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Universal Periodic Review

## **Report of the Working Group on the Universal Periodic Review\***

### **Sweden**

#### **Addendum**

**Views on conclusions and/or recommendations, voluntary  
commitments and replies presented by the State under  
review**

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

Sweden welcomes the recommendations made in the course of its Universal Periodic Review on 7 May 2010. After careful consideration, Sweden is pleased to provide the following responses, to be included in the outcome report:

**96.1**

Sweden **accepts** the recommendation.

Sweden signed the ICPPED in 2007. The Government will have to conduct the necessary review of the relevant legislation as a basis for a decision on ratification. It is the view of the Government that Swedish legislation meets the standards of the Convention in most respects.

**96.2**

Sweden **does not accept** the recommendation.

See 96.1.

**96.3**

Sweden **accepts** the recommendation.

Budgetary issues for public authorities and institutions are regularly reviewed.

**96.4**

Sweden **accepts** the recommendation.

Sweden regularly reviews its reservations to the ICCPR - most recently in 2009, in connection with the consideration of Sweden's 6th periodic report by the Human Rights Committee. Sweden then found strong reasons for maintaining its current reservations.

**96.5**

Sweden **does not accept** the recommendation.

See 96.4.

**96.6**

Sweden **does not accept** the recommendation.

The Government is continuing to study the complicated issue of ratification of ILO Convention No. 169. When it comes to land rights, the Government must maintain a balance between the competing interests of all individuals, Sámi and non-Sámi, living in the same areas of northern Sweden. The areas where the Sámi have reindeer herding rights are often owned and used by non-Sámi. Before the Government can consider ratification, all issues relating to the legal consequences must be clarified.

**96.7**

Sweden **does not accept** the recommendation.

See 96.1

**96.8**

Sweden **accepts** the recommendation.

Asylum seekers under the age of 18 and children who have gone into hiding are entitled to health and medical care on the same conditions as all other children domiciled in Sweden. Children staying in the country without having applied for the necessary permits have access to care on the same conditions as other temporary visitors. Nobody can be denied emergency care on the grounds of inability to pay. A government inquiry is currently examining the issue of subsidised health care for persons staying in Sweden without having applied for the necessary permits, and how health care can be expanded in relation to current legislation. The inquiry is to pay particular attention to the needs of children. Sweden can, against this background, accept the underlying principle of the recommendation. No definitive answer can be given as to the details of any future legislative framework.

Since July 2006, municipalities have been responsible for the reception of unaccompanied minors, including by taking appropriate measures under the Social Services Act, which include adequate housing for the children.

**96.9**

Sweden **accepts** the recommendation.

This recommendation is accepted with the clarification that the proposed changes are being considered by the Swedish parliament, which will take the final decision in the matter.

**96.10**

Sweden **does not accept** the recommendation.

In 2006 the Government established a *Delegation for Human Rights in Sweden*. The Delegation is currently examining the issue of establishing an independent national human rights institution in accordance with the Paris Principles. The findings will be presented to the Government by 30 September 2010. Pending the result of the inquiry, the Government will take no position on the matter at hand.

**96.11**

Sweden **does not accept** the recommendation.

See 96.10.

**96.12**

Sweden **does not accept** the recommendation.

See 96.10.

**96.13**

Sweden **does not accept** the recommendation.

See 96.10.

**96.14**

Sweden **does not accept** the recommendation.

See 96.10.

**96.15**

Sweden **does not accept** this recommendation.

The four previous Ombudsmen working with discrimination were previously internationally accredited as one national human rights institution. In November 2008, the accreditation status lapsed due to the merging of these institutions into one agency. A new application is currently being prepared by the new Equality Ombudsman.

See 96.10.

**96.16**

Sweden **does not accept** the recommendation.

See 96.10.

**96.17**

Sweden **does not accept** the recommendation.

While from a broader social perspective, families in all their various manifestations play a crucial role in society, and while they in many central ways can contribute to the protection of children's human rights in accordance with the CRC, Sweden emphasises the fact that human rights are the entitlement of each individual human being. There is, as such, no human rights imperative to strengthen the institution of the family.

Work in the field of family law primarily consists of amending the laws to keep pace with developments in society at large to encompass all families, including single or divorced parents. One of the guiding principles is to act in the best interests of the child.

As of 1 May 2009, new rules concerning marriage and marriage ceremonies apply. A person's sex no longer has any bearing on the possibility of entering into marriage. The Marriage Code and other statutes involving spouses have been made gender-neutral and the Registered Partnership Act (1994:1117) has been repealed.

**96.18**

Sweden **accepts** the recommendation.

Sweden will continue to cooperate closely with all UN special procedures in the field of human rights, including by answering questionnaires when the Government has relevant input to share.

**96.19**

Sweden **does not accept** the recommendation.

The Swedish position is that the provisions on *agitation against a national or ethnic group, unlawful military activity, inciting rebellion, conspiracy and preparation, attempt and complicity in crimes* contained in the Penal Code mean that organisations engaged in racist activities cannot pursue such activities without breaking the law.

There is a constitutional ban on censorship. It is not permitted for a public authority to scrutinise, prior to dissemination, a text or other message intended for dissemination. However, the Penal Code prohibits the dissemination of information containing threats or expressing contempt for a national, ethnic or other such group of persons with allusion to race, colour, national or ethnic origin, religious beliefs or sexual orientation.

**96.20**

Sweden **does not accept** the recommendation.

See 96.19.

**96.21**

Sweden **does not accept** the recommendation.

See 96.19.

**96.22**

Sweden **does not accept** the recommendation.

See 96.19.

**96.23**

Sweden **does not accept** the recommendation.

See 96.19.

**96.24**

Sweden **accepts** the first part of the recommendation, and the recommendation to prosecute perpetrators, but does not accept the remainder of the recommendation.

Sweden has comprehensive legislation in place to address racism. The Penal Code contains two provisions directly concerning contempt or discrimination on the ground of race, colour or national or ethnic origin; namely those relating to *agitation against a national or ethnic group* and *unlawful discrimination*. The Act on Responsibility for Electronic Bulletin Boards also counteracts agitation against a national or ethnic group and could be applied to racist propaganda.

The Penal Code provides for aggravated sentencing when the motive for an offence is xenophobic, or otherwise motivated by hatred. This provision is applicable to all categories of crimes.

See 96.19.

**96.25**

Sweden **accepts** the recommendation.

See 96.19.

**96.26**

Sweden **does not accept** the recommendation.

See 96.19.

**96.27**

Sweden **does not accept** the recommendation.

It is the view of the Swedish Government that CAT does not oblige a state party to incorporate a definition of torture in domestic legislation and that Swedish legislation corresponds to Sweden's international obligations. While there is no specific provision in

the Penal Code prohibiting torture and cruel and inhuman treatment, such acts are penalised under other provisions.

**96.28**

Sweden **does not accept** the recommendation.

See 96.27.

**96.29**

Sweden **does not accept** the recommendation.

See 96.27.

**96.30**

Sweden **does not accept** the recommendation.

See 96.27.

**96.31**

Sweden **does not accept** the recommendation.

The Swedish procedural system is based on the principle of free examination of evidence. While there is no explicit prohibition as regards the use in court of information obtained under torture, a number of procedural safeguards would in practice effectively exclude such evidence from judicial proceedings.

**96.32**

Sweden **does not accept** the recommendation.

Sweden emphasises the fact that human rights are the entitlement of each individual. While families can in many central ways contribute to the protection of children's human rights according to the CRC, there is, as such, no human rights imperative to strengthen the institution of the family.

**96.33**

Sweden **does not accept** the recommendation.

Swedish legislation includes criminal provisions prohibiting incitement to hatred against groups of a certain faith or ethnic background, amongst others. In the case with the poster of Prophet Mohammed, reactions were swift. A complaint was immediately made at the Police Authority and an investigation is currently being carried out.

Freedom of religion, as well as freedom of expression and freedom of the press are enshrined in the constitution. Censorship of the media is prohibited. The Freedom of Press Act and the Fundamental Law on Freedom of Expression exclusively regulate whether, and in which cases, interventions against content in the media may take place. Incitement to racial hatred is a serious offence under Swedish law. The law imposes a penalty against statements that threaten or express disdain for an ethnic group with reference to, for example, their belief or national or ethnic provenance.

**96.34**

Sweden **accepts** the recommendation to pay more attention to the issues of Islamophobia, hatred towards Muslims and incitement to hatred against Muslims, while

underlining that the Government is already paying continuous attention to these issues. Sweden does not accept the remainder of the recommendation.

See 96.33.

#### 96.35

Sweden **accepts** the first part of the recommendation.

It is a priority for the Government to eliminate unwarranted pay differentials between women and men and several measures have been taken in this regard. However, the Government is not in a position to “ensure” equal remuneration.

#### 96.36

Sweden **does not accept** the recommendation.

A basic element of Swedish Sámi policy is to support and promote Sámi self-determination on issues directly affecting the Sámi people.

In 2006, the Government submitted a bill on increased Sámi influence. In the bill, the Government designated the Sámi Parliament as the central administrative agency responsible for reindeer husbandry and transferred a number of administrative tasks. The bill was endorsed by Parliament.

The Government is open to transferring further responsibilities to the Sámi Parliament on issues directly affecting the Sámi people in order to strengthen their participation in decision-making.

#### 96.37

Sweden **does not accept** the recommendation.

A bill on Swedish Sámi policy was due to have been presented to the Swedish parliament in March 2010. A proposal to introduce a Swedish consultation process regarding questions of interest to the Sámi was one of the key issues to be included in the bill.

Due to criticism directed by the Sámi parties at the proposals, the Government has postponed the process for the purpose of entering into a closer dialogue with Sámi interest groups.

The Government remains committed to involving the Sámi and the Sámi Parliament in decision-making processes that affects them on an equal footing with others. However, it is difficult to guarantee representation at all levels.

#### 96.38

Sweden **does not accept** the recommendation.

All persons belonging to the Sámi people naturally have the same right as all other Swedish citizens to legal aid on an individual basis.

However, under the Legal Aid Act, legal aid is not granted to legal entities. The Sámi villages are therefore, like other legal entities, referred to private legal protection insurance.

Regarding the question of legal costs it is a principle in the Swedish legal system that the party that has failed to prove their case in court pays for their own legal costs and for the costs of winning party. In its judgment of 30 March 2010 in the case of Handölsdalen Sámi village and others v. Sweden, the ECHR tried a claim for legal costs

and found that, under the current Swedish system, the Sámi villages were afforded reasonable opportunity to present their cases effectively before the national courts.

**96.39**

Sweden **accepts** the recommendation.

Asylum seekers and irregular migrants in Sweden may be detained only on certain grounds, and all such detainees have access to legal counsel, consular assistance and adequate information. Detention is used only to a very limited extent. An alien may not be detained for more than two weeks, unless there are exceptional grounds for a longer period. In accordance with the European Returns Directive, Sweden will adopt new provisions concerning maximum detention periods. Further, an Inquiry has been appointed by the Government to thoroughly examine the legal framework on detention under the Swedish Aliens Act.

**96.40**

Sweden **does not accept** the recommendation.

See 96.8.

However, as this recommendation relates also to the access of adults to the full health care system, Sweden is not in a position to accept this recommendation at present. The inquiry referred to in 96.8 is currently examining this issue. Pending the result of the inquiry, the Government will take no position on the matter at hand.

**96.41**

Sweden **accepts** the recommendation.

The Health and Medical Care for Asylum Seekers and Others Act (2008:344) regulates health and dental care for asylum seekers beyond immediate treatment. The Act stipulates that all asylum seekers shall have access to health and dental care that cannot be postponed; this also include subsequent related treatments. Asylum seekers are also offered voluntary physical check-ups.

See 96.8.

**96.42**

Sweden **does not accept** the first part of the recommendation.

All children in Sweden between the ages of 7 and 16 are required to attend school, and have the right to education free of charge in the nine-year compulsory school system. No child is denied its right to education on the grounds of belonging to a minority.

Children seeking asylum have the right to education, but education is not compulsory. An inquiry set up by the Government recently proposed that, as a rule, all children residing in Sweden, including children without a permit for their stay, should have the right to education, pre-school activities and school-age child care. The proposals have been circulated widely to state bodies and NGOs for consultation. Against this background, Sweden can accept the underlying principle of this part of the recommendation but no definitive answer can be given as to the details of any future legislative framework.

**96.43**

Sweden **accepts** the recommendation.



Sweden has ratified the ICESCR and already fulfils its obligations under the Covenant.

See 96.8.

**96.44**

Sweden **accepts** the recommendation.

See 96.42.

**96.45**

Sweden **accepts** the recommendation.

It is the policy of the Swedish Government that diplomatic assurances are considered only in exceptional cases and within a procedure that offers adequate safeguards.

**96.46**

Sweden **accepts** the recommendation.

See 96.8, 96.42.

**96.47**

Sweden **accepts** the recommendation.

See 96.39.

**96.48**

Sweden **accepts** the recommendation to uphold the rights of citizens while combating terrorism on the Internet, and has already implemented it. The purpose of the Signals Intelligence Act (2008:717), however, is not to combat terrorism on the Internet, but to collect intelligence for the security of the realm.

Sweden **does not accept** the second part of the recommendation.

Prohibiting Swedish services providers from hosting certain persons or groups would conflict with the constitutional ban on censorship. However, criminal acts committed by individuals belonging to such organisations can be prosecuted under Swedish law.

See 96.19, 96.24, 96.25.

**96.49**

Sweden **does not accept** the recommendation.

Sweden has not been involved in so-called renditions or any other use of Swedish territory as a transit territory for flights by the CIA or any other government intelligence and security agency of the USA.

The two cases in 2001 for which Sweden has been criticised by the Human Rights Committee and the Committee against Torture did not constitute the use of Swedish territory as a transit territory for flights by any US government intelligence or security agency.

The decision to deport the two Egyptian citizens was made by the Government in accordance with the Aliens Act in force at the time, and the decision was enforced by the Swedish Security Service in cooperation with US authorities.

The Chancellor of Justice has awarded damage compensation on behalf of the Government to the two persons concerned. Furthermore, public prosecutors at different levels have considered whether criminal investigations should be initiated, deciding that there were no grounds to initiate such investigations.

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