consultation processes, which are held in accordance with current legislation such as the Reindeer Husbandry Act (1971:437), the Planning and Construction Act (1987:10) and the Environmental Code (1998:808). Sami villages concerned, in their capacity as



owners, are also consulted before decisions are taken. At the regional level, there are reindeer husbandry delegations where issues relating to land concessions and other fundamental decisions concerning Sami use of land are brought up. There are Sami representatives in these delegations.

In the last ten years, several Government inquiries have been concluded on issues relating to the Sami, e.g. the reports of the Boundary Inquiry, the Inquiry of Sami Hunting and Fishing Rights, the Reindeer Breeding Inquiry and the Inquiry on Swedish ratification of ILO 169. In addition, the Ministry for Agriculture (now called the Ministry for Rural Affairs) has made a publication in the Ministry publication series (Ds 2009:40) concerning certain Sami political issues. The publication has been referred for consideration to the relevant bodies in Sweden. Sweden intended to address the inquiries in a bill on Sami policy. The Bill would also deal with the introduction of a consultation process on issues that are of interest to the Sami. The consultation process aimed at strengthening Sami influence in matters relating to them. The Bill was scheduled to be handed over to the Swedish parliament, the Riksdag, in the spring of 2010, but after the Sami Parliament among others stated that it had comments on the content, Sweden choose to await these. The processing time has thus taken longer than planned. [...]

Recommendation n^o13: *Address the specific needs of minorities and migrants, particularly women and children* (Recommended by Bangladesh)

IRI: *partially implemented*

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Recommendation n^o46: *Move forward in the implementation of its law known as from recognition to empowerment: a government strategy for minorities, with the aim of promoting and protecting the rights of national minorities* (Recommended by Colombia)

IRI: *fully implemented*

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Recommendation n^o145: *Devote more efforts to reduce social exclusion and better integrate its growing immigrant population into all aspects of society* (Recommended by United States)

IRI: *fully implemented*

State of Sweden response:

From 1 January 2010, the County Administrative Board of Stockholm County and the Sami Parliament have had a special responsibility to monitor compliance with the Act (2009:724) on National Minorities and National Minority Languages as part of the work for the Government's strategy for national minorities (From Recognition to Empowerment, Bill 2008/09:158). These authorities shall annually submit a report to the Government on the local and national authorities' implementation of the law and spread knowledge about national minorities and their rights. Since 2010, many municipalities have applied for and have been granted permission by the Government to be included in the administration area of Finnish, Sami or Meänkieli, which suggests that the implementation of the Minority policy strategy is clearly moving in a positive direction. For persons belonging to the national minorities, this development means a strengthening of their work to preserve their language and



culture. The progress is noticed in e.g. the increased interest in consultation groups at the local level.

Sweden sees the effective functioning of the labour market as the single most important factor to reduce social exclusion. On 1 December 2010, a new reform came into force, which aimed at speeding up the process for newly arrived immigrants to obtain work and a social life by strengthening the incentives to work and to actively seek work. The reform means that:

- The Swedish Public Employment Service has coordinating responsibility for establishment measures.
- The Swedish Public Employment Service, together with newly arrived migrants and refugees, draws up an establishment plan to facilitate and speed up migrants' and refugees' establishment in work and social life.
- An allowance is paid, based on active participation in the establishment process.
- A designated contact person, called the establishment pilot, supports newly arrived migrants and refugees during the start-up phase.
- Newly arrived migrants and refugees with an establishment plan participate in work preparation activities, such as language training (Swedish for immigrants, sfi) and social orientation.

In addition, the Swedish Public Employment Service has, at the request of the Government, examined ways to reduce exclusion among women who are foreign-born and do not participate in the labour force. The final report was submitted in April 2011 and identified three key areas: 1) practically oriented Swedish education, 2) health and personal development, and 3) vocational activities. The Swedish Public Employment Service is currently working in these areas, in cooperation with the relevant authorities and other stakeholders. The work is taking place within the framework of the so called Establishment reform (for the establishment of newly arrived migrants and refugees), in the procurement of preparatory measures and labour market training courses, in the development of guidance methodology and in cooperation with the non-profit sector.

In addition, the Government has appointed a special investigator with the commission to propose measures to increase labour force participation and accelerate the establishment on the labour market of newly arrived foreign-born women and relatives. The final report shall be presented by 15 October 2012. A special investigator has also been appointed to suggest how freedom of choice and individual adaptation can be increased in Swedish for immigrants (sfi) through a system of sfi-points, and by giving participants the opportunity to choose a sfi-provider, individual or public, that best meets their needs. The report will be presented no later than 28 September 2012. [...]

Recommendation n°77: *Combat negative stereotypes and prejudice against persons with disabilities* (Recommended by Iran)

IRI: *fully implemented*

State of Sweden response:

The Government has commissioned the Swedish Agency for Disability Policy Coordination (Handisam) to increase knowledge about and change attitudes towards



people with mental illnesses and mental disabilities. For that purpose, Handisam has developed a programme in close cooperation with the National Collaboration for Improved Mental Health and the Swedish Association of Local Authorities and Regions.

It is important to increase awareness of attitudes towards people with mental illnesses in order to facilitate their full participation in society. For this reason, the Swedish Public Employment Service is implementing a special project called See the power and Handisam is running a project called See the skills, both of which are aimed at altering the attitudes of employment agencies and employers and encouraging a better integration of people with mental disabilities in the labour market.

Recommendation n°99: *Remain proactive in combating discrimination against Sami and Roma and in protecting their economic, social and cultural rights in consultation with the communities concerned* (Recommended by Netherlands)

IRI: *fully implemented*

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Recommendation n°131: *Take additional measures to combat discrimination against national minorities, in particular the Sami and the Roma, and against immigrants, refugees and women* (Recommended by Russian Federation)

IRI: *fully implemented*

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Recommendation n°134: *Implement measures aimed at eliminating discrimination against the Sami people, with particular focus on ensuring access to basic services in education, employment and health, as well as access to land, and ensuring that their right to land and cultural life is preserved* (Recommended by South Africa)

IRI: *partially implemented*

State of Sweden response:

The Equality Ombudsman's (DO's) dialogue with representatives of national minorities, the Government and municipal authorities has added to the understanding of the situation for persons belonging to minorities in Sweden. The picture is also confirmed by the reports and individual complaints received by DO. Persons belonging to national minorities experience discrimination in education, in contact with authorities and with regard to access to linguistic rights on the labour market.

Sweden sees the need to continue supporting the work of national minorities organisations, in particular when it comes to promoting gender equality and combatting discrimination. In July 2011, the Government decided to give a commission to the Swedish National Board for Youth Affairs between 2011–2014 to advertise and distribute grants for this type of activity to the national minority organisations.

Systematic work to promote the rights of persons belonging to minorities is being carried out in Sweden within the framework of the Government's minority policy. The Minority policy includes issues of protection and support for the national minorities and the historical minority languages. The national minority languages and cultures are part of the Swedish cultural heritage. Strengthening the protection of the rights of



persons belonging to national minorities is part of Sweden's commitment to protect and promote human rights.

In 2012, the DO is making a special effort to ensure that persons belonging to national minorities have access to their linguistic rights, and to encourage their involvement and participation. The Authority intends to carry out systematic work in order to clarify how discrimination affects the rights of persons belonging to the Roma minority. The DO – in consultation with Statistics Sweden, the Swedish National Institute of Public Health and the Swedish Data Inspection Board – has been commissioned to conduct a study of methods to collect data on living conditions for people identifying themselves as belonging to one of Sweden's national minorities. The study shall look at methods to collect data of this kind that can still guarantee the participants' anonymity and privacy. A reference group, consisting of organisations representing affected sections of the population, shall be consulted.

The DO is also conducting special work against discrimination of Roma. The Ombudsman has reviewed reports based on individual complaints concerning Roma that the Authority had received between 2004 and 2010 (Roma rights, 2011). These show that discrimination occurs in everyday situations, such as when Roma women, often with their children, are buying food, using a bus or eating at a restaurant. In such situations, it can be particularly difficult to prove discrimination. Court judgements and settlements have concerned discrimination in the housing market, in connection with the provision of goods and services, such as admission to shops or restaurants, as well as in working life.

Sweden continues to participate actively in international efforts to combat discrimination against persons belonging to the Roma minority and to increase the social and economic inclusion of Roma in society. At a national level, the Government decided on 16 February 2012 on a coordinated and long-term strategy for Roma inclusion between 2012 and 2032 (official communication 2011/12:56). The twenty-year strategy should be seen as a reinforcement of the Minority policy. The overall objective of the strategy is that Romas that are 20 years old in 2032 shall have equal opportunities in life as non-Romas. The then twenty-year-old Romas' rights should be safeguarded within ordinary structures and areas of action to the same extent as the rights of twenty-year-olds in the rest of the population. The target group is mainly those Romas who find themselves socially and economically excluded and are subjected to discrimination. Women and children are given particular priority.

The strategy is based on a proposal from the Delegation for Roma Issues, active in 2006–2010. The Delegation presented its final report Romas' rights – a strategy for Roma in Sweden (SOU 2010:55) in July 2010. The Government's strategy includes goals and measures in six areas of activity: 1) education, 2) work, 3) housing, 4) health, social welfare and security, 5) culture and language, and 6) civil society organisations. The strategy is based on the international agreements on human rights. The strategy manages recommendations Sweden has received from international review bodies.



The strategy emphasises the principle of non-discrimination, since many of the problems faced by persons belonging to the Roma minority are related to discrimination. Among other things, the strategy states that efforts to tackle discrimination against Roma and to promote equal rights and opportunities shall be part of the Ombudsman's long-term work. The implementation of this work is strengthened and shall be characterised by continuous monitoring of persons belonging to the Roma minority' access to human rights at local, regional as well as national levels.

The delegation's final report has been referred for consideration to the relevant bodies in Sweden and a number of meetings with Roma representatives have been arranged to prepare the proposals. Moreover, the whole implementation of the strategy is intended to be characterised by Roma inclusion and Roma influence. This should be done through consultation, by basing action on the work of Roma in civil society as well as by taking advantage of the Romani language and cultural competence in the implementation of the strategy.

As part of the strategy, a pilot project has been established at the municipal level to promote knowledge building. Five pilot municipalities are engaged in development work between 2012 and 2015, in collaboration with local representatives of Roma, the Swedish National Agency for Education, the Swedish Public Employment Service, the Equality Ombudsman and the Swedish Association of Local Authorities and Regions. The idea is to produce good examples of working methods that can be spread around the country. All municipalities were welcome to apply to become pilot municipalities. On 19 April this year, the Government decided that the municipalities of Gothenburg, Helsingborg, Linköping, Luleå and Malmö would be included in the pilot scheme.

The Government has set aside SEK 46 million during the period 2012–2015 for measures for the Roma, in addition to the ordinary resources available for national minorities. The Government Offices has the overall responsibility for coordinating and monitoring the strategy. In order to achieve results, the authorities and municipalities responsible for the implementation of the strategy must also be involved; taking their responsibilities and integrating these activities in their ordinary structures for observing and safeguarding the access of Roma to their rights. It is stated in the strategy that the Government shall present developments regarding Roma inclusion in the budget proposal, which is addressed to the Swedish Parliament, the Riksdag, each year. [...]

Recommendation n°100: *Ensure that all laws, regulations, policies and practices are consistent with the Convention on the Rights of Persons with Disabilities and with rights to equality generally, as part of, or in addition to, the multitrack strategy referred to in its report (Recommended by New Zealand)*

IRI: *partially implemented*

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Recommendation n°142: *Conduct a thorough inventory of laws and regulations to bring to light those that are not in accordance with the right to equality and-or CRPD (Recommended by United Kingdom)*

IRI: *fully implemented*

State of Sweden response:

Sweden submitted its first report to the UN Committee on the Convention on the rights of Persons with Disabilities in January 2011. Preparations for the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) included a comprehensive review of legislation, application of the law and action programmes with a view to ensure that Swedish law and Swedish conditions complied with the provisions of the Convention. The review and the subsequent parliamentary bill, Human rights for persons with disabilities (Bill 2008/09:28), led to Sweden's ratification of the Convention.

The overall objectives of Sweden's disability policy are to establish: 1) a social community based on diversity, 2) a society that is shaped as to make people with disabilities of all ages fully involved in civic life, and 3) equality in living conditions for girls and boys, women and men with disabilities. In 2010, these objectives were broken down into sector-specific objectives. These have in turn materialized in sub-goals, compiled in a government strategy for 2011–2016. The strategy is based on the Convention and was adopted by the Government in June 2011. The starting point of the strategy is that the work for the rights of persons with disabilities shall be effective and focus on achieving the mentioned objectives. In the strategy, emphasis is put on:

- the importance of broad cooperation and of clear roles for its implementation;
- employment, accessibility and education; and
- the responsibilities of authorities for implementation and supervision.

Sweden fully meets the requirements of the Convention on the Rights of Persons with Disabilities that can be regarded as absolute, i.e. areas in which the Convention requires that persons with disabilities without exception shall have the same rights as guaranteed by law. This applies, for example, to the right to life, freedom and personal security (articles 10 to 14), the right not to be subjected to torture, violence or abuse (articles 15 to 17), and respect for the home and family (article 23). Sweden has good prospects of meeting the Convention's requirements, but there are areas where some work remains before the objectives and requirements that follow from current legislation may be regarded as fulfilled. [...]

Recommendation n°64: *Give particular attention to potential discrimination based on multiple grounds (Recommended by Finland)*

IRI: *fully implemented*

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Recommendation n°104: *Heed the observations of those treaty bodies that express concern about the multiple forms of discrimination suffered by minorities and vulnerable groups in Swedish society, bringing its domestic normative framework into line with international human rights norms to which it is a State party (Recommended by Nicaragua)*

IRI: *partially implemented*

State of Sweden response:

The previous four ombudsmen – the Gender Equality Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination on grounds of Sexual Orientation – have been merged into one authority, the Equality Ombudsman (DO). Hence, victims of multiple discrimination need only apply to one authority for support. The DO has the task of preventing discrimination based on sexual orientation, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age from occurring in any area of civic life.

Multiple discrimination was given particularly attention in the government bill Stronger Protection against Discrimination (Bill 2007/08:95) and is mentioned as one of several factors behind the merger of the previous ombudsmen:

The merger should assist victims of discrimination, particularly if a discriminatory act arises from more than one ground of discrimination. Any persons who consider that they have been exposed to discrimination should not need to consider on what ground they are most discriminated against. (p. 364).

The new comprehensive anti-discrimination legislation and the new combined Ombudsman's authority have resulted in improved opportunities to address situations of multiple discrimination. Furthermore, the DO has noted that more grounds appear in reports than before. Discrimination based on multiple grounds could be identified at the previous four ombudsmen. However, the DO's officials have improved their knowledge of multiple discrimination with the purpose of identifying a higher proportion of cases where multiple grounds of discrimination may be applicable. In addition, the DO has highlighted the issue of multiple discrimination and the interaction between grounds in a number of court cases the ombudsman has pursued. [...]

International Instruments

Recommendation n°37: *Enact the crimes set out in the Rome Statute of the International Criminal Court in its domestic law, as appropriate (Recommended by Canada)*

IRI: *partially implemented*

State of Sweden response:

In 2002, the Commission on International Criminal Law issued a report (International crime and Swedish jurisdiction, SOU 2002:98). In the report, the Commission puts forward a proposal for a new Act on International Crimes. The proposed Act introduces new provisions on criminal responsibility for genocide, on crimes against humanity and war crimes as well as on responsibilities of commanders. The report is now being reviewed by the Ministry of Justice and a proposal will be presented later in 2012.



Recommendation n°87: *Continue to address the concerns of human rights treaty bodies, special procedures and UNHCR in respect of immigrant, refugee and minority women in the area of equality and non-discrimination, and consider implementing, as appropriate, their recommendations* (Recommended by Jordan)

IRI: *fully implemented*

State of Sweden response:

Sweden strives to promote the effective implementation of the conventions it has ratified, by actively taking stipulated measures, by submitting national reports and by engaging in dialogue with international treaty bodies. Sweden is working continuously with the preparation and implementation of recommendations from different supervisory bodies concerning national minorities.

Sweden has ratified the Council of Europe's Framework Convention on Protection of National Minorities and the European Charter for regional or minority languages, which both affect the rights of persons belonging to national minorities. Sweden is working actively during the whole monitoring cycle of each Convention to inform persons belonging to national minorities (Jews, Sami, Sweden-Finns, Roma and Tornedalers) of their opportunities to influence the Swedish reports sent to the Council of Europe as well as of their opportunities to communicate comments to the monitoring body. On several occasions, the Government has arranged consultations on minority policies and on how Sweden is fulfilling its commitments with representatives of the national minorities. [...]

Recommendation n°88: *Further incorporate, as appropriate, its international obligations under human rights instruments into domestic law* (Recommended by Jordan)

IRI: *not implemented*

State of Sweden response:

Sweden has a dualistic approach to international conventions, which means that conventions do not automatically become part of Swedish national law on ratification. [...]

The Delegation for Human Rights in Sweden was set up by the Government to carry out an inquiry on the protection and promotion of human rights in Sweden. In its final report (A new structure for the protection of human rights, SOU 2010:70), the Delegation proposed that the Government should set up an inquiry with the task of investigating the suitability of incorporating more human rights conventions into Swedish law. The proposal is currently being considered in the Government Offices.

Recommendation n°111: *Consider withdrawing its reservation to ICCPR* (Recommended by Pakistan)

IRI: *not implemented*

State of Sweden response:

Sweden regularly reviews its reservations to all international instruments, including the International Covenant on Civil and Political Rights (ICCPR). The latest such review was conducted in 2009, in connection to the preparations for Sweden's most recent report to the Human Rights Council, Sweden then found reasons to maintain its current reservations.



Recommendation n^o127: *Clear the backlog of responses to thematic questionnaires from special procedures* (Recommended by *Russian Federation*)

IRI: -

State of Sweden response:

Sweden continues to cooperate with United Nations' special procedures in the human rights area by continuously receiving and responding to questionnaires relating to human rights. Sweden's point of departure is that all questionnaires that concern areas in which Sweden has relevant information or assessments to share should be answered.

Recommendation n^o138: *Continue its efforts with a view to ratifying the Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by *Spain*)

IRI: *not implemented*

State of Sweden response:

Sweden signed the Convention for the Protection of all Persons against Enforced Disappearance (CED) in 2007. Prior to the ratification of the Convention, an analysis of possible legislative amendments is required. It is, however, Sweden's view that, in all essentials, Swedish legislation meets the requirements of the convention.

Justice

Recommendation n^o25: *Incorporate into its domestic law norms protecting all children, including indigenous children, in line with the Convention on the Rights of the Child* (Recommended by *Bolivia*)

IRI: *fully implemented*

State of Sweden response:

Prior to Sweden's ratification of the UN Convention on the Rights of the Child (CRC) in 1990, a review was made of Swedish legislation in relation to the Convention's standards. It was found that Swedish legislation could not be considered to be contrary to the CRC. In the light of Sweden's commitment, the Government decided in 1996 to set up a parliamentary committee to clarify how the spirit and letter of the CRC was expressed in Swedish legislation and practice. The inquiry resulted in changes in legislation and the introduction of a CRC coordination office for child rights issues within the Government Offices.

The Minister for Children and the Elderly has a particular responsibility for the Government's policy on children's rights. The Child rights policy is multisectoral and consists mainly of efforts to implement the CRC in Sweden. The task is to initiate, promote and coordinate processes with the objective of incorporating the spirit and intentions of the Convention in all parts of the Government's policy as well as in all activities involving children and young people.

In 2010, the Government submitted a new strategy to the Swedish Parliament, the Riksdag, to strengthen the rights of the child, which was ratified later the same year.



The strategy shall comprise the platform for public actors at central and local levels in their measures to ensure the rights of the child. It shall be seen as a tool in the work for the rights of the child, which also applies to children belonging to a national minority. In 2011, a further review was made of Swedish legislative compatibility with the Convention on the Rights of the Child. In a report in the Ministry publication series memorandum (Ds 2011:37), it was confirmed that Swedish law corresponds well with the rights in the CRC. Swedish legislation often gives a stronger protection of the rights of the child than the CRC.

An example of legislation that stresses the responsibility of the Government towards Sami children and children belonging to other national minorities is the Act (2009:724) on National Minorities and Minority Languages, which entered into force in 2010. The Act states that the Government has a special responsibility to promote a child's development of a cultural identity as well as the use of minority languages by children. [...]

Recommendation n°33: *Consider alternatives to the detention of irregular migrants and asylum seekers, limit the length of detentions, and ensure that detainees have access to the judiciary, to consular assistance and to adequate information* (Recommended by *Brazil*)

IRI: *fully implemented*

State of Sweden response:

Asylum-seekers and aliens staying in Sweden without a permit may only be detained under certain conditions laid down in the Swedish Aliens Act (2005:716). Detainees shall have access to public counsel and adequate information. They further have the right to contact, i.e. the possibility of contacting their embassy for consular assistance etcetera. The Aliens Act specifies that aliens' freedom shall not be restricted more than necessary in each individual case. A decision on detention shall be served only if other less restrictive measures, such as a decision on supervision, are not sufficient in the case at hand. An alien who is subject to a final decision on refusal-of-entry or expulsion and who is detained prior to the enforcement of this decision may not be detained for more than two months unless there are exceptional reasons for doing so. Amendments to the Aliens Act regarding detention entered into force on 1 May 2012, including a maximum limit of 12 months for so-called enforcement detention. The amendments were implemented in line with the EU return directive (European Parliament and Council Directive 2008/115/EC of 16 December 2008 on common standards and procedures for returning third-country nationals staying illegally in the Member States).

Recommendation n°20: *Take appropriate measures to stop sex tourism involving children and to punish traffickers* (Recommended by *Belarus*)

IRI: *fully implemented*

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Recommendation n°93: *Facilitate complaints by foreign victims of trafficking so that their migration situation is not used against them as a means of coercion by the traffickers themselves* (Recommended by *Mexico*)

IRI: *not implemented*

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Recommendation n^o146: *Work closely with the European Union to create a comprehensive antitrafficking-in persons network* (Recommended by *United States*)

IRI: *fully implemented*

State of Sweden response:

Sexual offences committed by Swedes abroad can be investigated and tried in Sweden under the special rules for extraterritorial crimes. Sweden is actively working with the issue of child sex tourism. The National Bureau of Investigations has carried out a campaign against the sexual abuse of children by Swedes abroad, which for example has made it easier for the public to submit observations via the Internet. The results of the campaign have exceeded expectations and have e.g. resulted in several convictions in Thailand and Cambodia. There have also been convictions in Sweden for the rape of children in the Philippines. The intelligence picture has improved significantly. Today there is knowledge of how investigations with sexual offenses committed by Swedes in other countries shall be carried out. Moreover, there is now a permanent section within the National Bureau of Investigations working against child sex tourism.

The joint experience of the Swedish police force shows that the problem of child sex tourism is common for many EU countries; travelling child sex offenders visits South-East Asia and commits sexual abuse, or even “adopts” a child for a period with the same objective. Moreover, some sex offenders move within or out of the EU in order to commit sexual offences against children and to produce child pornography. In this context, Sweden has initiated a European project, together with the European Police Office (Europol), the International Police Organization (Interpol), the Organisation for Security and Cooperation in Europe (OSCE), other civil organisations, universities and police authorities from other EU Member States. The project aims at raising the issue at the policy level within the EU and in the EU’s contacts with third countries in order to create conditions for reinforced operational cooperation, resulting in e.g. an increase in the number of EU citizens convicted in the EU of sexual offences against children outside the EU.

Moreover, Sweden participates actively in all forums that in one way or another address the issue of human trafficking. Within the UN, Sweden pursues activities to strengthen UN efforts to curb trafficking. In the EU, Sweden is urging for further develop cooperation for the same purpose. Sweden participates actively in the EU’s operationally focused cooperation within the framework of the Standing Committee on Operational Cooperation on Internal Security (Cosi), Europol and the informal network of national rapporteurs. At the International Prosecution Chamber in Stockholm, there is a group of three prosecutors who specialise in cases of child sex tourism. They have a dozen open cases and two cases have led to convictions.

According to the Swedish Aliens Act (2005:716), an alien who is staying in Sweden is granted a temporary residence permit if he or she takes part in a preliminary investigation or main hearing in criminal proceedings. A special temporary residence permit for 30 days, a reflection period, may also be granted. The reflection period is intended to give the victim some time to recover and consider whether he or she wishes to cooperate with relevant authorities. Permits, for both reflection and



participation, are granted at the request of the person in charge of the preliminary criminal investigation. These provisions are based on the EU directive on residence permits for victims of human trafficking (Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who are victims of human trafficking or who have received help for illegal immigration and who are cooperating with the relevant authorities). The Swedish rules, however, go further than the directive in that they include all third-country nationals who are persons of proof (victims or witnesses) in criminal proceedings, not only victims of human trafficking. In addition to these rules, victims of human trafficking are still able to apply for residence permits, e.g. for protection needs.

Recommendation n°97: *Closely monitor the interpretation and application of the 2008 Surveillance Act to prevent any interference with the right to privacy* (Recommended by Netherlands)

IRI: *fully implemented*

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Recommendation n°130: *Find, with reference to the law on screening electronic messages, a rational balance between upholding the rights of citizens and real steps to combat terrorism on the Internet* (Recommended by Russian Federation)

IRI: *partially implemented*

State of Sweden response:

Sweden accepts recommendation [n°130], to uphold the rights of citizens while combating terrorism on the Internet, and has already implemented it. The purpose of the Act (2008:717) on Signals Intelligence in Defence Operations, however, is not to combat terrorism on the Internet, but to collect intelligence for the security of the realm. Sweden does not accept the second part of the recommendation. Prohibiting Swedish service providers from hosting certain persons or groups would conflict with the constitutional ban on censorship. However, criminal acts committed by individuals belonging to such organisations can be prosecuted under Swedish law. See recommendation[s n° 19, 47, 125] [...].

The Act includes control mechanisms to ensure legal security and protection of the right to privacy. In addition, the Swedish Parliament, the Riksdag, requested the Government to annually report on the electronic surveillance activities undertaken pursuant to the law. The most recent such report was presented by the Government on 20 December 2011 (Protection of privacy in signals intelligence in defence operations, official communication 2011/12:48). [...]

Recommendation n°50: *Allocate available resources and strengthen the preventive functioning of its national preventive mechanism under the Optional Protocol to the Convention against Torture* (Recommended by Czech Republic)

IRI: *fully implemented*

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Recommendation n°148: *Take practical and legislative measures to ensure impartial and effective investigations in the field of combating and preventing torture* (Recommended by Uzbekistan)

IRI: *fully implemented*

State of Sweden response:

The Parliamentary Ombudsman (JO) has the task of ensuring that all public authorities and their staff comply with the laws and other statutes governing their actions. JO ensures that courts and administrative authorities observe the constitutional laws on objectivity and impartiality, and that all citizens' fundamental rights and freedoms are respected by the police, by correctional authorities and by all other public authorities. Individuals who consider that they have been incorrectly treated by a public authority may submit a complaint to JO.

In December 2010, the Swedish Parliament, the Riksdag, decided to allocate JO more funds to fulfil its role as a national preventive mechanism (NPM) under the 2002 Optional Protocol to the UN Convention Against Torture (OPCAT). The Act (1986:765) has been changed to reflect the task given to JO. Since July 2011, JO has a special unit responsible for ensuring that people who are detained are not subjected to cruel, inhuman or degrading treatment or punishment. The NPM unit at JO shall regularly inspect places in Sweden where people are held in custody, report from visits and participate in international cooperation in this area.

The Police, in collaboration with the Prosecutor-General, have drawn up brief information materials for people held in custody. The material includes information about what rights detainees have, as well as information on the continued process. The material describes where you can go for more information or to submit complaints on police treatment or conduct. This information complements information provided orally by the police to persons detained and must be distributed to such persons.

A person in custody who feels that he or she has been wrongly treated can either notify police personnel on site, a prosecutor or ultimately a court. A police officer is obliged to acknowledge such a complaint. A complaint against a police officer is investigated by the unit for internal investigations and a preliminary investigation is led by the prosecutor. In order to ensure the independence of internal investigations, a new department under the direct authority of the National Police Commissioner has been established at the National Police Board. The unit replaces the previous local units for internal investigations of the Police Authority. Six investigation units are located around the country, in separate premises from other police activities.

The Prosecution Authority collaborates actively in networks of the Nordic countries, the EU as well as through contacts worldwide. At the International Prosecution Chamber in Stockholm, there are now four specialist prosecutors working full-time with war crimes. A number of investigations are ongoing. In recent years, several prosecutions have resulted in convictions for crimes in former Yugoslavia, one of which for five years' and one for life imprisonment.

SOGI

Recommendation n°35: *Adopt into law the proposed changes to its constitutional framework to provide protection to all persons resident in Sweden against discrimination based on sexual orientation (Recommended by Canada)*

IRI: fully implemented

Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) response:

From Jan 1 2011 a change in the Swedish constitution ("grundlagen" in Swedish) came into effect which in the 2 chapter, 12th paragraph added sexual orientation in the list of characteristics on which grounds the legislator is forbidden to discriminate against when adopting legislation. The paragraph states that "Law or other regulation must not implicate that anyone gets a disadvantage because he or she belongs to a minority with regard to ethnicity, colour of skin or other similar circumstance or with regard to sexual orientation."

This however does not mean that any already existing discriminatory law or regulation must be changed. Rather the paragraph safeguards existing equal rights already implemented, such as the gender neutral marriage and the equal opportunity of joint parenthood for same sex couples. A Swedish court hasn't got the right to dismiss, in a legal case, an existing law based on provisions in the Swedish constitution. That right however exists, in a legal case, for a court of law concerning interpretation of the provisions in the European Convention on human rights, which has a status above Swedish law. Noteworthy is also that the second chapter, 12th paragraph doesn't provide protection against discriminatory legislation on the grounds of gender identity. Sexual orientation, but not gender identity, is also mentioned in another paragraph in the constitution, which states that public authorities must "discourage discrimination of people on the grounds of sex, colour of skin, national or ethnical origin, lingual or religious affiliation, disability, sexual orientation, age or other circumstance which concerns the individual as a person" (1 chapter, 2 paragraph in the constitution).

State of Sweden response:

On 1 January 2011, a large number of amendments were introduced in the Instrument of Government – one of Sweden's fundamental laws, which includes a catalogue of the fundamental rights and freedoms of individuals that the State must respect and uphold. One of the changes was an extension of the protection against discrimination. The Instrument of Government now stipulates that laws and other regulations may not result in disadvantages to any individual on the grounds of his or her sexual orientation.

Lesbian, gay, bisexual and transgender (LGBT) people still suffer discrimination and other violations in many countries in the world, and Sweden is no exception. This is unacceptable and is, therefore, an important issue for Sweden. Therefore, Sweden is intensifying its efforts to promote equal rights and opportunities, regardless of sexual orientation, transgender identity or expression. The question of how the rights and



opportunities of LGBT people best can be promoted is currently being considered by the Swedish Government Offices.

The Government has commissioned the Swedish National Agency for Education to implement actions for gender equality in schools during the period 2012–2014. As a part of the commission, the Agency shall continuously offer courses for school staff on honour-related violence, oppression and sex education. The courses should be based on Swedish and international research in the area and should, in particular, take into account the importance of a gender perspective in the selection of schemes against bullying and the situation of young LGBT people.

At the international level, Sweden continues to play an active role in multilateral contexts as well as in bilateral contacts to promote legal protection against discrimination. Sweden has organised a number of events, together with representatives from civil society, in various UN fora in order to highlight practical problems and possible ways forward. The enjoyment of human rights and fundamental freedoms for LGBT people is one of the Sweden's priorities in foreign policy, in development cooperation programmes and in political dialogues.

In the Council of Europe, Sweden took an active role in the drafting and adoption of a recommendation on protection against discrimination of LGBT people. Sweden also contributes financially to the recommendation's implementation and follow-up. [...]

Recommendation n°44: Continue to increase the active promotion of equality of rights and opportunities, independently of sexual orientation or gender identity, and continue to play its active role at the international level in favour of legal protection against discrimination on the grounds of sexual orientation and gender identity (Recommended by Colombia)

IRI: *fully implemented*

RFSL response:

On the government level a work group was appointed during the fall of 2011 at the Government Offices of Sweden with the aim of creating a coordinated strategy and coordinated work for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression. The group was appointed in connection with the start up of implementing the recommendation (CM/Rec(2010)5) from the European Council about measures to combat discrimination on the grounds of sexual orientation and gender identity. Sweden did take a proactive role in pushing this resolution through at the European Council. We are however not aware of how this ongoing process the work group is responsible for is evolving or how the work with implementing the recommendation is proceeding. A start up for the implementation process was a hearing the government invited Swedish LGBT-organisations to in November 2011. The Ministry of Employment is the ministry in charge of issues concerning discrimination and equal opportunity and also for these two mentioned ongoing processes.

Swedish ministers have on a number of occasions chosen to participate in support of Pride events in Europe that has been under threat of getting its Pride parade banned



or where no Pride parade ultimately has been allowed to be held. For example Swedish EU-minister Birgitta Ohlsson has during the last years participated in the Pride parade in Vilnius, Lithuania in 2010 (the first ever to be held) and in the Pride celebration in Belgrade, Serbia (no parade allowed) in 2012, as a way of showing support for the LGBT-movements in these countries against vocal homophobic political forces.

Sweden officially declares that human rights and fundamental freedoms for LGBT-persons are one of its priorities in its foreign policy. In the political dialogue with other countries we have limited insight about how this priority is implemented in reality, although Swedish embassies (and the Swedish Ministry of Foreign affairs) sometimes have provided different kinds of support to the advocacy work of the LGBT-movement in specific countries. Also in the development cooperation there are elements of support for the advancement of LGBT-rights, facilitated through different projects the Swedish International Development Cooperation Agency (Sida) is a stakeholder in. Financial support has been given to global and international LGBT organisations and organisations promoting the rights of all independently of sexual orientation and gender identity. One example is financial support to the ILGA World Conference in Stockholm in December 2012.

State of Sweden response:

[See response to recommendation n°35]

Recommendation n°143: *Share national best practice and policies on ensuring nondiscrimination, including proposals such as to include sexual orientation in the Constitution, with States and relevant international organizations* (Recommended by United Kingdom)

IRI: *fully implemented*

RFSL response:

Sweden recently during 2012 lead the process on the resolution on Extrajudicial executions at the UNGA 3rd committee. This work led to that also gender identity, not only sexual orientation, was, for the first time, mentioned in the resolution. During five years (2008-2012) the Swedish International Development Cooperation Agency (Sida) funded an International training program facilitated by RFSL (The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights) and RFSU (The Swedish Association for Sexuality Education). During these years approximately 200 persons from African and Asian countries active mainly in different NGOs working with LGBT-rights and sexual and reproductive rights received training concerning LGBT-issues and ways of advancing human rights.

State of Sweden response:

[See response to recommendation n°35]



Women & Children

Recommendation n°39: *Continue taking measures to promote education for all children* (Recommended by *Chile*)

IRI: *fully implemented*

+

Recommendation n°72: *Consider implementing the existing legislation on non-discrimination with respect to all children within its jurisdiction* (Recommended by *Hungary*)

IRI: *fully implemented*

+

Recommendation n°137: *Adopt legislative measures to guarantee the right to education for all migrant boys and girls* (Recommended by *Spain*)

IRI: *partially implemented*

State of Sweden response:

The purpose of the Discrimination Act (2008:567) is to counteract discrimination and in other ways promote equal rights and opportunities, regardless of age. Since 2009, age is one of the grounds for discrimination, both in terms of high and low age. Hence, both children and young people are included. The law forbids discrimination on grounds of age that applies to:

- working life;
- educational activities;
- political activities on the labour market and employment services without a public commission;
- business activities;
- professional qualifications; and
- membership of certain organisations.

The Government recently decided on a bill (2011/12:159) regarding extended protection against age discrimination. The Bill contains proposals for changes in the anti-discrimination law that would result in the protection against discrimination on grounds of age being extended to cover more areas of society. The Bill has been submitted to the Swedish Parliament, the Riksdag, which will consider it during the autumn of 2012.

All children residing in Sweden between the ages of 7 and 16 years are covered by compulsory schooling and have an unconditional right to education. This fundamental right manifests itself in different ways in Swedish legislation, including in constitutional law (the Instrument of Government) and the new Education Act (2010:800). Children seeking asylum in Sweden have the right to education under the same conditions as others. For these children school is not compulsory, however. It is stated in the budget proposal for 2012 that the right to schooling for children who are staying in Sweden without authorisation will be extended on the basis of a governmental investigation. The final report of the investigation, *Schooling for all children* (SOU 2010:5) was submitted to the Government in 2010. The report has been referred for consideration to the relevant bodies in Sweden.



A very important part of the application of the law against discrimination in relation to children is, of course, the banning of discrimination in the field of education. The anti-discrimination law prohibits discrimination of school pupils and children in pre-school and after-school recreation centres. The law consists of two complementing parts. One of the parts contains provisions on the prohibition of discrimination and reprisals, as well as the obligations of education providers to investigate and take action against harassment. The other part contains provisions stating that schools must make targeted efforts to promote children's equal rights and prevent harassment. Every school must develop an equal treatment plan each year in which preventive work is described.

The Equality Ombudsman (DO) monitors compliance with the law. The DO investigates reports of discrimination in the field of education and can pursue cases of discrimination in court. The DO supervises how targeted efforts are carried out, and may exercise this supervision by reviewing how schools meet the requirements of the Discrimination Act regarding measures to prevent discrimination.

In June 2011, the Government gave the Swedish National Agency for Education the commission of undertaking renewed efforts against discrimination and other degrading treatment in schools, pre-schools and after-school recreation centres. As part of this commission, the Swedish National Agency for Education compiles and disseminates good practices on preventive work as well as work with procedures for reporting and following up cases relating to discrimination and other degrading treatment. The agency is allocated about SEK 10 million per year during the period of 2012–2014 for this purpose. [...]

Recommendation n^o40: *Intensify its public policies in the area of homeless migrant children, by identifying the number of homeless children and their specific needs, and by guaranteeing their right to health, education and housing* (Recommended by Chile)

IRI: *fully implemented*

+

Recommendation n^o141: *Undertake a national survey to assess the exact number of homeless children throughout the world and the root causes of this phenomenon, in order to develop a national plan of action to specifically address and remedy this problem* (Recommended by Switzerland)

IRI: *fully implemented*

State of Sweden response:

Sweden is conducting national surveys into the number of homeless persons in the country. The most recent survey was conducted in 2011. The purpose of the surveys is to give the Government and other stakeholders a factual basis for policy work, action plans and strategies at local as well as national levels. The objective is also to improve knowledge in the area, and thereby to create better conditions for effective work to prevent homelessness and more effectively designed measures to support homeless people. Good knowledge of which persons are homeless or excluded from the ordinary housing market increases the chances of investments having the desired effect. The statistics also show the number of children affected by forced



evictions. From 2012 on, these statistics are further refined in order to gain more knowledge in this particular area.

Sweden has established a national coordinator for homeless people. The task of the coordinator is to support municipalities in their work to develop structures and working procedures to combat homelessness and exclusion from the housing market; focusing on long-term sustainability and best practices. The Government has also given County Administrative Boards instructions to assist municipalities in the work to combat homelessness. The County Administrative Boards shall support the local authorities in their efforts to plan the housing supply. It is a priority of the municipalities to reinforce the prevention of eviction and to support families who are at risk of eviction. [...]

Recommendation n°45: *Continue to move forward in its efforts to achieve full equality in remuneration between men and women* (Recommended by *Colombia*)

IRI: *fully implemented*

+

Recommendation n°85: *Give the female population the opportunity to achieve high-level positions with important decision-making levels* (Recommended by *Iraq*)

IRI: *partially implemented*

+

Recommendation n°102: *Continue to make efforts to guarantee equality between men and women so that women may play important roles in the decision-making processes of public institutions* (Recommended by *Nicaragua*)

IRI: *fully implemented*

+

Recommendation n°114: *Take concrete actions to reduce the gender gap in decision-making positions as well as to ensure equal remuneration for men and women* (Recommended by *Pakistan*)

IRI: *partially implemented*

+

Recommendation n°132: *Continue taking efficient measures with a view to decreasing and eventually eliminating the wage gap between men and women* (Recommended by *Slovenia*)

IRI: *fully implemented*

State of Sweden response:

Sweden accepts the first part of recommendation [n°114]. It is a priority for Sweden to eliminate unwarranted pay differentials between women and men and several measures have been taken in this regard. However, the Government is not in a position to “ensure” equal remuneration.

Sweden continues to pursue an active commitment to promoting women’s entrepreneurship and has invested SEK 100 million for this purpose in 2010–2014. This investment aims to harness and develop the programmes that were implemented during the last mandate period, including the three programmes Styrelsekraft, a program with the goal of increasing the share of woman as board members in enterprises or organizations, Ambassadors for Women’s Entrepreneurship and Women’s Career Development in the Public Sector.



In Sweden, the labour market organisations are responsible for setting salaries. In the already existing collective agreements, there are many clauses that aim to ensure that salaries are objectively justified and free from discrimination. In a number of areas of the labour market, joint working groups have been set up with the task of producing materials for the work on equal salary. In addition, the labour market organisations conduct special projects with the ambition of promoting equality in the workplace.

Under the Discrimination Act (2008:567) it is prohibited for employers to discriminate against employees by paying different salaries to men and women for work that is considered to be equal or equivalent. The Equality Ombudsman supervises compliance with the law and can undertake to represent employees who believe they have been discriminated against. Under the Discrimination Act, an employer is also obliged to work to level and prevent differences in salaries and other terms of employment between men and women who perform work that is regarded as equal or equivalent. Every three years employers must identify and analyse salary differentials and, if the employer has more than 25 employees, establish an action plan including the results of the analysis and measures to be taken.

Sweden is also working to reduce salary differences between women and men in various other ways. The Swedish National Mediation Office, a government agency, has a mandate to analyse wage trends from a gender equality perspective. Furthermore, in its consultations with labour market organisations on future and ongoing contract negotiations, the Office ensures that central collective agreements are designed to promote local parties' work with salary issues from a gender equality perspective. The Office annually presents a report on salary development from a gender equality perspective. Information from the Office shows that the pay gap between women and men is decreasing in all sectors.

Furthermore, on 6 October 2011, the Government decided to appoint a Delegation for equality in working life. The Delegation compiles and makes available information about women's and men's different conditions and opportunities in employment, as well as the reasons for these differences. The Delegation further stimulates the debate on gender equality in the workplace and proposes actions to promote equality in the workplace and to reduce the pay gap between women and men. The Delegations shall submit its final report to the Government no later than 24 October 2014.

Recommendation n°73: Look into ways to effectively ensure that the principle of the best interests of the child will be a primary consideration and hence form the basis for and guide all related processes and decisions, especially in asylum cases involving children (Recommended by Hungary)

IRI: partially implemented

State of Sweden response:

According to the Swedish Aliens Act (2005:716), in cases involving children, particular attention must be given to what is required with regard to the child's health and development as well as the best interests of the child in general. With regard to



children and young persons under the age of 18 in need of protection or assistance by the Social Services, this is governed by the Social Services Act (2001:543). Legislation shall have its starting point in what is deemed to be the best interests of each child in the context of the proceedings. The legislation applies to all children who need protection or support and does not refer to any particular group of asylum seeking children.

In order to ensure that Swedish Migration Board staff are informed about human rights, including the principle of the best interests of the child, the Government has stated in the annual appropriation directive for 2012 that the Migration Board shall report on how the Authority is working on the long-term supply of competence and the maintenance and further development of competence relating to ethical issues and human rights. The report shall further include an analysis of the competence requirements of the Migration Board staff with regard to children's issues. In addition, the Migration Board shall specify how the Authority ensures that children's own asylum reasons are investigated, evaluated and reported in decisions. Decisions in matters relating to unaccompanied children shall be settled within three months.

The Migration Board examines every case involving a child individually and takes consideration of the best interests of the child in all parts of the process. In 2011, the Migration Board took a comprehensive approach to further improve the handling of cases involving children. A policy for the Board's work with children was developed in collaboration with the Children's Ombudsman. The purpose of the policy on child asylum-seekers is to mainstream the rights of the child and a child rights perspective in all of the Migration Board's cases involving children. In addition, a training course on the rights of the child and on child impact assessments was developed and is now part of an overall training model.

Recommendation n°95: *Review its legislation in order to prohibit the trade and transit of arms to places where it is suspected that children are used as soldiers*
(Recommended by Mexico)

IRI: not implemented

State of Sweden response:

Military equipment produced in Sweden may only be exported to states or state-authorized recipients. According to the Swedish export control regulations for exports of military equipment, authorisation of exports of military equipment ought not to be granted to states that commit extensive and gross violations of human rights. When considering an export case, an overall assessment of all the relevant circumstances of the case must be made, where an issue such as the use of child soldiers would weigh heavily and probably prevent an export permit.

The Swedish Government has taken a decision to establish a parliamentary committee to investigate the future of Swedish export control of military equipment as well as the legislative framework that governs it. The main purpose of the investigation is to propose changes that tighten export controls in respect of non-democratic states.



Recommendation n°121: *Improve data collection and statistics on violence against women* (Recommended by *Portugal*)

IRI: *partially implemented*

State of Sweden response:

Sweden conducts an extensive annual National Crime Survey, which is an important source of knowledge about violence against women. Furthermore, there are plans to implement a special module in the National Crime Survey in 2013, focusing on the extent and structure of violence in partner relationships. Sweden's official crime statistics regarding violence against women has a special crime code for reported crimes if the violence occurred in a close relationship. There are measures in progress to improve the use of this crime code in order to raise the quality of such statistics. At the same time, there are continued efforts to introduce an electronic flow of information in the criminal process, which would result in significant development of official crime statistics.

Recommendation n°122: *Strengthen existing efforts to prevent violence against women, including through financial support for shelters for victims of violence* (Recommended by *Portugal*)

IRI: *fully implemented*

State of Sweden response:

The Swedish National Board of Health and Welfare has been commissioned by the Government to make an overall analysis of the measure Sheltered accommodation for threatened people and to develop guidance materials for relevant target groups. The commission includes defining the term sheltered accommodation as well as identifying the extent and quality of sheltered accommodation in Sweden. The Swedish National Board of Health and Welfare is to report on the issues no later than 15 April 2013. Moreover, County Administrative Boards are allocated annual grants, which can be used to develop sheltered housing in certain counties. There are also government grants for voluntary organisations that can be used for sheltered accommodation. The Government also provides funds for sheltered accommodation specifically targeting young people exposed to honour-related violence and oppression. [...]

Recommendation n°136: *Adopt legislative measures to guarantee that unaccompanied undocumented children are cared for* (Recommended by *Spain*)

IRI: *not implemented*

State of Sweden response:

In Sweden, the municipalities are responsible for the reception of unaccompanied asylum-seeking children and young persons under the age of 18. The municipality where they are staying is, under the Social Services Act (2001:453), ultimately responsible for giving the child the support and assistance needed. The municipality shall examine whether the individual child has special needs and shall ensure that decisions on measures meets the best interests of the child. The municipality shall provide group accommodation or a family home and investigate whether the child has relatives in Sweden it could live with. The local guardian's office must promptly provide a guardian ad litem who defends the rights of the child, which follows from the Act (2005:429) on guardians ad litem for unaccompanied children. The municipalities are compensated financially by the Government. [...]



Recommendation n^o150: *Take further measures to protect the rights of women in the family and society and ensure their equality in all areas* (Recommended by Viet Nam)

IRI: *partially implemented*

State of Sweden response:

Sweden is continuing its work in implementing the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by actively working in virtually all areas of society to promote gender equality and combat discrimination. The objective of the Swedish gender equality policy is that women and men should have the same power to shape society and one's own life. Questions concerning women's and girls' enjoyment of human rights permeate Sweden's work, both nationally and internationally.

The Discrimination Act (2008:567) prohibits discrimination based on sex. The Equality Ombudsman's (DO) activities in this area include the supervision of employers' and education providers' obligation to carry out preventive work. In 2010, the DO audited, among others, 10 county council equality plans and 15 equal treatment plans at colleges, based on the provisions of the Discrimination Act. These audits covered approximately 140.000 employees and approximately 3.000 students. The purpose of the provisions is to change the structures in activities that lead to persons being discriminated against. [...]

Other

Recommendation n^o14: *Continue to provide overseas development assistance at the United Nations agreed level to help developing countries to realize economic and social rights* (Recommended by Bangladesh)

IRI: *fully implemented*

State of Sweden response:

Sweden's policy for democratic development and human rights in Swedish development cooperation 2010–2014 gives priority to three areas: 1) civil and political rights, 2) the institutions and procedures of democracy and the rule of law, and 3) actors for democratisation. The Policy specifies that a rights-based approach and the perspective of the poor on development shall be applied throughout the development cooperation. The Government has also decided on a new strategy for special initiatives for democratisation and freedom of expression for 2012–2014. The Strategy aims at strengthening actors for change, mainly individuals and actors in civil society promoting democracy and freedom of expression. The activities contribute to reducing various forms of deprivation and oppression. The Strategy complements and strengthens other efforts for democratic development and human rights in Sweden.

Sweden exceeds by far the UN target (0.7 per cent of GNI) since Swedish aid amounts to one per cent of its gross national income. Sweden channels about half of the total assistance through multilateral organisations such as the UN, the EU, the



World Bank, regional development banks and global funds. This part of the Swedish aid amounts to just over SEK 17 billion per year.

Recommendation n^o55: *Consider establishing a national human rights institution in conformity with the Paris Principles* (Recommended by Djibouti)

IRI: *fully implemented*

+

Recommendation n^o74: *Consider establishing an independent national human rights institution in full compliance with the Paris Principles* (Recommended by India)

IRI: *fully implemented*

+

Recommendation n^o86: *Consider establishing a national human rights institution in accordance with the Paris Principles* (Recommended by Jordan)

IRI: *fully implemented*

+

Recommendation n^o128: *Consider establishing an independent national institution to protect and promote human rights, in compliance with the Paris Principles* (Recommended by Russian Federation)

IRI: *fully implemented*

State of Sweden response:

The issue of a national human rights institution has been dealt with by the Delegation for Human Rights in Sweden in its final report (SOU 2010:70). The report has been referred for consideration to the relevant bodies in Sweden. [...]

Recommendation n^o63: *Continue the efforts to increase the effectiveness of the national human rights system and share its experiences with other States in the process of undertaking similar reforms* (Recommended by Finland)

IRI: *fully implemented*

+

Recommendation n^o96: *Broadly share the experience regarding the formulation and implementation of the second National Action Plan for Human Rights* (Recommended by Moldova)

IRI: *fully implemented*

State of Sweden response:

Sweden has ratified seven of the UN's core human rights conventions. Moreover, the Swedish Parliament, the Riksdag, has set a long-term objective for democratic policy that human rights shall be respected in Sweden. As part of the work towards this objective, the Government has adopted two national plans of action for human rights. The Government's second national action plan for human rights concerned the period 2006–2009. Moreover, a review of the plan has been carried out by the Government Offices. In addition, a special investigator has evaluated the work with the action plan. The evaluation was presented in April 2011 in the report *Coordinated, well designed and sustainable? An evaluation of the Government's national action plan for human rights 2006–2009* (SOU 2011:29).

Sweden intends to maintain a high level of ambition with regard to the systematic work for human rights. Work is in progress within the Government Offices to develop the Government's third national action plan or strategy for human rights. The work is



being carried out in the light of the evaluator's recommendations and the proposals by the Delegation for Human Rights in Sweden. The Delegation's final report (SOU 2010:70) has been referred for consideration to authorities, courts, municipalities, county councils, organisations and religious communities. The judgements, opinions and recommendations Sweden has received from international treaty and monitoring bodies, including those made during the UPR, constitute another important basis for the action plan.

In addition, a consultation process has been undertaken with a broad range of stakeholders in society in order to gather viewpoints on how the proposed action plan should be formulated. Sweden attaches great importance to openness and transparency in the process of developing a third action plan for human rights. One of the tools the Government uses to report on the work for human rights is the [Government's website on human rights](#).

Sweden values dialogues with other countries on systematic work for human rights, including national action plans for human rights. Meetings and study visits are organised periodically with representatives of other countries' government offices with authorities for the exchange of experience and dialogue in this area, both on Sweden's and other countries' initiative. A summary of Sweden's second action plan has been translated into English and published on the [Government's website on human rights](#), which also provides some information in English.

In addition, several government agencies' websites have information related to human rights issues in different languages. For example, there is information on the [Equality Ombudsman's website](#) in over 20 languages. [...]



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32 | Not implemented |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1 | Fully implemented |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

| rec. n° | Recommendation | SMR | Response | A | Issue |
|---------|---|------------|----------|---|--|
| 3 | Proceed to the ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, in conformity with recommendation No. 1737, of 17 March 2006, of the Council of Europe Parliamentary Assembly, of which Sweden is an active member | Algeria | Rejected | 5 | International instruments, Migrants |
| 4 | Become a State party to the Convention for the Protection of All Persons from Enforced Disappearance | Argentina | Rejected | 5 | Enforced disappearances, International instruments |
| 5 | Become a State party to the International Convention for the Protection of the Rights of All Migrant workers and Members of Their Families | Argentina | Rejected | 5 | International instruments, Migrants |
| 6 | Become a State party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights | Argentina | Rejected | 5 | ESC rights - general, International instruments |
| 15 | Promote the institution of the family in its policies for the promotion and protection of human rights | Bangladesh | Rejected | 4 | Other |
| 18 | Adopt a policy to strengthen the institution of the family, and develop traditional family values in society | Belarus | Rejected | 4 | Other |
| 19 | Prohibit racist organizations, and take all measures to ensure that racist propaganda cannot be disseminated and that people are appropriately punished for committing racist crimes | Belarus | Rejected | 5 | Racial discrimination |
| 22 | Establish a national human rights institution in accordance with the Paris Principles | Bolivia | Rejected | 5 | NHRI |
| 23 | Include representatives of the Sami people in all political, economic and social decisions that concern them, on an equal footing with others | Bolivia | Rejected | 5 | Indigenous peoples |
| 24 | Incorporate into domestic legislation the crime of torture as defined in CAT | Bolivia | Rejected | 5 | International instruments, Torture and other CID treatment |
| 26 | Provide all necessary support to the Sami people so that they may make use of legal resources that enable them to defend their rights, on an equal footing | Bolivia | Rejected | 4 | Indigenous peoples |



| | | | | | |
|----|--|----------------------|----------|---|---|
| 27 | Ratify ILO Convention No. 169 | Bolivia | Rejected | 5 | Indigenous peoples, International instruments |
| 28 | Consider ratifying the International Convention on the Rights of All Migrant Workers and Members of Their families | Bosnia & Herzegovina | Rejected | 3 | International instruments, Migrants |
| 34 | Guarantee for all undocumented migrants access to the same healthcare system, on the same basis, as persons with residence permits | Brazil | Rejected | 4 | Migrants |
| 38 | Incorporate explicitly the crime of torture, as defined in the Convention against Torture, into domestic law | Canada | Rejected | 5 | International instruments, Torture and other CID treatment |
| 42 | Ratify, as early as possible, the International Convention on the Rights of All Migrant Workers and Members of Their families | China | Rejected | 5 | International instruments, Migrants |
| 48 | Put an end to denying the right to education of children belonging to minorities or who do not have a residency permit in the country | Cuba | Rejected | 4 | Migrants, Minorities, Right to education, Rights of the Child |
| 49 | Put an end to impunity as regards the use of Swedish territory as a transit territory for flights by the Central Intelligence Agency of the United States transporting people subjected to violation of their human rights | Cuba | Rejected | 4 | Impunity, Counter-terrorism |
| 51 | Consider incorporating into its national legislation the specific crime of torture, reflecting fully the definition of torture in article 1 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, so that the grave nature of this crime is thus clearly visible and discernible from other crimes | Czech Republic | Rejected | 3 | International instruments, Torture and other CID treatment |
| 53 | Include in its national legislation specific and explicit safeguards guaranteeing that no evidence obtained through torture or other ill treatment may be used before the court | Czech Republic | Rejected | 5 | Torture and other CID treatment |
| 54 | Withdraw its reservations to the International Covenant on Civil and Political Rights | Czech Republic | Rejected | 5 | CP rights - general, International instruments |
| 57 | Devise policies aimed at quelling racist platforms which incite hatred and discrimination within political parties and circles | Egypt | Rejected | 4 | Racial discrimination |
| 59 | Implement a ban on racist organizations, in line with international obligations | Egypt | Rejected | 5 | International instruments, Racial discrimination |



| | | | | | |
|-----|---|-----------|----------|---|---|
| 61 | Launch, with the participation of all media, a process of reflection on the role and responsibility of the media with respect to combating racism, xenophobia and related intolerance | Egypt | Rejected | 5 | Racial discrimination |
| 65 | Establish an independent national human rights institution, and provide the financial and human resources necessary for its adequate operation | France | Rejected | 5 | NHRI |
| 67 | Ratify, as soon as possible, the Convention for the Protection of All Persons from Enforced Disappearance | France | Rejected | 5 | Enforced disappearances, International instruments |
| 71 | Transfer the administration of land-user rights and land use to the Sami people | Greece | Rejected | 5 | Indigenous peoples, Right to land |
| 75 | Establish its national human rights institution in accordance with the Paris Principles in a timely manner | Indonesia | Rejected | 5 | NHRI |
| 76 | Take serious measures to address such irresponsible acts as the recent publication of an outrageous poster of Prophet Muhammad as well as a blasphemous video message by one of the Swedish political parties, which merely perpetuate religious hatred and intolerance | Indonesia | Rejected | 4 | Freedom of religion and belief, Racial discrimination |
| 78 | Establish an independent national human rights institution | Iran | Rejected | 5 | NHRI |
| 79 | Implement a ban on racist organizations, in line with its international obligations | Iran | Rejected | 5 | Racial discrimination |
| 81 | Incorporate the prohibition of torture into its legislation | Iran | Rejected | 5 | Torture and other CID treatment |
| 83 | Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Iran | Rejected | 5 | International instruments, Migrants |
| 92 | Strengthen the capacities and expand the role of the Equality Ombudsman to cover the whole range of human rights, with a view to its possible assumption of the role of a national human rights institution, in accordance with the Paris Principles | Malaysia | Rejected | 4 | NHRI |
| 103 | Guarantee that the national human rights institution has full independence in accordance with the Paris Principles | Nicaragua | Rejected | 4 | NHRI |
| 105 | Consider making some amendments to the Aliens Act, particularly as regards appeals against decisions from the Supreme Migration Court | Nigeria | Rejected | 3 | Migrants |
| 106 | Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Nigeria | Rejected | 3 | International instruments, Migrants |



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|-----|---|--------------------|------------------|---|--|
| 110 | Become party to ICRMW | Pakistan | Rejected | 5 | International instruments, Migrants |
| 112 | Enact explicit laws criminalizing organizations and entities promoting or inciting racial or religious hatred, as well as publicly denounce such acts, when they occur, in line with recommendations of the Committee on the Elimination of Racial Discrimination | Pakistan | Rejected | 5 | Freedom of religion and belief, Racial discrimination, Treaty bodies |
| 113 | Establish a national human rights institution in accordance with the Paris Principles | Pakistan | Rejected | 5 | NHRI |
| 117 | Engage in national consultation on the possible ratification of the International Convention on the Rights of All Migrant Workers and Members of Their families | Philippines | Rejected | 5 | International instruments, Migrants |
| 126 | Prohibit racist organizations, in accordance with its international obligations | Qatar | Rejected | 5 | Racial discrimination |
| 129 | Deny paramilitary organizations sites by Swedish services providers | Russian Federation | Rejected | 5 | Counter-terrorism |
| 140 | Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights | Spain | Rejected | 5 | ESC rights - general, International instruments |
| 151 | Sweden committed to closely consult civil society and other stakeholders in the follow up of the review, and reiterated its continuous engagement with the Human Rights Council. Sweden expressed that it intended to maintain a high level of ambition regarding the implementation of human rights issues on a national level, and that the UPR process would continue to constitute a vital part of that work. | Sweden | Voluntary Pledge | 5 | Civil society |

A= Action Category (see on [our website](#))

SMR = State making recommendation

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