



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant pursuant
to the optional reporting procedure**

Seventh periodic reports of States parties due in 2014

Sweden*

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* The present document is being issued without formal editing.



Replies to the issues raised in paragraph 1 (a) of the list of issues prior to submission of the seventh periodic report of Sweden (CCPR/C/SWE/QPR/7)

1. Sweden is committed to full respect for the universal human rights. Work on this is constantly in progress, and Sweden has taken a number of measures in the period concerned. However, challenges remain before Sweden can comply fully and completely with its convention commitments on human rights.
2. The protection of fundamental rights and freedoms was strengthened through amendments to the Swedish Constitution (the Instrument of Government) that entered into force on 1 January 2011. The amendments include the introduction of a new provision on the protection of personal privacy and the extension of protection against discrimination to also cover unfavourable treatment on account of sexual orientation. The regulation of the protection of rights and freedoms was also supplemented with a provision that legal proceedings are to be carried out fairly and within a reasonable period of time.
3. The amendments to the Instrument of Government also mean that the Sami people are mentioned specially in the Constitution. At the same time the commitment of the public institutions under the Constitution to promote the opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own was strengthened.
4. Since the implementation of the second national action plan for human rights in Sweden, which covered the period 2006–2009, two government inquiry reports (SOU 2010:70 and SOU 2011:29) have presented proposals on the direction of further work by the Government in this area. These reports show clearly that further systematic work is essential in order to be able to achieve the goal of full respect for human rights in Sweden.
5. The Government intends to return to the Riksdag (the Swedish Parliament) with a strategy for systematic work on human rights in Sweden. One important issue in the coming strategy is to illustrate how to ensure independent review of compliance with human rights.
6. In 2014 amendments were made to civil and penal law in order to strengthen protection against forced marriage and child marriage. See CEDAW/C/SWE/8-9, para. 363.
7. In 2012 the Riksdag adopted an amendment to the Social Services Act in order to strengthen protection for children and young people who are mistreated. The Government has announced that it intends to incorporate the Convention on the Rights of the Child into Swedish law.
8. Since 1 July 2011 the Parliamentary Ombudsmen (JO) have had the task of monitoring that people who are deprived of their liberty are not subjected to cruel, inhuman or other degrading treatment or punishment. This work is based on the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
9. In 2008 Sweden ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention.
10. Regarding stronger protection against discrimination, see the reply under question 3 (a).
11. In the period concerned there are several court rulings that mention the International Covenant on Civil and Political Rights. All these cases concern the reindeer herding or reindeer husbandry of Sami villages and Article 27 of the Covenant. In its judgment of 21 December 2010 (case no. M 145-10) which concerns the construction and operation of a windfarm in a particular area, the Land and Environmental Court concluded that a permit for wind turbines was contrary to Article 27 of the Covenant. Therefore the company's application could not be granted.

Replies to the issues raised in paragraph 1 (b)

12. As of 2014 the Government has allocated SEK 15 000 000 each year to finance measures to promote and secure respect for human rights at national level. The action decided by the Government in 2014 includes:

(a) A commission to the County Administrative Board in Dalarna to coordinate and develop the work of the county administrative boards for human rights in 2014–2016. This commission is intended to strengthen work on human rights in central government administration and to support the work of the municipalities on human rights.

(b) A commission to Uppsala University to develop and implement a general programme of professional development for central government employees on human rights in 2014–2017. The purpose of the commission is for the staff of the selected authorities to have sufficient knowledge of human rights and the meaning of human rights to be able to recognise situations that raise rights issues in their own professional practice.

(c) A commission to the Swedish National Courts Administration to be responsible for translating certain rulings of the European Court of Human Rights into Swedish. The purpose of the commission is to ensure that there is knowledge and awareness of the European Convention and the rulings of the European Court of Human Rights.

(d) The Government has concluded an agreement with the Swedish Association of Local Authorities and Regions (SALAR) on strengthening work on human rights at local government level. The purpose of the agreement is to strengthen respect for human rights and knowledge about how human rights can be put into practice in local government services.

(e) Funding to the Swedish National Council of Adult Education for a training programme in adult education focusing on human rights. The funds will be allocated to folk high schools and education associations in order to strengthen knowledge about human rights in society.

(f) A commission to the Swedish Higher Education Authority to chart how issues of human rights are taken into account in education programmes leading to the following qualifications: postgraduate diploma in midwifery, degree of bachelor of arts in pre-school education, degree of master of arts in primary education, degree of master of laws, degree of master of science in medicine, degree of master of science in psychology, postgraduate diploma in psychotherapy, degree of bachelor of science in nursing, degree of bachelor of science in social work, postgraduate diploma in specialist nursing – healthcare for children and young people, degree of master of science in dental surgery, degree of bachelor of science in vocational education and degree of master of arts/science in secondary/upper secondary education.

13. The Government has allocated more than SEK 6 000 000 for 2014–2016 in order to strengthen the supply of teachers in the national minority languages Sami, Meänkieli (Tornedal Finnish) and Romani Chib. The National Agency for Education has been commissioned to take action to draft syllabuses in all national minority languages and to support the development and production of learning aids in the national minority languages and to establish subject teacher education programmes in Sami, Finnish, Meänkieli (Tornedal Finnish) and Romani Chib.

14. During the period concerned the Government has produced strategies in various priority areas. The Government adopted a strategy for the national minorities (Govt Bill 2008/09:158) in 2009 and a coordinated, long-term strategy for Roma inclusion (Govt Communication 2011/12:56) in 2011. See also the reply to question 13.

15. In 2011 the Government adopted a strategy for disability policy and in 2014 the Government presented a strategy for equal rights and opportunities regardless of sexual orientation, gender identity and gender expression. For other information about persons with disabilities, see CRPD/C/SWE/1.

16. Sweden has produced a new action plan to protect children from human trafficking, exploitation and sexual abuse in 2014–2015 (Govt Communication 2013/14:91). The action plan reports measures already taken in 2007–2013 and measures for 2014–2015. For other information regarding child protection see the reply to question 16 (b) and CRC/C/SWE/5.

Replies to the issues raised in paragraph 1 (c)

17. For an international convention to be directly applicable by national courts and public authorities in Sweden it must be embodied in the national legal system. Conventions are normally embodied in the national legal system by being transformed into Swedish law. Before Sweden ratifies a convention, a thorough review is made of all the relevant legislation to ensure that it is consistent with the convention commitments. According to the principle of interpretation in conformity with a treaty, courts and public authorities shall interpret Swedish law to make it consistent with Sweden's convention commitments as far as is possible within the wording of the law.

18. Regarding the strategy for ensuring the implementation of the Covenant, see the replies to questions 1 (a) and 1 (b).

Replies to the issues raised in paragraph 2

19. A new review of Sweden's reservations will be presented as part of the work on drafting a strategy for human rights.

Replies to the issues raised in paragraph 3 (a)

20. Under the new Discrimination Act (2008:567) more grounds for discrimination and more areas of society are covered by the protection against discrimination. This has made it possible to combat discrimination in society more effectively and given individuals greater opportunities of obtaining redress. In addition the promotion measures taken by the Equality Ombudsman are an important part of work to prevent and combat discrimination. However, work to ensure that the legislation is as effective and comprehensive as possible is continuing.

21. On 1 January 2013 protection against age discrimination was reinforced through an amendment to the Discrimination Act. The amendment extends protection against discrimination on account of age to more areas of society.

22. On 1 January 2015 protection against discrimination was reinforced further when an amendment to the Discrimination Act on inadequate accessibility as a form of discrimination entered into force. Under the amendment a person with a disability is disadvantaged if reasonable accessibility measures have not been taken to put the person in a comparable situation with a person without their disability. In principle this ban applies to all areas of responsibility in the Discrimination Act.

23. In June 2014 a government inquiry tasked with examining how to design and clarify requirements concerning active measures so as to make them a more effective instrument in work to prevent discrimination and achieve equal rights and opportunities presented its proposals. The inquiry chair proposes that work on active measures should be extended to cover all grounds of discrimination in the areas of working life and education. The inquiry chair also proposes introducing a regulated working method for systematic work on active

measures. In addition, the inquiry chair proposes that pay surveys be done each year. The proposals are being processed in the Government Offices.

24. In January 2014 an inquiry chair was appointed to propose how work to address discrimination can be organised and made more effective. The inquiry is to investigate and present proposals that ensure that people who are exposed to discrimination are in a good position to exercise their rights. The inquiry is to present its report by 18 December 2015.

25. In the period 2009–2014 the Equality Ombudsman reached 171 settlements and brought court actions in 91 cases. Four cases were dismissed or withdrawn in court for various reasons.

Replies to the issues raised in paragraph 3 (b)

26. See the reply under question 1 (a) para. 5.

Replies to the issues raised in paragraph 4

27. Procedures have been drawn up in the Government Offices for reporting and following up observations and recommendations from international bodies that examine compliance with human rights. These procedures are intended to provide support in work on reporting and following up observations and recommendations from international bodies. According to the procedures, one way of following up observations and recommendations from international bodies is to consider the need for an action programme. A programme of that kind is to be followed up and spread to government agencies, municipalities and county councils. Observations and recommendations from international bodies are published on the Government's human rights website: www.humanrights.gov.se.

28. Views from the Human Rights Committee ('the Committee') on an individual complaint are distributed by the Ministry for Foreign Affairs to the other ministries concerned. If the Committee has found that the complainant's rights have been violated, an analysis is made of what action may need to be taken and the Ministry for Foreign Affairs then reports the action taken to the Committee.

29. The Government always distributes the Committee's views on an individual complaint along with a summary in Swedish to the agencies and courts that were involved in the case at national level and to the Parliamentary Ombudsmen and the Swedish Bar Association. The Committee's observations are also sent to other courts and agencies that can be assumed to be interested. The observations are published on the Government's human rights website: www.humanrights.gov.se.

30. Under Chapter 12, Section 12 of the Aliens Act (2005:716) the enforcement of a refusal of entry or expulsion order shall, as a main rule, be suspended if so requested by an international body that is competent to examine complaints from individuals. Chapter 5, Section 4 of the Aliens Act provides that if an international body has found that a refusal of entry or expulsion order is contrary to a Swedish commitment under a convention, a residence permit shall be granted to the person covered by the order, unless there are exceptional grounds against granting a residence permit. Hence this follows from the Aliens Act and is not seen as an obligation under the Covenant or the First Optional Protocol thereto.

Replies to the issues raised in paragraph 5 (a)

31. Persons who are suspected of, being prosecuted for or have been convicted of terrorist crimes have the same protection and rights as persons who are suspected of, being prosecuted for or have been convicted of other crimes.

32. Under Chapter 2, Article 8 of the Instrument of Government everyone shall be protected in their relations with the public institutions against deprivations of personal liberty. If a public authority other than a court of law has deprived an individual of their liberty on account of a criminal act or because they are suspected of having committed such an act, the individual shall under Chapter 2, Article 9 of the Instrument of Government be entitled to have the deprivation of liberty examined before a court of law without undue delay.

33. Under Chapter 2, Article 11 of the Instrument of Government no court of law may be established on account of an act already committed, or for a particular dispute or otherwise for a particular case. Legal proceedings are to be carried out fairly and within a reasonable period of time. Proceedings in courts of law shall be open to the public.

34. Since 1994 the European Convention for the Protection of Human Rights and Fundamental Freedoms has the force of Swedish law. Under Chapter 2, Article 19 of the Instrument of Government no act of law may be adopted that contravenes Sweden's undertakings under the Convention. See also CCPR/C/SWE/6 paras. 27–30 (art. 2.3), paras. 80–81 (art. 9) and paras. 111–113 (art. 14).

Replies to the issues raised in paragraph 5 (b)

35. A crime investigation takes place in stages. Initially it involves intelligence work, then comes the opening of a preliminary investigation. If there are grounds to arrest someone, that person may be arrested, by order of a prosecutor, until a court is able to examine the question of detention. Arrest and detention can be ordered when someone is suspected on probable cause, and, in certain cases, even if someone is only reasonably suspected of, for example, terrorist offences. Then, if there is evidence for it, a prosecution may be brought and the final determination of the question of guilt may be carried out in a court. Before a person can be convicted of a crime, it must be shown beyond reasonable doubt that the person has committed the crime.

36. Sweden has a relatively small number of prosecutions for terrorism-related crime, so it is difficult to draw any general conclusions regarding the relation between arrests and convictions. The investigations are complex and are generally difficult to assess. Some arrests have led to prosecutions and convictions, while in other cases the court has taken the view that the evidence was not sufficient to show beyond reasonable doubt that the accused had committed the crime. In one case the court of first instance handed down a conviction that was reversed to an acquittal on appeal. In some cases the court may find the accused guilty of some offence other than a terrorist offence or terrorism-related crime.

Replies to the issues raised in paragraph 5 (c)

37. The application of the Act on Criminal Responsibility for Terrorist Offences (2003:148) does not differ from that of other penal legislation. There are a range of bodies that have the task of monitoring that the public authorities comply with the law in force and do not discriminate or make use of racial profiling. The Parliamentary Ombudsmen check that public authorities follow the laws and regulations that govern their work, especially laws concerning the rights and obligations of individuals in relation to the public institutions. The Chancellor of Justice supervises public authorities and courts. The Swedish Commission on Security and Integrity Protection has the task of supervising, through inspections and other investigations, the use of secret surveillance by law enforcement agencies and the processing of personal data by the police. At the request of an individual, the Commission shall also check whether the individual has been the subject of secret surveillance or subject to processing of personal data by the police and whether this was done in accordance with the law.

Replies to the issues raised in paragraph 6

38. The purposes for which the National Defence Radio Establishment is permitted to carry out signals intelligence in foreign intelligence operations are specified in law. Permits for signals intelligence in foreign intelligence operations are considered by a special court — the Foreign Intelligence Court — on application by the National Defence Radio Establishment. The privacy protection representative is present during the examination in court. The privacy protection representative is charged with monitoring the privacy interests of individuals. The privacy protection representative is permitted to read all material included in the case. The Foreign Intelligence Court has to examine whether the intelligence need referred to in the intelligence gathering assignment corresponds with the purposes permitted under the law. The Court has also to ensure in its examination that the intelligence gathering assignment is not incompatible with the law in any other respect or disproportionate. If the privacy protection representative identifies irregularities, the representative calls this to the attention of the Parliamentary Ombudsmen or to the Chancellor of Justice. The Court comes under the supervision of the Parliamentary Ombudsmen, the Office of the Chancellor of Justice and the Data Inspection Board.

39. The handling of personal data collected by the National Defence Radio Establishment is regulated in a special act, the Act on processing of personal data in the foreign intelligence and development operations of the National Defence Radio Establishment (2007:259). The purpose of this Act is to protect individuals against the violation of their personal integrity through the processing of personal data in the foreign intelligence and development operations of the National Defence Radio Establishment.

40. The Swedish Foreign Intelligence Inspectorate is a supervisory authority that has the task of checking that signals intelligence in foreign intelligence operations is conducted in accordance with laws and government ordinances. The processing of personal data is checked by the Swedish Foreign Intelligence Inspectorate and the Data Inspection Board. Moreover, the Parliamentary Ombudsmen and the Chancellor of Justice have a general supervisory responsibility that also covers the National Defence Radio Establishment.

Replies to the issues raised in paragraph 7

41. Sweden does not engage in and has not engaged in transfers without prior judicial examination (rendition) or deprivations of liberty without prior judicial examination. Nor are there any complaints against Sweden before the European Court of Human Rights or UN Committees concerning transfers or detentions without prior judicial examination.

Replies to the issues raised in paragraph 8 (a)

42. Under Chapter 2, Article 5 of the Instrument of Government citizens and foreign nationals in Sweden are protected against torture. It is not possible to restrict this protection. There is also a ban on torture in Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has the force of law in Sweden. For more information see CAT/C/SWE/6-7, paras. 3–4.

43. In June 2014 the Government appointed an inquiry to consider the need to introduce a specific crime of torture in Swedish penal law. The inquiry is to present its report by 1 September 2015.

44. On 1 July 2014 a new Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes entered into force. One purpose of the new Act is to enable prosecution of these crimes in Sweden to the same extent as at the International Criminal Court. The Act contains provisions on the crime of torture as part of genocide, crimes against humanity and war crimes.

Replies to the issues raised in paragraph 8 (b)

45. It is Sweden's view that Swedish legislation lives up to international standards concerning the statute of limitations for criminal charges.

46. The inquiry remit mentioned in question 8 (a) to consider the need to introduce a specific crime of torture includes all questions linked to the introduction of a new crime, including the question of the statute of limitations.

Replies to the issues raised in paragraph 9 (a)

47. Under the Detention Act (2010:611) every prisoner shall be treated with respect for his or her human dignity and with understanding for the special difficulties associated with the deprivation of his or her liberty. The prisoner shall be treated so as to counter negative effects of the deprivation of liberty. To the appropriate extent and when the prisoner so consents, measures shall be taken to give the prisoner the support and assistance needed.

48. Enforcement must not entail any restrictions on the prisoner's liberty other than those that follow from the Detention Act or that are necessary to maintain good order or security. A control or coercive measure may only be used if it is reasonably proportionate to the objective of the measure. If a less intrusive measure is sufficient, it shall be used.

49. The Detention Ordinance (2010:2011) states that when any prisoner is taken into a place of detention the prisoner shall be informed of the meaning of the enforcement in a language that the prisoner understands. Such information shall also be given on other occasions as soon as there is reason to do so.

50. The Detention Ordinance also states that if a prisoner, who has been arrested or detained for a crime, requests a public defence counsel, this shall be reported immediately to the court, the preliminary investigation leader or the prosecutor. If the prisoner so requests, a submission in the case or matter shall be sent immediately to the court.

51. Under the Detention Act correspondence between a prisoner and their public defence counsel or an international organisation that has been recognised by Sweden as competent to receive complaints from private individuals shall be forwarded without being examined.

Replies to the issues raised in paragraph 9 (b)

52. Permission for restrictions regarding the detainee's contacts with the outside world is examined by a court and may only be issued if there is a risk that the suspect will remove evidence or impede the investigation of the matter in some other way.

53. As regards visits and contacts with the outside world the principle in the Detention Act is that a prisoner's right to contact with the outside world through visits is of great importance both to minimise their isolation and for the possibility of making or maintaining contact with relatives and others outside the prison. However, it is possible to refuse a visit if it may jeopardise security and this cannot be remedied by searching the visitor or supervising the visit.

54. There are strong humanitarian arguments against refusing a prisoner a visit from a close relative, e.g. husband, wife, partner or parent, particularly if any risks associated with the visit can be countered by subjecting the visit or the visitor to controls. Under the Code of Judicial Procedure a detainee is always entitled to receive visits by their defence counsel. In the case of a public defence counsel there is also an unlimited right to talk to the detainee in private.

55. Since 2010 the Government has required the Swedish Prosecution Authority to report information about all detainees, with and without restrictions, by age group and also

how long the individuals have been detained and had restrictions. The Authority has also been ordered to describe and analyse significant differences in the use of restrictions between different parts of the country. The Authority's appropriation directions from the Government for 2014 require it to report the scope of restrictions regarding young detainees, i.e. persons under 18 years of age. Its report shall state specifically to what extent prosecutors have made orders allowing young detainees to have contact with close relatives and others during their period of detention.

56. In 2013 the Prosecutor-General appointed a working group with representatives of the Swedish Economic Crime Authority, the National Council for Crime Prevention, the Swedish Bar Association, the Swedish Prison and Probation Service and the then National Police Board to consider how the use of restrictions for detainees can be reduced and how long periods in detention can be avoided. In January 2014 the working group presented a report on long periods of detention and restrictions. The report proposes measures on which the Swedish Prosecution Authority is continuing work. The Government Offices is following the work of the Swedish Prosecution Authority on the report closely.

57. As of 2014 the Government has, in its appropriation directions to the agency, asked the Swedish Prison and Probation Service to report the scope of all measures to break isolation both for detainees with restrictions and for detainees without restrictions. A special report is to be made of measures taken for young detainees.

Replies to the issues raised in paragraph 9 (c)

58. A person who considers that they have been incorrectly treated by the police can report this to the police, a prosecutor or ultimately to a court. A police officer is obliged to accept and draw up a report. Preliminary investigations in which a police officer is suspected of crime are always led by a prosecutor. See also the reply to question 10.

59. Since 1 January 2015 the Swedish police service has been brought together in a new national agency, the Swedish Police Authority. This entails changes in the organisation of criminal investigations aimed at police employees. To be able to guarantee high quality in these investigations, which is crucial for public confidence in the police, access is needed to broad expertise and experience of criminal investigations. The conduct of these investigations is therefore organised as an independent department in the Swedish Police Authority.

60. In order to clearly mark the independence and impartiality of these activities, the head of the Department of Special Investigations is directly appointed by the Government and the activities have their own appropriation item. The Police Authority's advisory council and the regional police councils also have the task of particularly monitoring these special investigative activities. The Police Authority is also to deliver an annual report to the Government on these activities in the previous year.

61. The National Police Board's supervision of the police authorities ended with the restructuring of the police service. The Government has therefore given an all-party committee of inquiry the task of considering whether an independent body should scrutinize the activities of both the police and the Swedish Prison and Probation Service. The committee is to present its report by 30 April 2015. One part of the Committee's remit is to propose what police activities should be subject to this scrutiny.

Replies to the issues raised in paragraph 10

62. The Swedish police are working actively in countering the use of excessive force. All training on conflict management by the police is based on the Police Act (1984:387), which provides that force may only be used when required by the situation and then only in the form and to the extent needed to achieve the intended result. This is called the need and

proportionality principle. To avoid mistakes being repeated, training programmes and working methods are updated on a continuous basis using lessons from cases of excess force, both from court judgments and decisions issued by the Parliamentary Ombudsmen.

63. The Separate Public Prosecution Office at the Swedish Prosecution Authority investigates all complaints made against police employees. Moreover, that Public Prosecution Office handles all complaints, irrespective of whether the crime was committed on or off duty.

64. In the period 2009–2013 the annual number of complaints about the use of force by police officers on duty varied from 709 to 891. In the same period the number of cases where legal proceedings were taken (prosecution or summary penalty order) for these crimes varied from 4 to 9. Out of the prosecutions brought in the period 2005–2014 against police officers for the use of force in the exercise of public authority, 51 per cent have been dismissed.

65. According to the Swedish Prosecution Authority the most common sanction was day fines, but there were also instances of suspended sentences. If a police officer is convicted of assault, the practice is for the person to be dismissed from the Swedish Police Authority. This is also the case if the assault occurred off-duty, in the police officer's free time. In the cases where the prosecutor decides not to take legal proceedings, the investigation is passed on to the Swedish Police Authority, which has to consider disciplinary measures.

Replies to the issues raised in paragraph 11

66. The Health and Social Care Inspectorate is a supervisory authority and is responsible for the supervision of all healthcare services. The Government has commissioned the National Board of Health and Welfare to propose how the National Patient Register can be supplemented with treatments performed by professional groups other than doctors. In 2014 the Board submitted material in the matter that will be used to draft legislation.

Replies to the issues raised in paragraph 12 (a)

67. The prohibition of discrimination laid down in the European Convention contains an open list of grounds of discrimination and this list has the force of law in Sweden. The Discrimination Act (2008:567) provides protection against discrimination on grounds of gender, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation or age. The preparatory works to the Act (Govt. Bill 2007/08:95) state that the Government took the view that the most appropriate solution was to start from the grounds of discrimination that the Committee on Discrimination had worked with and that mainly correspond to the grounds that follow from various EU directives. In time, it may be of interest to examine whether it is appropriate and possible to frame a general and comprehensive prohibition of discrimination. However, as yet no inquiry has been initiated.

68. The prohibition of discrimination in the Discrimination Act is applicable irrespective of whether the act of discrimination is performed in public or private activities.

69. Under Chapter 6, Section 2 of the Discrimination Act, the Equality Ombudsman or a non-profit organisation may bring legal action on behalf of an individual. There are 16 anti-discrimination offices in Sweden. The services they offer include free legal advice, and they can also bring legal action on behalf of an individual.

Replies to the issues raised in paragraph 12 (b)

70. Development work in urban areas covers 9 municipalities with 15 neighbourhoods where there is widespread social exclusion. This development work is intended to reduce socioeconomic differences. Municipalities and other actors are collaborating in this

initiative. Statistics Sweden and the National Council for Crime Prevention are producing statistics to monitor developments.

71. In 2013 and 2014, performance-based support totalling SEK 200 million was paid to stimulate the work of the municipalities on social exclusion in the neighbourhoods selected. Within the framework of general policies, the Government has taken labour market initiatives in the form of various types of employment support. An employer can receive a financial incentive to employ a person who has been out of work for a long time or is new in Sweden (new start job or special new start job). A job and development guarantee with three phases is aimed at people who have been outside the labour market for an extended period. There is also a job guarantee for young people, which means that young people are to be given access to special measures as soon as possible so that they can find a job or start an education programme.

72. The National Board of Housing, Building and Planning received a total of SEK 7.5 million in 2012–2014 to contribute to research projects in the 15 neighbourhoods in order to counter socioeconomic segregation. The Government also entered into an agreement with the Swedish Association of Local Authorities and Regions and values-based organisations in the area of integration in 2010 in order to clarify the relations between the state, the municipalities, the county councils/regions and the values-based organisations in work on the introduction and integration of newly arrivals in Sweden. The Government has contributed SEK 900 000 each year to work on the agreement.

73. The integration strategy has been completed and integration policy has been implemented. As a result of the strategy the conditions for knowledge-based and effectively implemented policies have been significantly improved. There are reasons to continue to follow up the effects of segregation and develop knowledge about the factors affecting the risk that people born abroad will get stuck in lifelong social exclusion.

Replies to the issues raised in paragraph 13

74. In February 2012, the Government adopted the government communication *A coordinated long-term strategy for Roma inclusion 2012–2032* (Govt. communication 2011/12:56). The overall goal of this 20-year strategy is that Roma who reach 20 years of age in 2032 are to have the same opportunities in life as non-Roma. The strategy has a human rights perspective, with special emphasis on the principle of non-discrimination. The entire implementation of the strategy for Roma inclusion is characterised by Roma participation and influence.

75. The strategy contains objectives and measures in education, work, housing, health and other areas. The primary target group is all Roma who are in situations of social and economic exclusion and are subject to discrimination. Special priority is given to women and children. The Government has set aside some SEK 60 million for the strategy in 2012-2015. To speed up developments at local level, the Government is conducting a special initiative in the form of a pilot scheme in five municipalities.

76. Bridging the trust gap that exists between Roma and the public sector and that prevents Roma from participating fully in society is central to the work of Roma inclusion.

77. The National Agency for Education and the National Board of Health and Welfare have been instructed to arrange for the production of educational programmes for mediators with Roma language and cultural skills who serve as a link between individuals and public services. They are operating in a number of municipalities. The Swedish Public Employment Service has also employed mediators in the pilot municipalities to spread information and knowledge about the services and support that the agency can offer.

78. There is continuous follow-up and evaluation of the strategy and of Roma access to human rights, with a focus on how regular services ensure Roma access to their rights. The pilot municipalities testify that the mediators' activities have contributed to Roma pupils attending school to a greater extent and being open about their Roma identity. The Swedish Public Employment Service's mediators have contributed to Roma both enrolling at local public employment offices and getting jobs.

79. The Equality Ombudsman participates in the work on Roma inclusion and conducts special work focusing on discrimination against Roma. In 2013 the agency started work to increase Roma's access to equal rights and opportunities in social services and the housing market. Court rulings and settlements regarding discrimination against Roma have concerned discrimination in the housing market, in connection with the provision of goods and services, such as entry to shops or restaurants, and in working life.

80. Sweden has presented a white paper describing the abuses and violations that Roma were subjected to in the 20th century. The purpose of the white paper is to give recognition to the victims and their relatives and to generate understanding of the situation of the Roma minority today.

81. In March 2014 the Government decided to appoint a Commission against Antiziganism. The Commission is intended to complement and reinforce the action taken by society against anti-gypsyism and to help to bridge the trust gap between the Roma group and the rest of society.

82. Many of the vulnerable EEA nationals who have been staying in Sweden in recent years and begging are Roma who have come here on account of poverty and, in certain cases, discrimination and anti-gypsyism in their countries of origin. In January 2015 the Government appointed a national coordinator with the task of supporting the work being done by government agencies, municipalities, county councils and organisations that meet EEA nationals staying temporarily in Sweden, i.e. for up to three months, and who do not have a right of residence under the Aliens Act. The remit of the coordinator includes promoting exchanges of experience and collaboration between actors affected who come into contact with these people, promoting contacts between actors in Sweden and the countries of origin and spreading knowledge about their rights when they are staying temporarily in Sweden.

83. For information on work against hate crimes, see the reply to question 22.

Replies to the issues raised in paragraph 14

84. The Government has decided to commission the National Mediation Office to analyse the design of the central collective agreements from a gender equality perspective in 2015. The Office is also to examine whether the design of the central pay agreements has had any effect in reducing pay differences between women and men and initiate a discussion in order to promote the work of the social partners to reduce gender-related pay differences.

85. Regarding measures to reduce the pay gap between men and women see CEDAW/C/SWE/8-9, paras. 263–275.

86. Regarding measures to facilitate full-time employment, see paras. 251–262 of the same report.

Replies to the issues raised in paragraph 15 (a)

87. For the reply to the question about the effects of strategies and measures, see CEDAW/C/SWE/8–9, paras. 58–72. For the reply to the question on rehabilitation of offenders, see paras. 112–115 of the same report.

Replies to the issues raised in paragraph 15 (b)

88. For the reply to the question about the scope of reported offences, see CEDAW/C/SWE/8-9, paras. 116–119. For the reply to the question about measures to increase the level of reporting, see para. 89 of the same report.

Replies to the issues raised in paragraph 15 (c)

89. For the reply to the question about measures against sexual violence and sexual exploitation, see CEDAW/C/SWE/8-9, paras. 107–111.

90. Certain amendments to legislation on sexual crimes intended to further reinforce the protection for children against sexual violations entered into force on 1 July 2013. For instance, the scope of the provision on gross sexual abuse of a child has been expanded and the minimum penalty for that offence has been increased from imprisonment for six months to imprisonment for one year.

91. In order for Sweden to meet its commitments under the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the ‘Lanzarote Convention’), the requirement of dual criminality has been abolished for further sexual offences against children, namely exploitation of a child for sexual posing and purchase of a sexual act from a child. In addition, the statute of limitation has been extended for a further offence, namely exploitation of a child for sexual posing, an ordinary offence, by having the statute of limitation only start to run on the day the child reached or would have reached 18 years. Sweden acceded to the Lanzarote Convention on 1 October 2013.

92. Sweden has implemented the EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography. A new Act on record checks on people who will be working with children entered into force on 18 December 2013. The Act introduced an obligation for anyone offered employment, an assignment or work practice in certain services to present, on request, an extract from the criminal records registry if the work involves direct and regular contact with children. In addition, the statute of limitation was extended for purchase of a sexual act from a child and for sexual molestation committed against a child by having the statute of limitation only start to run on the day the child reached or would have reached 18 years.

93. On 1 July 2009 a new offence, contact with a child for a sexual purpose, was introduced into the Penal Code. The offence is targeted at contacts with children that are aimed at making possible sexual abuse at a subsequent physical meeting. In June 2014 an inquiry was appointed to review the penal provision and consider whether the criminal liability for the crime is appropriately drafted or whether there are reasons to amend the provision. The inquiry is to present its report by 10 June 2015.

Replies to the issues raised in paragraph 15 (d)

94. For the reply to the question about support for and protection of women and child victims of domestic violence and sexual violence, see CEDAW/C/SWE/8-9, paras. 73–101.

Replies to the issues raised in paragraph 16 (a)

95. For an account of measures in penal legislation since 2007 to prevent and counter human trafficking, see CEDAW/C/SWE/8–9, paras. 142–144.

96. In September 2014 the Government decided to appoint an inquiry tasked with evaluating the application of the penal provision on trafficking in human beings and examining whether the purpose of the legislative amendment in 2010 has been achieved and also with scrutinising how law enforcement authorities investigate human trafficking

matters and work on them in other ways. The inquiry is also to review the scale of penalties for purchase of a sexual act from a child in order to ensure that it corresponds with the seriousness of the crime. In that context the inquiry shall give particular consideration to raising the minimum penalty for the offence by removing a fine from the scale of penalties. The inquiry is to present its report by 9 March 2016.

Replies to the issues raised in paragraph 16 (b)

97. In July 2008 the Government adopted an action plan against prostitution and human trafficking for sexual purposes (Government Communication 2007/08:167). A total of SEK 220 million was put into 36 measures up until 2010. The action plan covered the following areas: increased protection and support for victims; enhanced preventive work; enhanced quality and effectiveness in the legal system; greater national and international cooperation and more knowledge.

98. The evaluation of the action plan by the National Council for Crime Prevention shows that it has had effects from several angles but that it has chiefly contributed to increasing awareness of the phenomenon, especially among people who come into contact with victims of human trafficking in their occupation.

99. Since 2013 the National Board of Health and Welfare has had a commission to regularly investigate trends in prostitution. In doing so, the agency has to gather information about what needs people who sell and buy sexual services see of support and assistance. The National Board of Health and Welfare is also to examine what needs the social services and health services have of further knowledge support and to give attention to LGBT persons who buy and sell sexual services.

100. The action plan for protecting children from human trafficking, exploitation and sexual abuse (see the reply to question 1 (b) para. 16) also includes other forms and exploitation and abuse in addition to sexual exploitation, such as, for example, human trafficking and the use of children in begging or in criminal activities. The measures in the action plan are intended to increase knowledge about the exposure of children to human trafficking, exploitation and sexual abuse, to increase the effectiveness of work done by public authorities and other relevant actors to protect children against these violations and to improve the contribution made by public authorities in Sweden to international cooperation to protect children from human trafficking, exploitation and sexual abuse.

Replies to the issues raised in paragraph 16 (c)

101. In the period 2007–2014 the National Council for Crime Prevention carried out a number of cross-agency training programmes for staff in the justice system (police, prosecutors and judges, etc.). These training programmes mainly dealt with various aspects of the treatment of victims of sexual crimes and people exposed to human trafficking and prostitution as well as children who have witnessed violence in close relationships. During the same period the agencies in the justice system have also carried out a large number of agency-specific training programmes for various categories of staff in the areas stated. In all, these training programmes have led, in combination with a stronger focus on these issues, to greater competence in the justice system in dealing with sexual crimes and human trafficking crimes and in treating crime victims.

Replies to the issues raised in paragraph 16 (d)

102. The task of the Swedish Police Authority to protect individuals from being subjected to crime is not dependent on whether these individuals contribute to any preliminary investigations. The Police Authority is conducting systematic work to protect people who

are subjected to threats, and the action taken is geared to the need for protection and support in each individual case.

103. There is also an effective system for crime victims to claim damages from perpetrators. For example, prosecutors have to help injured parties by conducting their action for damages in criminal matters. If a person who has committed a crime does not have the ability to pay damages and there is no insurance policy that covers the injuries, the crime victim may be entitled to criminal injuries compensation from state funds. This right may also exist even if the perpetrator is not known. The payment primarily provides compensation for personal injuries and violation. The same conditions regarding the right to criminal injuries compensation apply to people who have been victims of human trafficking for sexual purposes or prostitution as to other crime victims.

104. The municipality of stay or the municipality where the individual is registered is responsible for assistance to the individual. The municipal social welfare committee is obliged to provide assistance to a person staying in the municipality if the need cannot be satisfied in any other way. An individual assessment is always made of the need. EU/EEA citizens and their family members who do not have a right of residence are regarded as ordinary tourists. In the case of these people, the municipality of stay is only responsible for relieving an acute emergency, and a case-by-case assessment is made of what is essential help. For example, the assistance can be limited to isolated instances of assistance with food, accommodation or a ticket home.

105. In contrast, EU/EEA citizens and their family members who have a right of residence, e.g. as workers or jobseekers have, in principle, the same right to assistance as other people who are resident in Sweden. Thus the social services must make an assessment in each individual case of whether or not an EU/EEA citizen who is seeking assistance has a right of residence.

106. As of 2014 the County Administrative Board in Stockholm has a commission from the Government to develop programmes of support for the rehabilitation of people who have been victims of human trafficking for sexual purposes and prostitution. As part of this commission the County Administrative Board is to strengthen and develop this support in the light of the situation of the victim and to give the person concerned the best possible opportunity to get out of their situation through their own efforts.

107. The County Administrative Board in Stockholm has been commissioned by the Government to coordinate and develop action to enable people who have been victims of prostitution and human trafficking for sexual services to make a safer and more secure return to their countries of origin. The County Administrative Board is running a voluntary return project along with the International Organisation for Migration (IOM) in Helsinki. The intention of the project is to be able to offer victims support for voluntary return both before and during their trip home and for a time after they come home.

108. See also the reply to question 16 (b).

Replies to the issues raised in paragraph 16 (e)

109. The sale of sexual services is not criminal under Swedish law. Being a victim of human trafficking for sexual purposes, selling sexual services under other circumstances or being subject to sexual exploitation in some other way is not criminal. Only a person who has been expelled with a ban on returning can be guilty of a crime by entering the country before the period stipulated has expired.

110. A person who has been a victim of a crime can be granted a temporary residence permit for as long as their presence is needed to investigate and take legal proceedings regarding the crime. A special temporary residence permit for 30 days can also be granted

for a period of reflection. These provisions are based on, but go further than, EU law since they cover all third-country nationals who are victims of crime, and not just victims of human trafficking. In addition, victims of human trafficking are able to apply for residence permits on grounds of, for example, a need for protection. Having been a victim of human trafficking or other forms of sexual exploitation does not, by itself, confer a right to a residence permit.

Replies to the issues raised in paragraph 16 (f)

111. Sexual crimes abroad can be investigated and prosecuted in Sweden under the rules for Swedish jurisdiction. See also the reply to question 15 (c) regarding the abolition of the dual criminality requirement. The great majority of sexual crimes against children are exempt from the dual criminality requirement, and this means that they can be prosecuted in Sweden irrespective of whether the act is criminal where it was committed.

112. Information about sexual exploitation of children abroad is included in the advice for travel abroad published on the government website. Travellers are, for instance, advised to contact local or Swedish police if they suspect, during a stay abroad, that children are being exploited sexually. In addition, the Government conducted an information campaign against child sex tourism in cooperation with the police and ECPAT through the information film *Don't look the other way* [Titta inte bort]. This film was shown to air travellers at several airports in Sweden in 2011–2012.

113. In 2014 the Swedish county administrative boards, the Police and the World Childhood Foundation launched an information campaign called *Resekurage*. This initiative builds on a commission from the Government to the County Administrative Board in Stockholm intended to inform the public about the occurrence of sexual exploitation of children in connection with tourism and travel. Another purpose of the commission is to provide the information that Swedish perpetrators can be punished and sentenced in Sweden.

114. The then National Bureau of Investigation also carried out a programme to combat sexual abuse of children committed by Swedes abroad by, for example, making it easier for the public to give tips via the internet and investigating crime where it was committed in cooperation with local police. The result of this programme has been very positive and a dedicated specialist group has been set up to lead these criminal investigations.

115. In 2011–2013 the Swedish Prosecution Authority ran a project to strengthen and improve the possibilities of discovering, investigating and increasing the prosecution of cases concerning suspected child sex tourism. The project has identified important success factors for effective work against child sex tourism. For instance, it underlines the importance of staff with special expertise, close cooperation between police and prosecutors and greater international cooperation.

116. To strengthen international cooperation against child sex tourism Sweden has entered into bilateral agreements with several countries in South-East Asia in order to promote cooperation between law enforcement authorities regarding organised crime and focusing on areas including human trafficking and sexual exploitation of children.

117. Regarding Sweden's ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, see the reply to question 15 (c).

Replies to the issues raised in paragraph 17

118. Cooperation has been in place since 2011 between the Swedish Police Authority, the Swedish Migration Agency, the Swedish Tax Agency and the Swedish Work Environment

Authority to counter the exploitation of foreign workers through unreasonable terms and conditions of employment, non-payment of wages, threats and slave-like conditions.

119. Before the berry-picking season in 2013 the then National Police Board and the National Coordinator against Human Trafficking held special training courses for police officers at local and regional level. Sweden is cooperating with the countries concerned through, for example, dialogue between Swedish embassies and the major berry companies about the visa and work permit process. In this matter there is also direct contact and an exchange of information between the Government Offices and the Stockholm embassies of the countries concerned.

120. The control of the working conditions of labour immigrants from third countries to Sweden is divided up between several parties. The Swedish Migration Agency is responsible for the control of terms of employment made before permits are granted. The Swedish Work Environment Authority exercises supervision of work environment and working time legislation. Employee organisations monitor working conditions and terms and conditions of employment at workplaces. If there is any criminal activity, it is a matter for the judicial system.

121. The regulatory framework regarding work permits for third country nationals contains clear requirements concerning salary and other terms of employment. One basic requirement that has to be fulfilled for third country nationals to be granted work permits in Sweden is that the terms of employment are just as good as those that follow from a collective agreement or industry practice. More stringent controls were introduced in 2012. The employer has to show that it is feasible economically to recruit immigrant workers. Companies that had previously employed immigrant workers must be able to show that they then paid wages and took out insurance.

122. On 1 August 2014 measures were introduced that were intended to counter abuse of the rules on labour immigration and the exploitation of workers from third countries. These measures mean that the Swedish Migration Agency has been given enhanced control measures and additional tools to enable it to intervene in individual cases if it turns out that the rules have been abused. If an abuse of the rules is suspected, the Migration Agency can start an investigation into the possible withdrawal of the permit. If the labour migrant gives his or her notice or is dismissed during the investigation, the worker has four months to apply for new work and a new permit in Sweden. The Swedish Migration Agency has also been commissioned to conduct large-scale information campaigns so that the workers are better equipped for work in Sweden.

123. Unlike nationals of non-EEA countries, EEA citizens do not need a work permit to work in Sweden. This means that the Swedish Migration Agency cannot check the terms of employment of, for example the berry-pickers who come from EEA countries. EEA citizens who come to Sweden to pick berries can do so as workers, self-employed persons or private individuals.

124. Like other criminal activity, human trafficking for forced labour and other exploitation is a matter for the judicial system. The County Administrative Board in Stockholm has a commission to coordinate and strengthen cooperation at national level between all actors regarding all forms of human trafficking.

125. In 2012 the Government appointed a National Homelessness Coordinator in order to provide support for the municipalities in their work against homelessness. The remit of the Coordinator is to assist the municipalities in their work to create long-term, sustainable structures and efficient routines to combat and prevent homelessness and exclusion from the housing market and evictions.

126. See also the replies to questions 16 (a)–(e).

Replies to the issues raised in paragraph 18 (a)

127. Sweden has previously given an account of the provisions of the Aliens Act (2005:716), (see CCPR/C/SWE/Q/6 paras.104–110). The Act contains an absolute impediment to enforcing a refusal of entry or expulsion order where there are reasonable grounds to believe that the person covered by the order risks the capital or corporal punishment, torture or other inhuman or degrading treatment or punishment.

128. It is only in cases where the grounds given for asylum are manifestly unfounded that a refusal of entry order may be enforced before it has become final and non-appealable (see CCPR/C/SWE/Q/6/Add.1, para. 108).

129. The provision on refusal-of-entry with immediate enforcement is now contained in Chapter 8, Section 19 of the Aliens Act (2005:716). There are no special rules concerning the processing of applications. Thus the fact that the Swedish Migration Agency is able to order a refusal of entry with an immediate enforcement does not mean that general legal principles concerning procedure, for example the obligation to conduct an investigation and to communicate with parties, are set aside. It has to be manifest that there are no grounds for asylum or other grounds for a residence permit.

130. The Migration Court of Appeal pronounced on what is manifest in two cases from 2006 and 2010 (MIG 2006:7 and MIG 2010:22) According to the Migration Court of Appeal there has to be a clear assessment regarding the right to a residence permit that can be made without any exhaustive deliberations. The examination must always be based on the facts in the individual case. In the event of any doubt, the alien's interest must carry most weight.

131. In a legal position (RCI 03/2012) the Swedish Migration Agency gives examples of typical cases where it should be possible to order a refusal of entry with immediate enforcement. This applies to cases where false information has been given in all material parts of the case, cases where the application has no link to the right of asylum or cases where the grounds for asylum are manifestly insufficient and some cases regarding new-borns.

132. As previously stated (CCPR/C/SWE/Q/6/Add.1, para.109), the reasons for decisions in asylum cases are sometimes kept secret out of consideration for the individual. A proposal on increased possibilities of keeping information about an alien's identity secret is currently being processed in the Government Offices.

Replies to the issues raised in paragraph 18 (b)

133. The prerequisites for refusal of entry and expulsion orders are set out in Chapter 8 of the Aliens Act (2005:716). The rules on expulsion on account of crimes are contained in Chapter 8a and are not dealt with here. Under Chapter 8, Section 6 of the Aliens Act, an alien who is not an EEA national or a family member of an EEA national and who is not refused entry under Chapter 2, Section 1 or 2 of the Aliens Act may be expelled from Sweden if he or she is staying in this country but does not have a passport or the permits required to stay in the country. When the matter of a refusal of entry or expulsion order is examined, account shall be taken of whether the foreigner cannot be sent to a particular country or whether there are any other special impediments to enforcing the order. If an application for a residence permit is rejected or dismissed or a residence permit is withdrawn and the foreigner is in Sweden, a refusal of entry or expulsion order shall be issued at the same time, unless there are special grounds not to do so. However, a refusal of entry or expulsion order is not issued when an asylum-seeker is refused entry in the event of a transfer order under the Dublin Regulation. An EEA national or a family member of an EEA national who has been staying in Sweden for more than three months and who does not have a right of residence may be expelled if he or she is staying here without the

required permits. It is the Swedish Migration Agency that examines the matter of an expulsion order.

Replies to the issues raised in paragraph 18 (c)

134. Detention may only continue as long as the public interest in enforcing a refusal of entry or expulsion order carries more weight than the individual's interest of freedom. If the authorities do not exert themselves to enforce the order, the foreigner shall be released. Since an amendment to the Aliens Act in May 2012, a person who has applied for but been refused asylum may be held in detention for a year at most.

135. The Swedish Migration Agency's Handbook on Migration Procedure contains a section on detention orders. In order to limit the length of detention priority shall be given to cases that are enforceable in practice, i.e. cases where there are sufficient travel documents and cases with transfer orders under the Dublin Regulation. In other cases, where the grounds for detention are met, individuals should not be taken into detention unless there is an enforceable order for refusal of entry or expulsion. In these cases supervision should be used instead. In cases affecting children supervision should be considered to a greater extent. In 2014 the Swedish Migration Agency also issued a general legal position regarding detention in cases where the Dublin Regulation shall be applied (RCI 05/2014).

136. In 2013, 60 per cent of detainees were held in detention for two weeks at most. As a rule the detainees are placed in special detention facilities. For security reasons they may, in exceptional cases, be placed in a prison, remand centre or police arrest facility. Since 1 May 2012 detainees must be kept separate from other inmates (Chapter 10, Section 20 of the Aliens Act). In 2011 an inquiry chair presented proposals for a legislative amendment intended to avoid placement in prisons or remand centres. This inquiry chair's proposal is being processed in the Government Offices.

Replies to the issues raised in paragraph 19

137. As described in the previous report, there is no established practice in Sweden of using diplomatic guarantees. Diplomatic guarantees have only been used on one occasion, and that was in 2001.

138. As regards both security cases under the Aliens Act (2005:716) and qualified security cases under the Aliens Controls (Special Provisions) Act (1991:572), the provisions of the Aliens Act on impediments to enforcement are applicable. There is an impediment to enforcement if, for example, there is reason to assume that the foreigner would be in danger of suffering capital punishment or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment (Section 5 of the Aliens Controls (Special Provisions) Act and Chapter 12, Sections 1–3 of the Aliens Act).

Replies to the issues raised in paragraph 20

139. The information given in the question is not known. An individual examination of the grounds for asylum is always made in each individual case. See the replies under question 18 (a)–(b).

140. In 2012, 550 persons returned voluntarily to Iraq and 250 persons were non-voluntary returns. In 2013, 347 persons returned voluntarily to Iraq and 134 persons were non-voluntary returns. In 2014, 196 persons returned voluntarily to Iraq and 47 persons were non-voluntary returns.

Replies to the issues raised in paragraph 21

141. It should be pointed out that asylum-seeking children who risk persecution, capital or corporal punishment, torture or other inhuman or degrading treatment or punishment or who run a serious and personal risk of being harmed by indiscriminate violence resulting from an external or internal armed conflict are entitled to a residence permit under the Swedish Aliens Act. Children who are in need of protection because of an external or internal armed conflict or, who, because of other severe conflicts in the country of origin, feel a well-founded fear of being subjected to serious abuses are also entitled to a residence permit. If a residence permit cannot be awarded on other grounds, a permit may be granted to a child if, in an overall assessment of its situation, there are found to be such particularly distressing circumstances that the child should be allowed to stay in Sweden. In making this assessment, particular attention shall be paid to the child's state of health, adaptation to Sweden and situation in its country of origin. Sweden is the country in Europe with most unaccompanied minors seeking asylum. In 2014, approximately 7000 unaccompanied minors applied for asylum in Sweden. In the same year the share of applications granted among cases decided on the merits was 87 per cent.

142. One statutory prerequisite for the return of an unaccompanied minor is that an orderly reception has been arranged for the child in its country of origin. This is primarily a matter of tracing the child's family for reunification. The project European Return Platform for Unaccompanied Minors (ERPUM) was started in 2011 and ended on 30 June 2014. Agencies in the Netherlands, Norway and the UK participated in addition to the Swedish Migration Agency. The project was aimed at establishing contacts with authorities, international organisations and NGOs in Afghanistan, Iraq and Morocco in order to make family reunification possible and create conditions for an orderly reception of returning unaccompanied minors.

143. The main focus of the project was to develop and improve methods and models for family tracing, and reception and reintegration for unaccompanied minors who return to their country of origin after a final refusal of their application for asylum. Actual cases of enforcement of expulsion orders were not handled within the project. Enforcements during the project period took place as part of regular operations and are therefore reported in the aggregate national statistics. The total numbers of unaccompanied minors who returned voluntarily after a refusal of entry or expulsion order in the period 2010–2014 were as shown below on 6 November 2014 (no forced returns were reported for this period):

<i>Year</i>	<i>Afghanistan</i>	<i>Iraq</i>	<i>Morocco</i>
2010	0	5	2
2011	1	12	0
2012	0	9	1
2013	5	3	0
2014	1	2	0

Replies to the issues raised in paragraph 22

144. An account of the relevant legislation is given in CCPR/C/SWE/6, paras. 147 and 148. See also paras. 20, 21 and 118 of CERD/C/SWE/19-21 and para. 3 of CERD/C/SWE/CO/19-21/Add.1.

145. The main penal provisions of relevance in combating racist and similar speech are technology-neutral. At present an inquiry is considering whether to extend the penal provisions intended to provide special protection against acts aimed at persons or groups on

account of, for example, their ethnic origin or sexual orientation to also cover transgender persons.

146. As part of work to combat discrimination, racism, homophobia and similar forms of intolerance in society, the Swedish Police Authority reported the result of its commission to develop the work of the police to combat hate crimes to the Government in March 2015. In its report the Swedish Police Authority announced a more ambitious approach to hate crime. Special hate crime groups are to be set up in the three metropolitan regions, and their remit will at the same time be extended to also cover other crimes that threaten fundamental rights and freedoms. The Government also indicated in its appropriation directions to the Swedish Police Authority for 2015 that it intended to return to the matter of how work on combating hate crimes should be strengthened.

147. In order to increase the willingness to report hate crimes, it is important to strengthen confidence in the Swedish Police Authority and build mutual understanding and trust between the Swedish Police Authority and victims of hate crimes. For this reason the Swedish Police Authority is also to take measures in the areas of professional development and confidence building. The Swedish police service has been a single unified agency since 1 January 2015, and this now provides better conditions for ensuring that the Swedish Police Authority uses the same methods for detecting and investigating hate crime throughout the country, and for spreading good examples of successful ways of working in the agency.

148. In the Swedish Prosecution Authority the Prosecution Development Centre (UC) in Malmö is responsible for supervision and the development of methods regarding investigations of hate crimes. There are specially designated hate crime prosecutors at every public prosecution office. Since 2013 the Development Centre in Malmö holds a recurring conference for all hate crime prosecutors with lectures and discussions on legal matters and case law.

149. In 2013 and 2014 the Swedish Media Council was commissioned by the Government to coordinate national activities in Sweden within the Council of Europe campaign No Hate Speech Movement. These activities were carried out in order to raise awareness of online xenophobia, sexism and similar forms of intolerance and focused particularly on children and young people.

150. The Swedish Media Council has produced digital educational material to increase young people's media and information literacy. This educational material is an aid intended to strengthen young people's resistance to xenophobic, antidemocratic and violent messages on the internet and in social media. The Swedish Media Council has been commissioned to spread this educational material to relevant actors in Sweden in 2014 and 2015.

151. The Government also intends to review the need of and forms for a national knowledge and resource centre on racism partly in order to spread the successful models that exist for reducing the recruitment of people to racist organisations.

Replies to the issues raised in paragraph 23

152. Freedom of religion is laid down in the constitution in Sweden. The Government takes a very serious view of the situation of the Jewish and Muslim population in Sweden and has therefore, for example, increased its efforts to combat hate crime and secure the right to freedom of religion. Since the attacks in Paris and Copenhagen the Swedish Police Authority has started taking a number of measures, including strengthening and developing its dialogue with the faith communities and conducting regular supervision of religious premises. Directly after the attack in Copenhagen it was also decided to have a permanent

security presence at Jewish activities. The measures taken are adapted continuously to the threat assessment made by the Swedish Police Authority and the Swedish Security Service.

153. In April 2014 the Government commissioned the Swedish Commission for Government Support to Faith Communities to chart xenophobic acts against faith communities. According to the report of the Commission, xenophobic acts against faith communities are a large-scale problem in Sweden today. They are directed both at the premises of the faith communities and at their members. The report says that there is also a clear gap between the number of reported hate crimes with antisemitic, islamophobic and christophobic signatures and individuals' experiences of the crimes. The number of unreported cases seems to be very large according to the report.

154. The Swedish Committee Against Antisemitism was granted support in 2012–2014 for special training programmes on issues including antisemitism and islamophobia. The Official Council of Swedish Jewish Communities was granted support in 2011 and 2014 to finance measures intended to increase security and reduce vulnerability for the Jewish minority. The Swedish Christian Council was awarded a grant in 2014 to carry out the project We don't hate [Vi som inte hatar] in close cooperation with Swedish Inter-Faith Council. The Living History Forum has been commissioned to carry out a major educational programme about various forms of racism and intolerance in history and today in the period 2015–2017. This commission is to be carried out in cooperation with the National Agency for Education. The Equality Ombudsman has been commissioned to develop and intensify work to address xenophobia and similar forms of intolerance by taking action in the period 2014–2017. The Government also intends to commission the Equality Ombudsman to take action to raise awareness about afrophobia in 2015 and 2016.

155. Under the Education Act, education is to be designed in accordance with fundamental democratic values, the inviolability of human life, the freedom and integrity of the individual, the equal worth of all people, gender equality and solidarity between individuals. Everyone working in education shall promote human rights and actively counter all forms of degrading treatment. To provide support for this, the National Agency for Education has been commissioned to carry out work in schools to raise awareness about xenophobia and similar forms of intolerance. The commission runs for the period 2014–2017.

156. Teaching aids in schools have to be up to date and reflect the curriculum's fundamental values regarding respect for human rights and the fundamental democratic values on which Swedish society is founded. The state review of teaching aids ended in 1992 and it is now up to organisers of education to make sure that the teaching aids used in their instruction are in line with, for example, policy documents for school education and the curricula. The Swedish Schools Inspectorate exercises supervision in order to ensure that the activities of schools are consistent with the regulations that apply to them.

157. The Government's Council for Contacts with Religious Communities promotes contacts between the state and the religious communities through a broad discussion of general issues of mutual interest. The question of Swedish teaching aids and how work to produce teaching aids is conducted has been discussed by the Council.

158. To protect freedom of expression the media have an independent status under the Constitution. The Freedom of the Press Act and the Fundamental Law on Freedom of Expression contain provisions on freedom of establishment and a prohibition of pre-publication censorship and other obstacles. These rules mean that the state cannot examine or ban publication in advance. However, the person who is responsible for a publication can be held accountable subsequently if the material published is criminal; for example if it is incitement to hatred against a national or ethnic group. In these cases the Chancellor of

Justice is the sole prosecutor. In other words, the Constitution sets limits on how the state is able to handle negative portrayals in the media.

159. Under the “democracy provision”, Chapter 5, Section 1 of the Radio and TV Act (2010:696), a provider of media services that supplies television broadcasts, on-demand TV or searchable teletext shall ensure that its overall programming activities reflect the fundamental concepts of a democratic society, the principle that all persons are of equal worth and the freedom and dignity of the individual. Under Chapter 14, Section 1 of the same Act, corresponding provisions apply to a broadcaster of radio programmes licensed by the Government.

160. Licences to broadcast public service radio and TV contain conditions on impartiality and objectivity, and requirements concerning impartiality apply to commercial TV with a licence for terrestrial broadcasting (see Chapter 4, Section 8 and Chapter 11, Section 3 of the Radio and TV Act).

161. The Swedish Broadcasting Commission is the government agency that exercises supervision of compliance with the regulations by examining programmes after broadcast. In addition the press and the public service broadcasters Swedish Television (SVT) and Swedish Radio (SR) have produced ethical guidelines for the press, radio and TV, for example not highlighting the ethnic origin, gender, nationality, occupation, political affiliation, religious belief or sexual orientation of the persons concerned if this is of no importance in the context and is disrespectful.

162. A person who feels they have been personally offended or otherwise unfairly treated in a newspaper publication or on a newspaper website can contact the Office of the Press Ombudsman in the first place. If a person feels they have been defamed in a newspaper, it is possible to bring a private prosecution. The Chancellor of Justice can also bring a prosecution for defamation.

163. As regards the work of the police, see the reply to question 22.

Replies to the issues raised in paragraph 24 (a)

164. As regards the status of the Sami in the Instrument of Government, see the reply under question 1. The Sami Parliament is both a popularly elected body and a government agency. In 2010 the Sami Parliament was given a broader remit to participate in planning and to monitor that Sami needs, including the interests of reindeer husbandry in matters concerning the use of land and water, are taken into account. The Government has the ambition of further reinforcing Sami self-determination by giving the Sami Parliament greater possibilities of taking decisions in internal Sami matters and greater possibilities of participating in decisions of significance to the Sami.

165. In June 2009 the Swedish Riksdag adopted the Government Bill From recognition to empowerment – the Government’s strategy for the national minorities (Govt Bill 2008/09:158, Committee report 2008/09:KU23, Riksdag Communication 2008/09:272). The new strategy is being implemented as of January 2010. The Sami are an indigenous people and are one of the five recognised national minorities in Sweden. The strategy contains measures to ensure better compliance with the Council of Europe’s minorities conventions, to counter discrimination against and vulnerability of national minorities, to strengthen the empowerment and influence of national minorities, and to promote the preservation of the national minority languages.

166. The legal regulation of the rights of the national minorities, including the right to influence, has been clarified through the new Act on National Minorities and Minority Languages (2009:724). Section 5 states that administrative authorities shall give the national minorities the possibility of influencing matters that affect them and consult, as far

as possible, with representatives of the minorities in such matters. The Act entered into force on 1 January 2010 and applies to the whole of Sweden.

167. The increased financial support for the minorities (from SEK 2 million per year previously to SEK 6 million per year as of 1 January 2010) also creates better conditions for conducting consultations and increasing awareness of minorities' rights in these groups. The better possibilities that the national minorities have of exercising influence are of crucial importance in making the needs of these groups visible in society and have resulted in a mobilisation in the organisations of the national minorities.

168. As of 1 August 2014 the Minerals Ordinance (1992:285) has been amended to give the Sami Parliament the right to state an opinion on applications for exploration permits that relate to an area used for reindeer herding. The Minerals Act (1991:45) has also been amended so that when exploration work is to be carried out in an area used for reindeer herding, a valid work plan has to be sent to the Sami Parliament.

169. At the Esrange Space Center near Kiruna in northern Sweden land use is an important issue for the local population and for the Swedish Space Corporation, SSC. SSC is wholly owned by the Swedish State, Representatives of the Esrange Space Center and the Sami villages keep one another continuously informed about their activities so as to be able to coordinate their different areas of interest in the best way possible.

170. Luossavaara-Kiirunavaara Aktiebolag (LKAB), which is wholly owned by the Swedish State, is an international high-technology minerals group. Showing respect for the rights of the reindeer industry, LKAB has, in the past year, conducted a dialogue and entered into a cooperation agreement with the Gabna and Laevas Sami villages in Kiruna on the basis that the reindeer industry will be able to continue at its present level at least. Several measures and development initiatives are in progress or are to be started, For example, reindeer crossings, or "ecoducts", are to be built across new roads and railways. Along with the Sami villages, LKAB is running a GPS marking project that makes it easier for the Sami villages to gather and move their reindeer and facilitates the study of how reindeer react to mining operations. The parties also conduct a dialogue with respect to how the loss of reindeer grazing can be compensated.

Replies to the issues raised in paragraph 24 (b)

171. In 2009 the Swedish Government put a proposal for a formalised consultation procedure between the Sami Parliament and the Government before the Riksdag. The proposal, which was presented along with revised reindeer husbandry legislation, was intended to be part of a comprehensive government bill on Sami policy that also included land rights. However, following criticism from the Sami Parliament and other Sami representatives the Government chose to defer the bill pending concrete proposals from Sami quarters.

172. Since spring 2011 Sweden, Finland and Norway have been holding negotiations on a Nordic Sami convention.

Replies to the issues raised in paragraph 24 (c)

173. As a main rule, legal aid can only be given to natural persons (Section 6 of the Legal Aid Act (1996:1619)). In exceptional cases the estates of deceased persons can be granted legal aid (Section 11 of the same Act). The design of the Legal Aid Act means that Sami villages cannot receive any legal aid. But the courts do, of course, have a responsibility to manage the substantive and formal parts of a proceeding so as to guide the parties.

Replies to the issues raised in paragraph 25

174. The Equality Ombudsman has the task of spreading knowledge and information about the prohibitions of discrimination. The Equality Ombudsman does so through advice, courses, collaboration and various communication projects.

175. On 1 January 2015 inadequate accessibility for persons with disabilities was made a new form of discrimination under the Discrimination Act (2008:567). The Government has decided to allocate funds for a special information project on the Convention on the Rights of Persons with Disabilities, and it should be possible to combine this information campaign with active dissemination of knowledge about the legislative amendments regarding inadequate accessibility as a form of discrimination. In 2010 the Swedish Agency for Participation was commissioned to provide information to support municipalities and county councils in their implementation of the Convention on the Rights of Persons with Disabilities.

176. In 2012 the Government decided to appoint an inquiry on the position of people who do not have capacity to take decisions in healthcare, dental care, social services and research. An inquiry chair is to present proposals for a simple and fit-for-purpose regulation of the situation of people who, because of an incapacity to take decisions, are wholly or partly unable to participate fully or otherwise exercise self-determination in situations where this is required in healthcare, dental care, social services or research. The purpose of setting up the regulatory framework is to ensure, as far as possible, that people who lack the capacity to take decisions receive the health care or dental care that is needed in order to improve their health or living conditions or to prevent a deterioration while maintaining the individual's integrity and dignity.

177. The Government has implemented reforms and allocated resources for increased action to facilitate transitions to work for persons with disabilities. As a result, the number of persons with disabilities who have accessed subsidised jobs has increased.

178. The Swedish Public Employment Service offers financial support to employers to employ persons with reduced work capacity. This support consists of wage subsidies and support intended to adapt working conditions to compensate for the employee's reduced work capacity.

179. In 2011 the Government decided to appoint an inquiry to carry out a broad review of measures in labour market policy for persons with disabilities that lead to reduced work capacity. The inquiry has presented two reports that are currently being processed in the Government Offices.

180. In 2012 the Swedish Public Employment Service had the commission of carrying out an information campaign on what measures are available for the employment of persons with disabilities that lead to reduced work capacity.

181. As part of the Government's psychiatry initiative the Swedish Public Employment Service and the Swedish Social Insurance Agency have had a joint commission since 2009 to procure rehabilitation and other types of support services for persons with reduced work capacity on account of mental disabilities. The purpose of this commission is to give more persons with mental disabilities rehabilitation, employment and work while drawing on the possibilities for companies in the social economy to support persons with mental disabilities. This initiative ran until 2014, but the lessons learned can be used in the regular activities of the Swedish Public Employment Service.

182. On 1 July 2014 the Education Act (2010:800) was amended to clearly state that municipalities, school principals and preschool heads have to allocate resources according to the different circumstances and needs of children and pupils. It was also made clear that pupils who have difficulty fulfilling the various knowledge requirements on account of

disabilities have to be given support that is intended to counter the consequences of their disability as far as possible.

183. As regards placement in a specific school, pupils in compulsory school and compulsory school for pupils with learning disabilities shall, according to the main principle, be placed in the municipal school unit that the pupil's custodian wants the pupil to attend. However, departures can be made from this main principle if, for example, the placement wanted would result in considerable organisational or financial difficulties for the municipality. It is in these cases that the independent school is not obliged to accept or continue to give education to the pupil. The home municipality is then responsible for arranging education for the pupil in some other way.
