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**Sweden**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. Methodology and consultation process**

1. The purpose of this report is to outline how human rights are protected in Sweden, as well as to identify best practices and challenges. The report is based on the guidelines issued by the Human Rights Council.<sup>1</sup> The Ministry for Foreign Affairs has coordinated the preparatory process together with the Ministry of Integration and Gender Equality, in close cooperation with other ministries.

2. The Government has sought an open and transparent process, involving government agencies, civil society and other stakeholders at an early stage. The Government's human rights website *www.manskligarattigheter.se* has been used to inform and consult stakeholders. The coordinating ministries have also held open-ended meetings with stakeholders to inform about and collect views on the process and this report. In November 2009, representatives from the coordinating ministries participated in a public seminar about the UPR held at the Swedish Forum for Human Rights.<sup>2</sup> The Equality Ombudsman, the Children's Ombudsman and the Delegation for Human Rights in Sweden have been consulted during the drafting of this report.

## **II. Normative and institutional framework for the protection and promotion of human rights**

### **A. Fundamental rights and the constitutional laws**

3. Sweden is a parliamentary democracy. All public power proceeds from the people. The Swedish Constitution is based on the principles of popular sovereignty, representative democracy, parliamentarism, local governance and the rule of law. At the national level, the people are represented by the Riksdag (Parliament) which has legislative power. The Government implements the Riksdag's decisions and draws up proposals for new laws or law amendments. General elections to the Riksdag, county councils and municipal councils are held every four years.

4. The rights and freedoms enjoyed by persons in Sweden are primarily protected through three constitutional laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Instrument of Government lays down that public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the private person. The Instrument further contains an enumeration of human rights and freedoms; some of which are considered as absolute, i.e. no restrictions are permitted.<sup>3</sup> The Instrument of Government also contains an absolute prohibition against capital punishment, torture and corporal punishment.

5. In addition to the absolute rights, the three constitutional laws also lay down a number of rights and freedoms which may, under certain circumstances, be restricted by law.<sup>4</sup> Such restrictions, however, are themselves subject to limitations. Another feature in the constitutional framework is the inclusion in the freedom of expression of a principle of public access to information. This principle, inter alia, encompasses access to official documents, a constitutionally protected right and duty for journalists to protect the anonymity of sources, the right to communicate and publish information and access to court hearings as well as meetings of decision-making assemblies.

6. In December 2009, the Government proposed certain changes to the constitutional framework in a bill to the Riksdag. In the bill the Government proposes, inter alia, that constitutional protection should be applicable to all persons present in the territory of Sweden, not only citizens; that the constitution should include protection against

discrimination due to sexual orientation; and that any decision of interference in the right of ownership of property, for instance expropriation, necessitates that the individual is guaranteed full compensation.<sup>5</sup>

7. Following the entry into force of the Treaty of Lisbon in 2009, Sweden is bound by the European Union Charter of Fundamental Rights.

## **B. Sweden's obligations under international human rights law**

8. Sweden is party to most major UN human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Sweden has ratified the protocols to these conventions, except the Optional Protocol to the ICESCR. Sweden signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007.

9. Sweden is party to a large number of ILO conventions on labour rights, including the eight core conventions.

10. Sweden regularly reports to the UN treaty bodies on how it complies with its international human rights obligations. The Government takes seriously the concluding observations of these bodies, which contribute to the improvement of human rights protection in Sweden. The Government also takes seriously the views issued by UN treaty bodies with regard to individual cases against Sweden. The Swedish Aliens Act from 2006 formalises the established practice to comply with requests, decisions and judgments from international bodies that are competent to examine complaints from individuals, e.g. UN human rights treaty bodies or the European Court of Human Rights.

11. Sweden has issued a standing invitation to all UN human rights special procedures.

12. Sweden is party to the European Convention on Human Rights (ECHR) and most of its protocols, as well as to a number of other Council of Europe human rights conventions. Any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by Sweden of the rights set forth in the European Convention or its protocols may have recourse to the European Court of Human Rights. As state party to the Convention, Sweden is obliged to abide by the judgments of the Court in cases to which it is a party. Judgments against Sweden have, in a number of cases, prompted the payment of just satisfaction to applicants and in some instances amendments to Swedish law relating, inter alia, to widening the right of access to court. Under the supervision of the Committee of Ministers of the Council of Europe, the Government will continue to take all necessary steps for the execution of the Court's judgments.

13. As a participating state of the OSCE, Sweden implements the human dimension commitments of that organisation.

14. Sweden adheres to a dualistic system, by which conventions that Sweden ratifies do not automatically become part of national law. There are two main methods for giving legal effect to international conventions in Swedish law: incorporation and transformation. International conventions are usually transformed into Swedish law by the enactment of equivalent provisions in an existing or a new Swedish statute. In certain cases, a convention can be incorporated by means of general law, stating that the convention shall apply in Sweden as Swedish law and be directly applicable. One example of the latter approach is

the European Convention for the Protection of Human Rights and Fundamental Freedoms, which was incorporated into Swedish law in 1995.

15. A significant feature of European Union law is that under certain circumstances it has direct effect. The European Court of Justice has, for example, in several cases concerning discrimination on the grounds of nationality and sex ruled that the relevant provisions have direct effect. European Union law is applied by Swedish courts, tribunals and administrative authorities, thereby contributing to the protection of human rights in Sweden.

### **C. Institutional structures for the protection and implementation of human rights**

16. A fundamental objective of the exercise of all public power in Sweden is to ensure full respect for human rights. Central, regional and local government, including public administration, are all bound by Sweden's international human rights obligations in the exercise of their authority, as is the Riksdag and the judiciary. In a number of fields, the Government endeavours to strengthen the protection of human rights beyond the level provided for in international law.

17. The responsibility for the implementation of Sweden's international human rights obligations is divided between the central state authorities, regional authorities and local municipalities. Sweden has a long tradition of local self-determination, meaning that regional authorities and local municipalities are free to make their own decisions within limits determined by the Riksdag and the Government. Regional and local authorities are responsible for, inter alia, health and medical service, social welfare matters, matters concerning compulsory school and upper secondary school, preschool and care of the elderly.

18. The independence of the judiciary is safeguarded by the Instrument of Government. Courts of law play a central role in protecting the rights of individuals in Sweden. The remedies provided for under the Swedish court system are adopted so as to provide a means to protect human rights. Legal proceedings are dealt with by general courts and general administrative courts, as well as to some extent by administrative authorities. In addition, a number of special courts and tribunals have been established to hear cases within specific categories.<sup>6</sup>

19. The implementation of human rights is also supervised by the functions of ombudsmen. Anyone who feels that he or she or someone else has been treated wrongly or unjustly by a public authority or an official employed by the civil service or local government can make a complaint to the Office of the Parliamentary Ombudsmen (JO). The JO institution, whose ombudsmen are appointed by the Riksdag, was established in 1809. Every year the Parliamentary Ombudsmen receive almost 6 000 complaints of widely varying kinds. Inquiries can also be initiated by the ombudsmen themselves and on observations made during the course of inspections. The powers and sanctions of the ombudsmen allow, in extreme and very rare cases, an ombudsman to act as a special prosecutor and bring charges against an official for malfeasance. The Parliamentary Ombudsmen also have the right to initiate disciplinary procedures against an official for misdemeanours, and to issue critical advisory comments or recommendations.

20. Some supervisory functions are also executed by the Chancellor of Justice (JK), appointed by the Government. For example, the JK can receive complaints and claims for damages directed to the state and decide on financial compensation for such damages.

21. The Equality Ombudsman was established on 1 January 2009 when the four previous anti-discrimination ombudsmen were merged into a new body. The previous authorities were the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman and the Ombudsman against Discrimination on grounds of Sexual Orientation. The Equality Ombudsman is a government agency that works against discrimination and for equal rights and opportunities for everyone.<sup>7</sup>

22. Persons up to the age of 18 in Sweden have an ombudsman of their own, the Children's Ombudsman. The main duty of the Children's Ombudsman is to promote the rights and interests of children and young people as set forth in the Convention on the Rights of the Child (CRC). The agency monitors the implementation of the CRC in Sweden, including by submitting proposals for legislative amendments and promoting the application of the CRC in the work of government agencies, municipalities and county councils. However, the Ombudsman does not supervise other authorities and, by law, may not interfere in individual cases.

23. How the national monitoring mechanism for the recently ratified Convention on the Rights of Persons with Disabilities will be set up is currently being considered.

24. Other supervisory agencies with relevance for human rights include the Press Council, the National Board of Health and Welfare and the Swedish Bar Association.

25. A number of other actors in society, both public and private, contribute to the promotion and enjoyment of human rights in Sweden. The media play a crucial role by providing information to the public, by initiating public debate and scrutinising the exercise of public power. Sweden also has a long tradition of civic engagement and an active civil society, often characterised by a high rate of participation and democratic internal organisation. Media and non-governmental organisations both play an essential role in upholding and developing democratic values, respect for human rights and civic participation in Swedish society.

#### **D. Human rights as an integrated part of Swedish foreign policy**

26. Protection of human rights is a priority in Sweden's foreign policy. The Government is committed to ensuring that human rights and democracy are integrated into all policy areas, including migration, security and trade. The Government aims to pursue a human rights policy that is consistent and results-oriented. Dialogue with other states, multilateral negotiations, public diplomacy and development assistance are important means of promoting human rights internationally. Human rights constitute one of the three main thematic priorities of Sweden's development cooperation, with a strengthened focus on support to democracy-building.

27. The Government outlined its foreign policy priorities in two communications to the Riksdag in 2008. 'Human Rights in Sweden's Foreign Policy'<sup>8</sup> outlined overall human rights priorities, while 'Freedom from Oppression – Government Communication on Swedish Democracy Support'<sup>9</sup> covered development cooperation work.

28. The Government attaches high priority to ensuring that international law, human rights, democracy and the rule of law permeate the European Union's internal and external action. During the Swedish Presidency of the EU Council of Ministers in 2009, particular focus was put on the effective implementation of the broad range of instruments the EU has at its disposal. Priorities included holding human rights dialogues and consultations with a view to meaningful results, implementing the EU's guidelines on human rights and promoting the substantive work at the UN and other multilateral bodies.

29. Sweden plays an active role in United Nations bodies mandated to address human rights, such as the General Assembly and the Human Rights Council. Sweden will continue to work towards safeguarding the crucial role of these bodies as forums to uphold respect for established universal human rights norms and to effectively address serious, large-scale violations of human rights and humanitarian law. Cooperation with the High Commissioner for Human Rights is also particularly important. Sweden also endeavours to ensure that human rights issues are fully reflected and implemented in other UN contexts, such as in the work of the ILO, UNICEF, UNHCR, UNDP and UNESCO.

30. As one of the Council of Europe's founding states, Sweden works towards strengthening the Council's role, particularly in its unique core issues: promoting human rights, the rule of law and democracy. Sweden prioritised human rights during its chairmanship of the Committee of Ministers of the Council of Europe in 2008.

## **E. Human rights education and information**

31. Enhancing knowledge and awareness of human rights is crucial to making human rights an integral part of all aspects of society. Increasing awareness of human rights is therefore one of the constant priorities of the Government's human rights work. A number of measures have been taken to expand human rights training for the judiciary and public officials at all levels as a result of the two National Action Plans for Human Rights. One example is the mandatory human rights training for new officials within the Government Offices. Another example is the production of a handbook on human rights in municipal activities. A draft new Education Act<sup>10</sup> puts an even greater emphasis than before on human rights as one of the fundamental values on which the school system is founded. The draft Act and the national curriculum both stipulate that everyone who works in schools is obliged to promote respect for human rights and to very clearly disassociate themselves from anything that conflicts with these values.<sup>11</sup>

32. In 2002 the Government established a special human rights website *www.manskligarattigheter.se*. Information posted on the website includes, for example, key human rights conventions translated into Swedish, Sweden's reports to various international monitoring mechanisms and concluding observations from such bodies.<sup>12</sup> It also includes all judgments delivered by the European Court of Human Rights in cases brought against Sweden. The website has been made accessible for people with disabilities and certain sections have been translated into indigenous and minority languages.

## **III. Implementation of human rights in Sweden**

### **A. Introduction**

33. Human rights and democracy are fundamental values in Swedish society. Proceeding from these values, the Government is firmly committed to ensuring full respect for human rights in Sweden. Sweden's long-standing democratic system of government and constitutional framework continue to form the basis of the enjoyment of all rights, while the general welfare system has contributed to the practical enjoyment of a number of rights and Sweden's relatively high ranking in many international comparisons related to overall living standards, such as the UNDP Human Development Index.<sup>13</sup> The state is responsible for all or most of the costs related to education, health care, child care, elderly care and pensions.

34. At the same time, problems and challenges impeding the full enjoyment of human rights by all remain in many areas. Further efforts are needed in combating discrimination

and protecting the rights of persons who have special needs, or who find themselves in vulnerable situations. The experience of the Equality Ombudsman, as well as independent research, indicates that discrimination prevails in Swedish society, and that especially the Roma and the Sámi are vulnerable to discrimination. As part of the effort to counter these tendencies, the Government's aim is to ensure that there is a strong awareness of the prevalence and extent of discrimination in society, as well as knowledge of the mechanisms behind discrimination. One challenge is to find new ways and methods for mapping the current existence of discrimination, or risk of discrimination, on all discrimination grounds.

35. In May 2006 the Riksdag adopted 'A National Action Plan for Human Rights 2006–2009'.<sup>14</sup> This was Sweden's second National Action Plan for Human Rights. The first action plan<sup>15</sup> has been followed up and evaluated. The purpose of the second action plan was to carry out a coherent review of the human rights situation in Sweden and, on the basis of this review, to propose measures for more systematic work with human rights at the national level. The main focus of the action plan is protection against discrimination.<sup>16</sup> Other measures aim at increasing knowledge and awareness about human rights. Further, they regulate the organisation of human rights efforts as well as the follow-up and evaluation of the action plan. A large number of stakeholders, including the political parties represented in the Riksdag, government agencies, municipalities and county councils, institutions of higher education and non-governmental organisations were consulted and involved in the drafting of the National Action Plan for Human Rights.

36. In conjunction with the presentation of the National Action Plan for Human Rights in 2006, the Government established a Delegation for Human Rights in Sweden to support the long-term task of securing full respect for human rights in Sweden based on the action plan.<sup>17</sup> Within the framework of its remit, the Delegation shall, for example, support government agencies, municipalities and county councils in their work to secure full respect for human rights in their areas of activity. The Delegation shall deliver its final report to the Government by 30 September 2010. In this report, the Delegation will propose how the public sector can be offered continued support in its work towards achieving full respect for human rights after the Delegation has completed its mandate. In this context, the establishment of an independent national human rights institution in accordance with the Paris Principles will be discussed.<sup>18</sup>

## **B. Reducing discrimination and promoting equal rights in society**

37. The fight against all forms of discrimination, including multiple discrimination, is one of the key human rights objectives of the Government. The overarching, long-term objective is a society free from discrimination. Issues linked to this area are measures to combat racism, homophobia and other forms of intolerance.

38. The most extensive initiative to achieve this goal in recent years is the new Anti-discrimination Act, which entered into force on 1 January 2009.<sup>19</sup> The Act includes protection against discrimination on the five previously protected grounds; i.e. sex, ethnic origin, religion or other belief, disability and sexual orientation. It also adds two new grounds – age and transgender identity or expression.

39. The new Anti-discrimination Act is based on several international anti-discrimination instruments to which Sweden has acceded. Structurally, it merges seven earlier civil law acts against discrimination regarding different areas of society and different grounds of discrimination into a single piece of legislation. Under the new Act, discrimination is prohibited in principle in all sectors of society and on all grounds mentioned above. This means that the Act introduces protection in areas of society not previously covered by the legislation. The most important example of this is the general prohibition against discrimination in the public sector. The exception to this is age, where

the prohibition is limited to all parts of the education system and working life in the broad sense of the term.

40. In conjunction with the adoption of the new Anti-discrimination Act, a new agency was established by merging the four previous anti-discrimination ombudsmen into a new body: the Equality Ombudsman (DO). The Equality Ombudsman is mandated to supervise compliance with the Anti-discrimination Act and to combat discrimination and promote equal rights and opportunities for everyone.<sup>20</sup> A central task for DO is to investigate complaints of discrimination. This may include representing the victim of discrimination in settlement proceedings or, ultimately, in a court of law. The Ombudsman can also, for example, make independent surveys, reports and recommendations.

41. The intention in having a single Ombudsman on anti-discrimination issues is that it will ensure a more effective and powerful monitoring of compliance with the Act. A comprehensive discrimination law based – as far as possible – on equal treatment on all grounds also emphasises the non-hierarchical relation between the different discrimination grounds. This merger is also expected to improve the conditions for dealing with cases of multiple discrimination.

42. Another new feature of the Act is the right given to organisations and associations, for example non-governmental organisations, to act on behalf of the complainant in a discrimination case. A new sanction, compensation for discrimination, has been introduced for infringements of the Anti-discrimination Act. The sanction is designed both to compensate for the violation represented by an infringement and to act as a deterrent against discrimination.

43. Government financial contributions to non-governmental organisations comprise another element to fighting discrimination. The National Board for Youth Affairs (a government agency) administers applications for government subsidies in accordance with three ordinances, all of which aim to promote equal rights and opportunities regardless of the grounds covered by the Anti-discrimination Act. Subsidies are available, for example, for local activities against discrimination performed by anti-discrimination bureaus. There are about twenty anti-discrimination bureaus nationwide offering assistance to individuals who find themselves discriminated against on any of the grounds covered by the Anti-discrimination Act.

44. A further step in Sweden's work to promote equal rights in society was the ratification of the UN Convention on the Rights of Persons with Disabilities in 2008. During the ratification process, it became clear that challenges remained, for example with regard to awareness-raising, measures to reduce unemployment among persons with disabilities and increasing accessibility. For persons with disabilities, barriers such as lack of access ramps or means of communication such as Braille are often greater obstacles to participation in the labour market and society than the disabilities as such.

### **C. Gender equality**

45. Promoting gender equality has been an important political priority in Sweden for many years. The aim of the Swedish Government's gender equality policy is to counter systems that preserve the gender-based distribution of power and resources on a societal level and to create conditions for women and men to enjoy the same opportunities. The Government underlines the importance of having women and men sharing power and influence in all aspects of community life, since this is a prerequisite for a democratic society. The Government also recognises that gender equality contributes to economic growth by promoting all persons' skills and creativity.



46. In an international perspective, Sweden has a high rate of female labour force participation. Eighty-one per cent of Swedish women and 87 per cent of Swedish men are part of the labour force. Three reforms from the 1970s laid the groundwork for this development: individual income taxation, the development and expansion of public child care and elderly care facilities, and the expansion of financial remuneration for parental leave. A number of subsequent welfare schemes have continued to build on and develop these reforms in order to make it easier to combine family life with paid employment and encourage gender equality in both working and family life. A gender equality bonus in the parental insurance system was introduced in 2008, in order to encourage parents to share parental leave as evenly as possible. Available statistics indicate that there has been an increase in fathers' share of parental leave since the new system was introduced. Twenty-two per cent of all parental leave was taken by fathers in 2009, compared with 12 per cent in 2000.

47. Despite these efforts, gender inequality still exists in most sectors of society. A gender pay gap, unequal career opportunities, an unequal division of parental insurance and an under-representation of women in executive positions in local and regional decision-making bodies, at universities and in the private sector continue to give cause for concern. Furthermore, there is a high degree of gender segregation in the labour market and in upper secondary school education. Despite legislation and an active involvement by authorities and civil society organisations, men's violence against women remains an extensive problem in Sweden.

48. In recent years, gender equality policy has been allocated considerable resources. In addition to the initiatives and action plans mentioned below, recent Government initiatives include a research programme on women's health, an initiative on gender equality integration in municipal activities and the gender equality initiative in the field of education, approved by the Government in June 2008.

49. The Government's ambition is to increase the proportion of new enterprises being started and run by women from the previous level of 35 per cent to 40 per cent by the 2010. In order to reach this target the Government has allocated approximately EUR 10 million for a three-year programme (2007–2009) to promote women's entrepreneurship and to increase research into and knowledge about women's business opportunities. In June 2009 the Government also presented a coherent strategy with regard to gender equality in the labour market and the business sector.

50. There is broad political agreement on the need to give men's violence against women high priority. Ultimately, it is a question of gender equality and women's full enjoyment of all human rights. In November 2007, the Government adopted an action plan<sup>21</sup> to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relations.<sup>22</sup> Altogether, over SEK 900 million is being invested in 56 different measures up to the end of 2010. The plan covers six areas of action.<sup>23</sup> The Action Plan contains a range of proposals affecting a number of government agencies as well as municipalities, county councils and NGOs.

51. As part of the action plan, major efforts have been made in order to strengthen the support and assistance to women subjected to violence and children who have witnessed violence, as well as measures directed at the men who commit violence. In July 2007 the Social Services Act<sup>24</sup> was strengthened so that the duty of the social welfare committee to provide support and assistance for victims of crime, in particular women subjected to violence and children who have witnessed violence, was stated more clearly than before. A series of complementary measures was taken to build up a comprehensive structure that strengthens the support to victims of violence. In addition, the Government has allocated funds for local cooperation to counteract violence against women at municipal level. In 2007 the Government also instructed the National Centre for Knowledge on Men's

Violence Against Women (NCK) to draw up a national programme for the care of victims of sexual crimes. The purpose is to improve the care of victims of sexual crimes in the health care service and to develop procedures for testing (taking specimens) and documentation to ensure that the data available to the judiciary is as comprehensive and expedient as possible. The Government intends to evaluate the provisions concerning gross violation of integrity and gross violation of a woman's integrity, to determine how the provisions have been applied, whether they have had the desired effect and whether the law needs to be changed.

52. The Swedish Prison and Probation Service has an assignment to introduce a special set of measures targeting men convicted of sexual crimes and those convicted of violence in close relationships.

53. Violence against women in Sweden includes violence and oppression in the name of honour. The Government has initiated a number of measures to stimulate the creation of sheltered housing as well as educating professionals and other adults who could have direct contact with girls subjected to violence in the name of honour. The Government has also instructed the county administrative boards to provide funding for measures to prevent violence and oppression in the name of honour.

54. A major challenge for the future is to improve research and evaluation concerning men's violence against women. The National Board of Health and Welfare has been instructed to evaluate methods and practice in the work of the social services with women who are subjected to violence and children who have witnessed violence. The Agency has also been instructed to evaluate methods and practices in the work of the social services targeting violent men.

55. The National Council for Crime Prevention (Brå) presented a report in 2009<sup>25</sup> on police-handling of reports on men's violence against women. On the basis of this report, a manual on domestic violence for police employees has been compiled. By the end of 2009 an estimated 10 000 police employees will have completed the interactive training package. Furthermore, an information campaign addressing the public was launched in September 2009 with the main focus of increasing reporting to the police.

56. Since 1999 purchasing – and attempting to purchase – sexual services has constituted a criminal offence in Sweden. The punishment is a fine or imprisonment for at most six months. The offence comprises all forms of sexual services. The provision is meant to deter people from buying sex because of the risk of being subject to police interventions, etc. The person who sells sexual services is not punished. Since the law entered into force there has been a drop in the number of women in street prostitution, according to information provided by the police and social services. According to the National Police Board (RPS) – which is the national rapporteur on trafficking in human beings – initial indications are that the law is working as a barrier against trafficking in Sweden. In April 2008 the Government appointed an inquiry (2008:44) to evaluate the application of the provision and its effects. The purpose of the evaluation is to examine how the legislation works in practice and what the effects have been on prostitution and the trafficking of human beings for sexual purposes in Sweden. The inquiry is due to report its findings by 30 April 2010.

57. Sweden was one of the first countries to adopt a national action plan<sup>26</sup> for the implementation of the UN Resolution 1325 on women, peace and security. Sweden's action plan focuses on enabling the active participation of women in peace processes, and also on ensuring that the special protection needs of women and girls are met. The objectives and focus of Swedish action at national level include ensuring that a considerably larger proportion of women participate in international peace-support and security-building

operations; strengthening protection of women and girls in conflict situations; and enabling women in conflict areas to participate fully and on equal terms.

#### **D. Trafficking in human beings**

58. The Swedish penal legislation against trafficking in human beings has recently been subject to a review. In April 2008 the Commission of Inquiry on Trafficking in Human Beings, etc. presented a report to the Government with several proposals in order to make the penal legislation more effective and to further strengthen the protection of victims. A Government bill is planned for March 2010. The bill will also address the question of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>27</sup>

59. In 2008, the Government approved an action plan for combating prostitution and trafficking in human beings for sexual purposes.<sup>28</sup> A total of SEK 213 million will be invested in 36 measures until 2010. The action plan has a clear focus on the need for protection and support for the individual affected, and on this permeating the efforts of the agencies concerned. Particular measures are targeted at children and young people. The action plan includes five areas of measures, each of which is important in itself, but which also supplement and strengthen each other.<sup>29</sup>

#### **E. Rights of lesbian, gay, bisexual and transgender persons**

60. The active promotion of equal rights and opportunities regardless of sexual orientation or transgender identity or expression is a priority for the Government. Protection against discrimination on grounds of sexual orientation and transgender identity or expression has been strengthened in recent years. One example is the new Anti-discrimination Act, mentioned above. Another example are new rules concerning marriage and marriage ceremonies which entered into force on 1 May 2009.<sup>30</sup> The Marriage Code and other statutes involving spouses is gender-neutral and the Registered Partnership Act<sup>31</sup> has been repealed. Same-sex couples can enter into marriage on the same terms as couples of different sexes.

61. At the international level Sweden actively encourages all countries to decriminalise sexual contact between adults of the same sex and is pressing for the introduction of legal protection against discrimination on grounds of sexual orientation and gender identity. The rights of homosexual, bisexual and transgender persons are one of the Government's priorities in its development cooperation programme.

62. Regarding the grounds for recognition of refugee status, the Aliens Act includes well-grounded fear of persecution because of sexual orientation, pertaining to membership of a particular social group. Individual assessments of the grounds for asylum are always made. The Government has instructed the Migration Board in the appropriation directions for 2007–2009 to give special attention to issues related to women and LGBT persons in training programmes and to report on how the Board will maintain and develop competence in this area.

63. Both international and national surveys indicate that young homosexual, bisexual and transgender persons are especially vulnerable when it comes to their health situation. The Government has given a special assignment to the National Board for Youth Affairs to investigate the health situation among young homosexual, bisexual and transgender persons. The investigation is to be carried out in cooperation with the Swedish National Institute of Public Health and Sweden's national lesbian, gay, bisexual and transgender youth organisation, among others.

## F. Rights of the child

64. The Government is concerned about remaining challenges on the implementation of the rights of the child. Children and young persons are among the groups that face the largest challenges in voicing their needs and claiming their right to participation and to self-representation. The concluding observations on the fourth periodic report to the UN Committee on the Rights of the Child from 2009 are an important input for the Government's future work on implementing the rights of the child.

65. 2009 marked the 30<sup>th</sup> anniversary of the complete prohibition of corporal punishment in Sweden, including within the home. Nonetheless, some children continue to be victims of violence within the family. Combating all forms of violence against children is a priority in the Government's child rights policy.

66. Combating bullying in schools remains a challenge. The new Anti-discrimination Act<sup>32</sup> aims to promote equal rights for children and pupils and to combat discrimination on grounds of sex, ethnic origin, religion or other belief, sexual orientation or disability. A project managed by the National Agency for Education was initiated in 2007 to counter bullying, harassment and discrimination. The project is to submit its report by November 2010.

67. The Government is pursuing measures with regard to challenges in other areas. In 2009 the Government appointed a committee of inquiry to investigate how access to education can be extended so as to include a wider group of children who are staying in Sweden without a permit. The committee presented its proposals in February 2010.

68. In 1999 the Riksdag adopted a national strategy<sup>33</sup> for the implementation of the UN Convention on the Rights of the Child (CRC). This strategy forms the basis for the Government's child rights policy. The objective of the strategy is for children's rights and interests to permeate all decision-making that affects children. Decision-makers and others who work on issues that affect children must take into account the human rights of every girl and boy. The goal of the strategy is also to promote awareness of the CRC within the Government, in state agencies, in municipalities and in county and regional councils. The strategy also points out that municipalities and county councils should establish systems to follow up implementation of the best interests of the child in local government work. Child impact assessments must be carried out in connection with state decisions affecting children. The strategy was updated in 2002, 2004 and 2008. The Children's Ombudsman has a key role in realising the goals put forward in the strategy. One remaining challenge is to ensure that children themselves are aware of their rights. A survey by the Children's Ombudsman showed that only one in five Swedish children between the ages 11–14 had knowledge of the CRC.

69. In 2007, the Government introduced the second updated version of the National Action Plan for Safeguarding Children from Sexual Exploitation. The first Action Plan was drawn up in 1998 in response to the first World Congress against the Commercial Sexual Exploitation of Children held in Stockholm in 1996. Ten measures are presented in the 2007 Action Plan.<sup>34</sup> A follow-up of the specific measures presented in the Action Plan will be implemented in 2010.

70. The Government is pursuing efforts to strengthen psychiatric care in general and to improve the situation of persons with psychiatric disabilities in Sweden. Several reforms in this area specially target children and young persons in need of psychiatric care and support services. Current measures for shortening the queues to specialised psychiatric care for children, where the county councils have to show results before they are able to benefit from the Government's money, have yielded positive results. Six municipalities are involved in a collaborative project with a research institution with the mission to strengthen

and develop local multidisciplinary plans for health promotion. The project aims to promote children's and young persons' mental and physical health.

## **G. Rights of elderly persons and rights of persons with disabilities**

71. Unacceptable gaps still remain between the intention and letter of social legislation on the one hand and the living conditions experienced by many people in Sweden on the other. This is especially true as regards social protection targeting elderly persons and persons with disabilities. To bridge the gap between objectives and reality the Government has identified a multi-track strategy.<sup>35</sup>

72. In order to legally deal with the existence of unimplemented decisions that in practice deny many citizens their rights under existing legislation, the Government has extended, in two stages, the county administrative boards' possibilities to impose penalties on municipalities that fail to enforce judgments within a reasonable period of time.

73. To increase the individual's influence over the system, a new act on freedom of choice for users of social services has been introduced. The core is the right to decline a service one is not content with. Freedom of choice increases the scope for the individual to enjoy services that suit and conform to his or her needs, interests and social and cultural background.

74. In Sweden there is currently a rapid development of nationwide systems for open comparisons of quality and performance in social services. These systems are crucial in efforts to strengthen the influence of the individual. The Government has given priority to the development of quality indicators and a national system of open comparisons. Measuring and comparing quality and results stimulates better performance of the social services, while open comparisons allow for broader dissemination of both good and bad performance.

## **H. Rights of indigenous people and persons belonging to national minorities**

75. Sweden's five recognised national minorities are the Jews, the Roma, the Sámi, the Swedish Finns and the Tornedalers. The national minority languages are Yiddish, Romany Chib, Sámi, Finnish and Meänkieli.

76. Sweden has recently taken steps to reform its policy on national minorities. A new bill 'From Recognition to Empowerment – the Government's Strategy for the National Minorities'<sup>36</sup> adopted in 2009 contains a number of initiatives to improve the situation of national minorities. These initiatives include a new Act on National Minorities and Minority Languages, which entered into force on 1 January 2010; new obligations for municipalities and government agencies to actively promote national minority languages and culture, measures to improve the participation of national minorities in decision-making processes and measures to actively promote and revitalise national minority languages.

77. International monitoring has resulted in recommendations regarding the need to improve the availability of mother-tongue teaching and teaching on national minority languages in Sweden. The Government therefore notes in the new strategy for national minorities the importance of availability of educational material in minority languages, and that the possibility to provide distance teaching and better teacher training should be investigated further.

78. Another area of concern is health. The Swedish National Institute of Public Health is currently investigating the health situation of national minorities. The first report from January 2010 shows that there are specific health issues to be addressed. The Agency's proposals to the Government on how to improve the situation will be presented in March 2010.

79. Since well before the beginning of recorded history, the Sámi have lived in an area that now extends across four countries.<sup>37</sup> The Sámi Parliament estimates that the number of Sámi in Sweden is between 20 000 and 25 000, of whom around 2 500 are involved in reindeer herding. The Sámi people have been victims of discrimination and assimilation policies by Swedish authorities throughout history. The Government has apologised for this and acknowledged the poor treatment of the Sámi people in the past.

80. Indigenous peoples have the right to self-determination in accordance with common Article 1 of the ICCPR and the ICESCR. The right shall not be construed as authorising or encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples. In 1977 the Sámi were recognised by the Riksdag as Sweden's only indigenous people. In the bill on certain changes to the constitutional framework submitted by the Government to the Riksdag in December 2009, the Government proposed that the constitution should give explicit recognition to the Sámi, in that the Instrument of Government should stipulate that opportunities for the Sámi to preserve and develop a cultural and social life of their own shall be promoted.<sup>38</sup>

81. The Sámi Parliament was established in 1993 and is both a public administrative authority and a popularly elected body. The elected body is made up of 31 MPs elected by the Sámi people in Sweden. The Sámi Parliament has administrative responsibility in certain matters. For example, the Sámi Parliament is the central administrative agency responsible for reindeer husbandry. In 2009 a woman was elected head of the plenary board of the Sámi Parliament for the first time.

82. During the last ten years, a series of government inquiries have been concluded, e.g. the reports of the Boundary Commission, the Inquiry on Sámi Hunting and Fishing Rights and the Reindeer Breeding Inquiry. These inquiries were intended to have been addressed in a coming bill to the Riksdag on Swedish Sámi Policy. A proposal to introduce a Swedish consultation process regarding questions which are of interest for the Sámi people was also to be included in the bill in order to strengthen Sámi influence in questions regarding their interests. Due to criticism from concerned parties, the Government has postponed the process for the purpose of entering into a closer dialogue with Sámi interest groups regarding the content of the bill.

83. The Government continues to work on the complicated issue of ratification of ILO Convention No. 169. When it comes to land rights, Swedish law does not concur with the provisions of the Convention. Ratification of the Convention would affect land rights in relation to an area constituting one third of Sweden's territory. Before the Riksdag considers ratification, all issues relating to the legal consequences must have been clarified. Sweden supported the adoption by the United Nations General Assembly in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples, which is an important political instrument.

84. There are unresolved conflicts between reindeer owners and land owners in the province of Härjedalen. The negotiations being conducted between land owners and reindeer owners have not come closer to an agreement. The issue at stake is the rent for leasing the winter grazing area needed.

85. The agreement between the Norwegian and Swedish Governments from 1971 on the concession pastures has been reviewed and proposals for amendments have now resulted in

a new agreement. It is expected to have an impact on the management systems in both Sweden and Norway. One innovation in relation to the former agreement is that a sameby (reindeer-herding community) now has a right to come to an agreement on deviations related to a special protocol on concession pastures. There is also a provision that underlines that the agreement does not affect the prescription from time immemorial that Swedish reindeer herders have in Norway and vice versa.

86. The Roma are particularly adversely affected by prejudice and discrimination in Sweden, which is a cause of concern for the Government. In 2007, the Government appointed a Delegation for Roma Issues with the task of playing a proactive role at the national level in the work to improve the situation of Roma in Sweden on the basis of Sweden's international human rights obligations. One of the major tasks of the Delegation is to investigate the situation of the Roma in Sweden by collecting, compiling, analysing and reporting the experiences and knowledge available in the area, as well as initiating new studies if necessary. The Delegation is to present proposals for how to improve the living conditions of the Roma in society. The Delegation shall deliver its final report to the Government in 2010.

## **I. The rights of migrants, refugees and asylum seekers**

87. The aim of Swedish migration and asylum policy is to guarantee a long-term sustainable policy that safeguards the right of asylum, facilitates cross-border mobility, promotes open and flexible needs-based labour immigration, supports the positive development impact of migration and deepens European and international cooperation.

88. A new multi-annual programme – known as the Stockholm Programme – was adopted in 2009 to guide the EU's work in the area of freedom, security and justice for the period 2010–2014. Migration and asylum, including their external dimensions, and the fight against trafficking in human beings are central issues in the Programme. An action plan regarding unaccompanied minors will be presented by the European Commission in early 2010.

89. On the national level, the present Swedish Aliens Act entered into force in 2006. It introduced a new system for appeals and procedures in the field of migration and asylum. The Swedish Migration Board is the first instance for applications regarding residence permits and asylum. Its decisions can be appealed to one of the migration courts. Following a further appeal by the parties, leave to appeal can be granted by the Migration Court of Appeal, mainly if a case is believed to provide guidance (precedent-setting rulings) about the application of the Aliens Act. If leave to appeal is granted the Migration Court of Appeal will examine the appeal on its merits.

90. It is still too early to fully assess the outcome of the reform. However, on terms of reference by the Government, an independent inquiry has evaluated the reform. With a few reservations, the inquiry considered that it was able to draw reliable and valid conclusions, holding that the new system is reported to have worked well. As intended, the system is more transparent because of the two-party process at the second instance with extended opportunities for oral hearings. The effects are also noticeable at the first instance level, where the main emphasis of the process is. The Migration Board and the courts have managed reasonably well to avoid delays and more efforts are now being made in that respect.

91. Asylum seekers have a right to interpretation in, for example, their contacts with their legal counsellor, at interviews with the Swedish Migration Board, and oral hearings at the migration courts. The increase in oral hearings under the new system has resulted in a greater demand for qualified interpreters. Measures have been taken to ensure a sufficient

supply of interpreters and an increased level of competence. However, shortages remain that will be addressed. The training of more interpreters, a national register of interpreters, requirements when purchasing interpretation services, supervision of interpretation agencies and child-competent interpreters are some of the suggestions for improvements presented by the independent inquiry.

92. New legislation for labour immigration to Sweden entered into force in December 2008. The system is employer-led and demand-driven, and it welcomes labour migrants of all skills and levels. Migrants who are admitted will be given full access to equal rights (i.e. at the same level as a Swedish citizen) and they may bring their family members from day one.<sup>39</sup> To reduce the dependency between employers and employees there is a three-month transition period in case the migrant loses his or her job or is not satisfied with the employer. During this period the migrant is allowed to remain in Sweden and apply for a new job.

93. The Government has appointed a committee of independent inquiry to carry out a thorough examination of the legal framework on detention under the Aliens Act. Apart from reviewing the formal laws and regulations, and proposing necessary amendments, the committee is free to present any possible suggestions aimed at improving the current system for detentions. The Aliens Act allows for the detention of persons who are about to be expelled or who have been refused entry to Sweden. They are kept in special premises – detention centres – run by the Swedish Migration Board. For security reasons, detainees who are considered to be a danger to themselves or other persons may be transferred to a correctional institution, remand centre or police arrest facility. This is not applicable to children. The detention centres are specially designed not to look like institutions for correctional treatment. The detainees enjoy a considerable degree of freedom within the centres and they have substantial access to contacts with the outside world. They also have access to a range of activities.

94. In January 2010, the Government appointed a committee of inquiry which will investigate the regulation of access to health care for persons without residence permits. In light of the international commitments made by Sweden, the committee will consider and propose a regulation giving the regional health care authorities a more extensive duty to offer subsidized health care to persons without residence permits.

95. The steady increase in the number of asylum-seeking unaccompanied minors arriving in Sweden presents a challenge. Since 2006, local municipalities have been responsible for the accommodation and care of unaccompanied minors. Municipalities enter, on a voluntary basis, into agreements with the Migration Board for this task and they are economically compensated by the state. As the number of unaccompanied minors has increased considerably since this reform was prepared,<sup>40</sup> there is at present a lack of housing. The Government and the Migration Board have therefore entered into consultation with municipalities and will, if the situation cannot be satisfactorily resolved through these means, consider other options.

## **J. Integration of immigrants**

96. Some 13 per cent of the Swedish population were born abroad. A further 10 per cent were born in Sweden with at least one parent born abroad. The objective of Swedish integration policies is equal rights, obligations and opportunities for all, regardless of ethnic and cultural background. Social exclusion, as reflected by the gap between the situation of native Swedes and those with an immigrant background, is a concern for the Government in many policy areas, for example with regard to employment. The Government has therefore taken a number of initiatives as part of its integration policy.



97. In 2008, the Government put forward a communication to the Riksdag<sup>41</sup> on a comprehensive strategy for integration. Integration policies should focus on seven strategic areas; among them an effective system for the reception and introduction of new arrivals, more people in employment and more entrepreneurs. The strategy includes measures to be taken under each of the seven areas.

98. The first few years for a new arrival are often of utmost importance for his or her future life in the host country. There is an urgent need for more effective policies for new arrivals to promote equal opportunities for migrants. The Government has therefore put forward a bill to the Riksdag on the introduction of new arrivals on the labour market.<sup>42</sup> The objective is to give new arrivals opportunities for self-support and strengthen their active participation in working life and society at large.

99. Non-governmental organisations play an important role in assisting immigrants in their integration process. The Government has initiated a dialogue with them on whether non-governmental organisations could play an even greater role in this respect – and if so, how this could be facilitated.

## **K. Hate crime**

100. Since the mid-1990s, the Government has stepped up efforts to combat hate crime.<sup>43</sup> Despite these efforts, the latest report<sup>44</sup> on hate crime from the Swedish National Council for Crime Prevention (Brå) shows an increase in reported crimes with xenophobic/racist motives.<sup>45</sup> It is Brå's view that because of the change in definition of hate crime in 2008, it is not possible to directly compare the levels for all hate crimes and xenophobic/racist hate crimes with previous years.<sup>46</sup> For Islamophobic, anti-Semitic and homophobic hate crimes, however, the change in definition is of no significance and comparisons with previous years are therefore possible. An increase can be seen compared with 2008. This is naturally a cause for concern.

101. The Swedish Penal Code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation; one relating to agitation against a national or ethnic group, the other to unlawful discrimination. The Code also contains a specific clause which states that, when assessing the penal value of a crime, it shall be considered an aggravating circumstance if the motive of a crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. The provision is applicable to all categories of crimes.

102. Combating hate crime has been ascribed a high priority by judicial bodies, including courts, prosecutorial and police authorities. The seriousness with which hate crime is viewed is also emphasised by the state in non-legislative ways. The National Police Board has produced manuals aimed at encouraging police to take victim-support measures early in the investigative process that improve opportunities for the police to clear up crimes. The Swedish Prosecution Authority has also produced a manual for guidance and support to prosecutors when dealing with preliminary investigations concerning agitation against a national or ethnic group. The objective of the manual is to obtain a uniform and established practice. For this purpose, and as a support to prosecutors in their work, a collection of cases on hate-related crimes and other relevant information is kept up to date on the Intranet of the Swedish Prosecution Authority.

103. The Government has commissioned the National Council for Crime Prevention to evaluate the judicial system agencies' work on hate crime since 2003. At present, it is not possible to track all reported hate crimes through the legal system chain. However, an

extensive development project is currently in progress aimed at improving information provision in the legal system, including criminal statistics.

## **L. Rights of persons deprived of their liberty, including recommendations by treaty bodies on torture issues**

104. Sweden is party to several conventions covering the prevention of torture and other cruel, inhuman or degrading treatment or punishment,<sup>47</sup> both at the UN and at the regional level. The Government maintains a close dialogue with the three expert committees under these conventions. During the past two years, all three treaty bodies have adopted conclusions or issued reports on conditions in Sweden. The Government welcomes this close monitoring by the treaty bodies, which will contribute to improving the protection of the rights of persons deprived of their liberty in Sweden.

105. Nationally, there has been a focus on how to strengthen the Prison and Probation Service, in order to improve the conditions for remand prisoners and prisoners. During this process, the Government has taken due consideration of the recommendations issued by various international monitoring bodies. Since 2004 the Government has allocated considerable resources to increase the number of prison and remand prison places and further develop the Prison and Probation Service in the areas of security, rehabilitation activities and vocational training. Since 2005 a number of new prisons and remand prisons have been built.

106. That means that the Prison and Probation Service is now in a better position to cope with the needs of the remand prison population. During 2008 and 2009 the remand prison population did not increase, i.e. there were no overcrowded remand prisons.

107. During 2008 and 2009, the Prison and Probation Service reviewed several factors relating to meeting the needs of both the detainees and the staff in remand prisons. Extensive measures have been taken to improve suicide prevention and to deal with acute illnesses among prison inmates.

108. The Government will submit a new Prison Bill to the Riksdag in March 2010.

109. The imposition of restrictions on remand prisoners has been an area subject to criticism and recommendations by the treaty bodies. Such recommendations have targeted the overall use of the restrictions as well as their length. The procedures for providing information on fundamental rights to persons deprived of their liberty, as well as for providing access to lawyers and public defence counsels are other issues which have been areas of treaty bodies' recommendations.

110. It is important to point out, however, that relatively few people are detained while awaiting trial in Sweden. A number of those detained with restrictions would not be detained at all if there was no ground for restrictions. Furthermore, Sweden has relatively short detention periods. Nevertheless, the prosecutor has an obligation to limit, to the greatest possible extent, any restrictions on contacts with the outside world to which a detained person is subject. Restrictions should only be used when and for as long as they are necessary.

111. The Government has previously tasked the Prosecution Authority with providing information on the number of persons in detention in 2008 and 2009 and the number of cases where restrictions have been imposed. Essential differences between different parts of the country were to be described and analysed. The assignment for 2009 also included reporting on the length of the period when restrictions were imposed.

112. The Government has recently decided to expand the assignment for 2010 by enjoining the Prosecution Authority to also provide specific information on the number of detainees in the age groups 15–17 and 18–21 and to what extent restrictions have been imposed on these persons. Persons in the said age groups shall also be looked at specifically when it comes to the length of the period of detention as well as the period when restrictions are imposed.

113. A new Act on Treatment of Persons Arrested or Remanded in Custody will be presented to the Riksdag in March 2010. The bill will include a proposal providing the opportunity to appeal against the court's decision regarding specific restrictions.

#### **M. Human rights and countering serious crime**

114. The increased international attention given during the last few years to the fight against terrorism and organised crime has highlighted the challenge in ensuring full respect for human rights, including freedom of expression and the right to privacy, in countering such crimes. The combined effect of all secret investigative measures, for example, must be weighed against the consequences that the measures taken together will have for privacy and the rule of law. There can be no question of augmented powers unless such powers are combined with clear rules for their exercise in conformity with international obligations, as well as for mechanisms for thorough scrutiny of the way they have been exercised afterwards. In 2008, a government agency, the Swedish Commission on Security and Integrity Protection, was established with a mandate to supervise the use of secret investigative measures used by crime-fighting agencies. As part of the draft bill on constitutional amendments the Government submitted to the Riksdag in 2009, the Government has proposed a new provision in the Instrument of Government's enumeration of human rights, strengthening protection of the personal integrity of the individual.<sup>48</sup>

### **IV. Priorities and ways forward**

115. The Government recognises the fundamental challenge of securing the implementation of all human rights issues on all levels of society – national, regional and local. This requires knowledge of human rights issues by all relevant actors. It is also necessary to ensure cooperation between these different levels of government. The Government intends to collaborate closely with all relevant stakeholders when following up this report and the results of the upcoming review.

116. The challenges and constraints identified in this report are areas which could naturally also be listed as priorities. In this regard, reducing discrimination and promoting equal rights in society will remain an overall priority. Countering violence against women and all domestic violence, including in same-sex relationships, will continue to be priority tasks, as will ensuring the rights of elderly persons and persons with disabilities. Protecting the rights of persons belong to the Sámi indigenous people and the other national minorities, as well as the rights of migrants, refugees and asylum seekers, is a continuous duty. Close attention will be given to issues with regard to prison and probation services, while the Swedish Government will continue to thoroughly follow up on recommendations by treaty bodies.

117. With regard to the rights of the child, the Government has presented a plan in the latest communication to the Riksdag, entitled 'Child policy: a policy for the rights of the child',<sup>49</sup> on monitoring and evaluation of the application of the CRC, including statistics. The purpose of the monitoring and evaluation activities is to increase knowledge about the application of the CRC at local and central government levels and to provide input to the

Office of the Children's Ombudsman and the Government indicating what action in the form of support, education, legislative measures, etc. needs to be taken to better protect and strengthen the rights and interests of the child in society.

118. Work on the Government's long-term goal to achieve full respect for human rights is a continuous process. The Government's assessment is that national action plans for human rights are an appropriate method of work and the Government has recently decided that the second action plan will be evaluated in 2010. This evaluation, as well as recommendations from the Delegation for Human Rights in Sweden, will be an important input for the continued work on human rights issues in Sweden. The Government intends to maintain a high level of ambition regarding the systematic work on human rights.

### Notes

- <sup>1</sup> Human Rights Council resolution 5/1 of 18 June 2007 and the General Guidelines for the Preparation of Information under the Universal Periodic Review (as contained in document A/HRC/6/L/24).
- <sup>2</sup> The Swedish Forum for Human Rights is the civil society movement's forum for human rights and a meeting place for politicians, students, public officials, activists and researchers. The Swedish Forum for Human Rights is the largest human rights event in the Nordic countries, gathering more than 1 500 participants each year.
- <sup>3</sup> The absolute rights are e.g. freedom of worship, protection against coercion by public authorities to divulge an opinion in a political, religious or cultural or similar connection, protection against coercion to participate in meetings for the formation of opinion, to belong to a political association, a religious congregation or other such association.
- <sup>4</sup> These include freedom of expression, including freedom of information, freedom of assembly, freedom to demonstrate, freedom of association, the right to protection against deprivation of personal liberty, the right to education, the right to property and the right to privacy.
- <sup>5</sup> Government Bill 2009/10:80; for more information, see paras. 80 and 114.
- <sup>6</sup> Such special courts and tribunals with special relevance for human rights include the Swedish Labour Court, the migration courts, the Migration Court of Appeal and Courts on Freedom of the Press and Other Media.
- <sup>7</sup> For more information on the Equality Ombudsman, see para. 40.
- <sup>8</sup> Government Communication 2007/08:109.
- <sup>9</sup> Government Communication 2008/09:11.
- <sup>10</sup> *Den nya skollagen - för kunskap, valfrihet och trygghet*, Ds 2009:25 (Chapter 1, Sections 1–2).
- <sup>11</sup> In 2009, the National Agency for Education was assigned a task concerning the fundamental values of the school system. The task includes informing schools about work done to promote the fundamental values and research and surveys done in the area.
- <sup>12</sup> A compilation of all concluding observations from UN treaty bodies was produced this year. These publications are available to the public free of cost.
- <sup>13</sup> Sweden ranked 7<sup>th</sup> in UNDP's HDI in 2009.
- <sup>14</sup> Government Communication 2005/06:95.
- <sup>15</sup> Government Communication 2001/02:83 and it covered the period 2002–2004.
- <sup>16</sup> Other issues addressed include the rights of people with disabilities, the rights of the child, national minorities and the indigenous Sámi people, men's violence against women, including violence in the name of honour and human trafficking, the rights to work, housing, health and education, rule of law issues and asylum and migration.
- <sup>17</sup> Terms of Reference 2006:27.
- <sup>18</sup> See recommendation by ICCPR in CCPR/C/SWE/CO/6 para. 4.
- <sup>19</sup> SFS 2008:567.
- <sup>20</sup> Code of Statutes 2008:568.
- <sup>21</sup> Government Communication 2007/08:39.
- <sup>22</sup> See recommendation by CEDAW in CEDAW/C/CWE/CO/7 para. 29.
- <sup>23</sup> Greater protection and support to those exposed to violence, greater emphasis on preventive work, higher standards and greater efficiency in the judicial system, stronger measures targeting violent offenders, increased cooperation and improved knowledge.

- <sup>24</sup> Chapter 5, Section 11.
- <sup>25</sup> Brå report no. 2008:25.
- <sup>26</sup> Sweden's first national action plan for the implementation of Resolution 1325 covered the period 2006–2008. The second action plan covers the period 2009–2012.
- <sup>27</sup> Council of Europe Treaty Series no. 197
- <sup>28</sup> Government Communication 2007/08:167.
- <sup>29</sup> These priority areas are: greater protection and support for people at risk, more emphasis on preventive work, higher standards and greater efficiency in the judicial system, increased national and international cooperation, and a higher level of knowledge and awareness.
- <sup>30</sup> SFS 2009:260.
- <sup>31</sup> SFS 1994:1117.
- <sup>32</sup> For more information on the Act, see paragraph 38.
- <sup>33</sup> Government Bill 1997/98:182.
- <sup>34</sup> These include sexual exploitation of children in travel and tourism, dissemination of knowledge and information, identification of measures aimed at offenders, increased cooperation at national and international level, and review of legislation.
- <sup>35</sup> The strategy includes: clarifying legislation and developing guidelines/and standards; increasing the competency of the staff in relevant services; creating structured systems to take care of complaints and feedback from civil society and individuals on inadequate quality of services and inadequate accessibility, and to encourage cooperation between different actors.
- <sup>36</sup> Government Bill 2008/09:158.
- <sup>37</sup> Sweden, Norway, Finland and the Russian Federation.
- <sup>38</sup> For more information on the constitutional bill, see paragraphs 6 and 114.
- <sup>39</sup> A family member is identified to be a husband/wife, de facto ('common law') spouse or registered domestic partner and children under the age of 21 of the employee. The spouse etc. will be granted full access to the labour market.
- <sup>40</sup> From approximately 400 in 2005 to 2 300 in 2009
- <sup>41</sup> Government Communication 2008/09:24 *Egenmakt mot utanförskap – regeringens strategi för integration.*
- <sup>42</sup> Government Bill 2009/10:60 Newly arrived immigrants' labour market integration – individual responsibility with professional support.
- <sup>43</sup> In Sweden, hate crime is defined as a crime motivated by xenophobia/racism, anti-religious motives (Islamophobia, anti-Semitism or other anti-religious motives), homophobia, biphobia, heterophobia and transphobia.
- <sup>44</sup> Brå report No. 2009:10.
- <sup>45</sup> In 2008, just over 4 200 hate crimes motivated by xenophobia/racism were reported, which is just over 1 700 more reports than the previous year.
- <sup>46</sup> The statistics for hate crimes reported in 2008 include the following new items: the definition of hate crime has changed since last year to be more inclusive – all reports where the perpetrator's motive of ethnic background, skin colour, nationality, religious faith and sexual orientation has been identified have been examined; a new motive has been added – transphobia; a new sub-sample – all reports marked by the country's police authorities as suspected hate crimes during 2008 – has been examined.
- <sup>47</sup> The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- <sup>48</sup> For more information on the constitutional bill, see paragraphs 6 and 80.
- <sup>49</sup> Government Communication 2007/08:111.