

***Council of Europe contribution for the 21st UPR session
regarding Sweden***

Prevention of torture

On 11 December 2009, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its visit to Sweden from 9 to 18 June 2009. On 1 July 2010, the response of the Swedish authorities was published (both documents are attached below).

The overwhelming majority of the persons met by the CPT's delegation during the 2009 visit who were, or had recently been, detained by the police, indicated that they had been correctly treated. Nevertheless, the delegation heard a few allegations of physical ill-treatment by police officers. The report pays attention to the procedural safeguards against ill-treatment and concludes that further action is required in order to bring the law and practice in this area into line with the Committee's standards. The CPT has also invited the Swedish authorities to further develop the system of investigating complaints of police ill-treatment, with a view to ensuring that it is independent, impartial and effective.

In the report, the CPT once again expresses concern about the procedure for the application of restrictions to remand prisoners and the impact of such measures on their mental health. At the time of the visit to Gothenburg Remand Prison, restrictions were being applied to 46% of the prisoners, some of them having been subject to long periods of isolation (up to 18 months). The overwhelming majority of the prisoners met had been given no explanation of the reasons for the restrictions imposed on them. The CPT has made a number of recommendations aimed at ensuring that the imposition of restrictions on remand prisoners is an exceptional measure rather than the rule.

The situation of prisoners held in high-security units and segregated for administrative reasons was another focal point of the visit. The report stresses that a move towards a more intensive security provision in prisons – unless it is justified on the basis of an objective, case-by-case assessment – can render the complex task of safely managing prisons more rather than less difficult, and would be corrosive rather than protective of human rights. Further, the CPT has recommended that the Swedish authorities establish a clear distinction between segregation for administrative reasons and segregation on disciplinary grounds, and review the regime for prisoners placed in administrative segregation.

Material conditions in the prisons visited were generally of a good standard, and genuine efforts were being made at Hall and Kumla Prisons to engage prisoners in a range of purposeful activities. However, the regime for inmates subject to restrictions remained impoverished.

The continuing practice of holding immigration detainees in prisons is another issue of concern for the CPT. The Committee has recommended that urgent steps be taken to ensure that persons detained under aliens legislation are not held on prison premises.

As regards the two Migration Board centres visited, in Märsta and Gävle, the report gives an overall positive assessment of the situation there. However, the CPT has made a number of recommendations designed to improve the provision of health care to immigration detainees.

At the two psychiatric establishments visited – the Department for Forensic Psychiatric Assessment in Huddinge and the Psychiatric Clinic South-West in Huddinge – the atmosphere was relaxed and material conditions were of a very high standard. However, at the Psychiatric Clinic, there was a lack of staff in charge of rehabilitative and occupational activities and, as a result, treatment relied exclusively on pharmacotherapy.

The report draws attention to allegations received at the Fagareds Home for Young Persons of excessive use of force by staff to control violent and/or recalcitrant residents. Further, the CPT has recommended that a system for the systematic recording of episodes of segregation be set up at the Fagareds Home, as well as in all other institutions for young persons in Sweden.

A complete list of the CPT's recommendations, comments and requests for information is contained in Appendix I to the report.¹



Sweden report
2009.pdf



Sweden response
2009.pdf

Fighting corruption

Third Round Compliance

On 1 April 2011, the Council of Europe Group of States against Corruption (GRECO) published its Third Round Compliance Report on Sweden. In its report GRECO concluded² that Sweden had implemented satisfactorily or dealt with in a satisfactory manner three of the ten recommendations contained in the Third Round Evaluation Report.

Concerning incriminations GRECO welcomes that the recommendations have been implemented satisfactorily, although the requirements of these recommendations are not particularly demanding, given that concrete results in terms of new legislation were not expected.

In view of the fact that none of the recommendations concerning the transparency of political funding had been complied with, GRECO categorised the overall response to the recommendations as “globally unsatisfactory”. This position was maintained in its Third *Interim* Compliance Report on Sweden published on 6 December 2013. GRECO notes - that although considerable progress is underway – no final results have yet been achieved that may allow GRECO to change its conclusions as regards the implementation of the recommendations of the Third Round Compliance and Interim Compliance Reports; all recommendations pertaining to Theme II – Transparency of Party Funding remain not implemented.³

The compliance report of the third evaluation round on Sweden from 2011 as well as the *Interim* Compliance Report from 2013 is attached below.



GrecoRC3(2011)4_S_weden_EN.pdf



GrecoRC3(2013)24_Third Interim_Sweder

Fourth Evaluation Round

On 12 November 2013, GRECO published its fourth evaluation report on Sweden. In the report attached below GRECO considers that the Swedish measures to prevent corruption among members of parliament, judges and prosecutors appear to be quite effective in practice. However, there is still room for improvement – particularly with regard to conflicts of interest among parliamentarians.

The report notes that Sweden has traditionally been considered one of the least corrupt countries in Europe, and that perceptions of corruption among parliamentarians, judges and prosecutors

¹ pp. 60-74.

²Third Round Compliance Report on Sweden, Section III, paras. 19-22.

³Third *Interim* Compliance Report on Sweden, Section III, paras. 14-17.

are relatively low. Awareness of the risks of corruption and conflicts of interest seems to have risen over the years but could benefit from being further stimulated.

GRECO therefore recommends drawing up a code of conduct for parliamentarians, as well as further developing the rules on conflicts of interest, gifts and declarations of assets.

GRECO also recommends that measures should be taken to offer proper guidance to all judges on ethics, expected conduct and preventing corruption and conflicts of interest, as well as to ensure the independence, impartiality and integrity of lay judges. Finally, prosecutors would benefit from a set of clear ethical standards, backed up by specialised training.

The implementation of the eight recommendations addressed to Sweden will be assessed by GRECO in the second half of 2015 through its compliance procedure.



GrecoEval4(2013)1_
Sweden_EN.pdf

Execution of judgments and decisions of the European Court of Human Rights

At 31 December 2013, there were five cases pending before the Committee of Ministers for supervision of their execution. Four of these cases were a “leading case”, i.e. raising a new structural/general problem and requiring the adoption of general measures.

The document attached presents the status of the execution of the respondent state.



Status execution
judgments Sweden.p

Fight against racism and intolerance

On 25 September 2012 the European Commission against Racism and Intolerance (ECRI) published its fourth report on Sweden.⁴ ECRI's Chair, Mr Jenö Kaltenbach, welcomed positive developments, but regretted that a number of problems persisted, such as continuing de facto residential segregation and the ground gained by xenophobic and islamophobic discourse and political parties over the past few years.

Policies designed to combat racism and racial discrimination have been put in place and efforts to improve the reporting and prosecution of hate crimes have been made. In 2009, new comprehensive legislation extended the protection against discrimination; the new Equality Ombudsman is responsible for supervising compliance with this legislation and promoting equal opportunities. Immigration and asylum legislation has been streamlined and a 2010 law gives newly arrived immigrants the opportunity to participate more actively in working life and the life of society.

Problems relating to land rights continue to have an adverse effect on the Sami; Roma remain marginalised and the fact that positive action is not generally accepted in Sweden with regard to discrimination based on ethnicity and religion affects the situation of vulnerable groups. Strict administrative requirements in the field of family reunification place a disproportionate burden on persons from some countries. Some non-citizens find themselves in a particularly vulnerable situation with regard to health.

⁴ A summary of the report can be found on pp. 7-10.

The report contains findings and recommendations regarding the following issues:

- Existence and implementation of legal provisions⁵
- Racism in public discourse⁶
- Racist violence⁷
- Discrimination in various fields including housing, employment, education and health⁸
- Vulnerable groups including Roma, Sami, Muslims, Afro-Swedes, migrants, refugees and asylum seekers⁹
- Antisemitism¹⁰
- Conduct of law enforcement officials¹¹
- Monitoring racism and racial discrimination¹²

The following three recommendations were selected for priority implementation to be revisited two years later:

- Adopt a plan of action to address de facto residential segregation;
- Lift exclusions from free medical care for certain particularly vulnerable categories of persons living in Sweden without a residence permit;
- Implement measures to resolve all family reunification problems arising due to difficulties in obtaining identity papers in the country of origin.

ECRI's report on Sweden, which includes Government observations, is attached below.



ECRI report
Sweden.pdf

Protection of minorities

Framework Convention for the Protection of National Minorities

On 11 June 2013, the Committee of Ministers adopted a resolution on the protection of national minorities in Sweden (attached below). The resolution contains conclusions and recommendations, highlighting positive developments¹³ but also mentioning issues of concern¹⁴. Moreover, it mentions a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I¹⁵ and II¹⁶ of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention.

Issues for immediate action¹⁷

- redouble efforts to implement effectively the National Minorities Act among public service providers at local level in the municipalities concerned; pay particular attention to language training, language qualifications in public procurement procedures and targeted recruitment of

⁵ paras. 1-71.

⁶ paras. 72-84.

⁷ paras. 85-87.

⁸ paras. 88-109.

⁹ paras. 110-151.

¹⁰ paras. 152-157.

¹¹ paras. 158-164.

¹² paras. 165-168.

¹³ Part 1.a) of the resolution.

¹⁴ Part 1.b) of the resolution.

¹⁵ paras. 6 - 22 of the third Opinion of the Advisory Committee on the Framework Convention on Sweden.

¹⁶ paras. 23 - 170 *ibid*

¹⁷ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

minority language speakers; monitor the implementation of all measures and evaluate their effectiveness regularly in order to ensure that the linguistic rights of persons belonging to national minorities are fully respected;

- strengthen efforts to address the lack of minority language teachers as well as teachers equipped for bilingual and multilingual education; adopt a strategic approach, in consultation with representatives of national minorities, in order to ensure that there is adequate provision of higher education in this field and that minority language teaching is sustainable as a profession; take special measures to attract students to minority language teaching;
- take steps to ensure that the Sami Parliament is able to participate effectively in decision-making processes in all areas affecting the Sami people, including public affairs such as spatial planning as well as the reindeer industry and educational and cultural matters;

Further recommendations¹⁸

- extend the grounds set out in the new Discrimination Act (2008:567) so as to cover expressly discrimination based on language; expand the provision made in domestic law for special measures aimed at achieving full and effective equality as prescribed by Article 4, paragraphs 2 and 3 of the Framework Convention; step up efforts to monitor ethnic discrimination against persons belonging to national minorities;
- clarify and improve the legal situation of the Sami people in relation to land rights and pursue efforts to preserve their right to their traditional way of life, while ensuring the rights of the other groups settled in the areas concerned;
- adopt additional measures in order to improve the access of Roma children to quality education in an inclusive environment free of harassment; step up efforts to train Roma mediators, in parallel with initiatives aimed at promoting the training and employment of Roma as teachers; take targeted steps to overcome the high level of school dropouts and absenteeism among Roma children;
- remove the requirement that children have “basic knowledge” of their national minority language in order to receive mother tongue instruction in this language as part of their compulsory schooling;
- step up efforts to improve co-ordination amongst the central authorities responsible for issues related to national minorities and between the central and decentralised authorities, in order to strengthen the content and the implementation of policies aimed at the protection of persons belonging to national minorities;
- involve Roma directly in ensuring the successful implementation of the Strategy for Roma Inclusion 2012-2032 and allocate adequate resources to achieving the desired outcomes.

The Committee of Ministers’ resolution is largely based on the corresponding third Opinion of the Advisory Committee on the Framework Convention on Sweden¹⁹. The concluding remarks, contained in Section III²⁰, serve as the basis for the Committee of Ministers’ Resolution. The Opinion of the Advisory Committee is also attached below.



CM resolution
Sweden.pdf



PDF_3rd_OP_Swede
n_en.pdf

European Charter for Regional or Minority Languages

On 12 October 2011, the Committee of Ministers made public the fourth report on the application of the European Charter for Regional or Minority Languages by Sweden. The report drawn up by the Committee of Independent Experts, which monitors the application of the Charter, is contained in the attachment below.

¹⁸ *Idem.*

¹⁹ A summary of the report can be found on pp. 1 - 2.

²⁰ paras. 171 - 189.

On the basis of this report, the Committee of Ministers in its Recommendation on the application of the European Charter for Regional or Minority Languages by Sweden recommends the authorities to:

- strengthen education for all regional or minority languages, by adopting a comprehensive and structured approach, based on the needs of the speakers and according to the situation of the languages;
- ensure that “mother-tongue” education meets the requirements of the Charter and offers real and adequate language tuition, enabling pupils to achieve mature literacy in the languages concerned;
- increase the amount of bilingual education available in Finnish and Sami, and establish bilingual education in Meänkieli;
- establish a dedicated and properly resourced system of teacher training for all regional or minority languages;
- create teaching and learning materials, for all regional or minority languages.



SwedenECRML4_en.
pdf

Action against trafficking in human beings

On 27 May 2014, the Group of Experts on Action against Trafficking in Human Beings (GRETA) published its first evaluation report on Sweden²¹, together with the final comments of the Swedish Government. Both documents are contained in the attachment below.

In its concluding remarks²² GRETA welcomes the steps taken by the Swedish authorities to combat trafficking in human beings and support victims of trafficking, including the adoption of relevant legislation, the setting up of institutional framework and specialised structures within the police and prosecution. At the same time, according to the report, the Swedish authorities should take further steps to ensure that action against human trafficking is comprehensive, by paying increased attention to trafficking for the purpose of labour exploitation as well as trafficking for forced begging and forced criminality, and trafficking within Sweden.

The report commends the initiatives of the Swedish authorities to alert the general public about trafficking for sexual exploitation and considers that the authorities should strengthen their awareness-raising efforts as regards trafficking for all types of exploitation.

GRETA is concerned that the identification of victims of trafficking depends to a large extent on providing information necessary for the initiation of a criminal investigation, which leaves many victims of trafficking without formal identification and deprives them of necessary protection and assistance provided for under the Convention. To identify victims of trafficking more effectively, the Swedish authorities should set up a formalised national referral mechanism, with a clear role in the identification process to frontline actors who may come into contact with victims of trafficking, such as NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers.

According to the report, the authorities need to ensure that access to assistance for victims of trafficking is provided regardless of whether they co-operate in the investigation and criminal proceedings, and that safe and suitable accommodation is available to victims of trafficking for all forms of exploitation. GRETA welcomes the efforts of the Swedish authorities to make compensation available to victims of trafficking, and stresses the need for effective access to legal aid for victims claiming compensation.

²¹ A summary of the report can be found on pp. 7-8.

²² paras. 221 - 227.

Finally, GRETA calls on the Swedish authorities to identify gaps in the investigation procedure with a view to ensuring that human trafficking offences for all types of exploitation are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions. The report highlights the need for further training and specialisation of judges, prosecutors and police officers.

In its report, GRETA provides a complete list of proposals to the Swedish authorities.²³



GRETA_2014_11_FG
R_SWE_en.pdf

Preventing and combating violence against women and domestic violence

Sweden has signed but not yet ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence. For this reason, it is not yet concerned by the monitoring procedure which is to be carried out once the Convention will enter into force.

Social and economic rights

Sweden ratified the European Social Charter on 17/12/1962; it accepted 62 of the Charter's 72 paragraphs.

Sweden ratified the Additional Protocol to the European Social Charter on 05/05/89, the Amending Protocol to the European Social Charter on 18/03/1992 and the Additional Protocol providing for a system of collective complaints on 29/05/1998. It has not yet made a declaration enabling national NGOs to submit complaints.

Sweden ratified the Revised European Social Charter on 29/05/1998; it accepted 83 of the Revised Charter's 98 paragraphs.

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

► Article 10§5 – Right to vocational training -Full use of facilities available
Nationals of other States Parties to the Charter and the 1961 Charter not members of the EU must have a permanent residence permit in order to be entitled to study support for education and vocational training.
(Conclusions 2012, p. 19)

Thematic Group 2 "Health, social security and social protection"

► Article 12§1 – Right to social security - Existence of a social security system
It has not been established that the minimum level of the unemployment and sickness benefits are adequate.
(Conclusions 2013, p. 22)

► Article 23 – Right of the elderly to social protection
The scope of the legal framework to combat age discrimination outside employment is not sufficiently wide.
(Conclusions 2013, p. 37)

²³Appendix I.

Thematic Group 3 “Labour rights”

► Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment
Certain workers under 30 with five or more years' service are granted only one month's notice of termination of employment.
(Conclusions 2010, p. 8)

Thematic Group 4 “Children, families, migrants”

► Article 7§9 – Right of children and young persons to protection - Regular medical examination
A regular medical examination for all young workers is not guaranteed by legislation.
(Conclusions 2011, p. 7)

► Article 17§2 – Right of children and young persons to social, legal and economic protection -
Free primary and secondary education - regular attendance at school
Children unlawfully present in the territory do not have effective access to education.
(Conclusions 2011, p. 17)

► Article 19§§8 and 10 – Right of migrant workers and their families to protection and assistance
- Equal treatment for the self-employed; - Guarantees concerning deportation
Migrant workers expelled on account of national security have no right of appeal to an independent body.
(Conclusions 2011, p. 21)

Please find attached below the Conclusions regarding Sweden from, 2010, 2011, 2012 and 2013, as well as the country fact sheet.



Sweden2010_en.pdf



Sweden2011_en.pdf



Sweden2012_en.pdf



Sweden2013_en.pdf



Sweden
factsheet_en.pdf