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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

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

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1. The Swedish Government welcomes the recommendations received during the third Universal Periodic Review of Sweden on 27 January 2020.
2. The Government's overall approach when considering the recommendations received is to accept recommendations where the Government can foresee measures before the next review, or where measures have already been or are being implemented.
3. After careful consideration of the recommendations, the Government is pleased to provide the following responses. A table with all the recommendations and the Government's responses is annexed¹ to this addendum.
4. Sweden received 300 recommendations. The Swedish Government accepts 214 recommendations, partially accepts 1 recommendation and notes 85 recommendations.
5. The Government would like to give the following information regarding the recommendations that it notes. (The numbering used in this addendum corresponds to the numbering in the attached annex, within its thematic order.)

156.1, 156.2, 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9, 156.10, 156.11: Sweden signed the Convention for the Protection of all Persons against Enforced Disappearance (CED) in 2007. Prior to the ratification of the Convention, further analysis of possible legislative amendments is required. It is, however, Sweden's view that, in all essentials, Swedish legislation meets the requirements of the convention.

156.12, 156.13, 156.14, 156.15, 156.16: In substance, Sweden fulfils the demands of the Convention. None of the other EU Member States has ratified the Convention.

156.17, 156.18: The Government is working towards a ratification of the convention in order to strengthen the rights of the sami people, but a decision to accede the convention is ultimately a matter for the Riksdag (the Swedish Parliament).

156.20, 156.21: Sweden takes its obligations under international human rights law most seriously. The issue of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has been analysed. Sweden is not in a position for the time being where a ratification of the optional protocol is underway.

156.22, 156.23, 156.24, 156.25, 156.27: If children are to be able to have their rights upheld, it is important that there are systems in place that enable them to assert them. These rights can be asserted in different ways. The potential ratification of the Third Optional Protocol on a communications procedure raises a number of questions which must be analysed before the Government is able to reach a view on the issue.

156.59: The future human rights institution in Sweden will have a broad mandate in accordance with the Paris principles, including the mandate to freely consider any questions falling within its competence.

156.78, 156.125: Sweden considers it important to have a comprehensive legislation for protection against discrimination. The Swedish Government has, among other things, appointed an investigator to consider how to get a more effective supervision of current legislation.

156.93, 156.103, 156.104, 156.105, 156.106, 156.107, 156.108: Swedish criminal law effectively prohibits all forms of racist expression. Organized racism, however, poses a threat to society that must be taken very seriously. The Swedish Government has appointed an all-party committee to consider the introduction of specific criminal liability for participation in a racist organisation and a ban on racist organisations. For further information please see the annex.

156.97: Sweden has comprehensive legislation in place (please see the annex).

156.127: One of the four fundamental laws in the Swedish Constitution, namely the Instrument of Government (1974:152), sets out certain fundamental policy objectives. Sweden has comprehensive legislation in place against hate speech and hate crime (please see the annex).

¹ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SEindex.aspx>.

156.132: Sweden takes its obligations under international human rights law most seriously. Sweden has comprehensive legislation in place that prevents for example racial profiling. Sweden does not have a national ban against begging. If a municipality wants to issue a regulation which prohibits begging within specific areas of the municipality in question, it can only do so for the purpose of maintaining public order in a public place and in full respect of the comprehensive Swedish legislation that prevents discrimination (please see the annex).

156.133: The Swedish Prosecution Authority and The Swedish Police Authority are responsible for the training of their employees. Training on how to handle cases of hate crime is a part of the authorities compulsory basic training for newly recruited prosecutors and police officers. In addition, there is an internal online training available to all police employees. The Swedish Police Authority has also commissioned a training course from the university in Växjö which provides in-depth insights about the underlying causes of racism, hate crime and other crimes that threaten fundamental rights and freedoms.

156.137, 156.147: The freedom of the press and freedom of expression are protected by the Swedish Constitution. To threaten or express contempt for a population group by allusion to e.g. race, colour, national or ethnic origin or religious belief is punishable as agitation against a population group. This also applies to statements made by politicians and the media.

156.138: The work to strengthen efforts in this area is done together with civil society and other relevant stakeholders within the national plan against racism, similar forms of hostility and hate crime. Furthermore, the National Action Plan Defending Free Speech - measures to protect journalists, elected representatives and artists from exposure to threats and hatred, adopted in 2017, aims to safeguard an active democratic debate. The Action Plan aims to strengthen three main areas: measures for deeper knowledge of threats and hatred, support for those exposed, and to strengthen the work of the judicial system.

156.149: The freedom of the press and freedom of expression are protected by the Swedish Constitution. To threaten or express contempt for a population group by allusion to e.g. race, colour, national or ethnic origin or religious belief is punishable as agitation against a population group. This also applies to statements in the media and on the internet (please see the annex).

156.153: Sweden has comprehensive legislation in place (please see the annex).

156.155: The Swedish Police Authority plays an important role in an ongoing effort to better fight and prevent hate crime and has intensified its work to combat all forms of hate crime (please see the annex).

156.157: The freedom of the press and freedom of expression in the media are crucial for every democracy. These freedoms are protected by the Swedish Constitution. To threaten or express contempt for a population group by allusion to e.g. race, colour, national or ethnic origin or religious belief is punishable as agitation against a population group. This also applies to statements in the media and on the Internet.

156.225: Sweden does not agree to the description that impunity applies to perpetrators of violence against women. Many authorities, like the Police Authority, work actively and have been taking many actions to combat the domestic violence.

156.229: The Swedish courts are independent and autonomous in relation to the Parliament and the Government. A requirement for a judge to participate in certain training is considered at odds with this. Therefore training is not mandatory. An independent academy offers various voluntary courses, including courses on sexual offences and violence in close relationships (please see the annex).

156.76: The incorporation of the CRC does not mean that it will take precedence over other legislation. How to resolve any conflict between the incorporated Convention and other national legislation must be determined by means of general principles of legal interpretation. The Government has decided to task an Inquiry Chair with conducting a survey to shed light on how compatible Swedish legislation and practice are with the CRC (please see the annex).

156.77: On 1st of January 2020 The United Nations Convention on the Rights of the Child Act (2018:1197) entered into force. Optional Protocols number one and two to the Convention on the Rights of the Child are ratified. The government ensures that the

Ombudsman for Children has the conditions to fulfil its assignment in accordance with the Act (1993:335) on the Ombudsman for Children and can maintain its independence.

156.236, 156.240: Violence against children is criminalised under Swedish law. The Criminal Code also provides for aggravated sentencing when the accused exploited another person's defenceless position or difficulty defending themselves or when the offence was liable to damage the security and trust of a child in their relationship with a family member. A government inquiry has recently suggested a new crime, that would criminalise the act of letting a child witness crimes against family members or other persons with a close relationship to the child. The proposal is currently being processed in the Government Offices.

156.239: Sweden has ratified the second Optional Protocol to the CRC and Swedish legislation meets the requirements of the protocol. Thus, all the offences referred to in articles 1, 2 and 3 are already criminalised under Swedish law. However, the Government works continuously with these issues (please see the annex).

156.257, 156.258: Sweden is criticized for not providing care for vulnerable EU-citizens that are living in Sweden. This is mainly because they are not covered by health insurance in their home country (please see the annex).

156.262: Recognition of the Sami people's rights to use land has a long tradition in Sweden. Sami rights are protected both in the Swedish constitution and in law. The right to practice traditional activities, including the exclusive right to reindeer herding in approximately one third of the Swedish territory, is ensured in current legislation. The ruling in the so called Girjas-case is being analysed and necessary measures will be taken.

156.265: The legislation has recently been revised in this aspect in view to have a greater participation of concerned parties before any decision-making. The Government is currently working on a proposal for a comprehensive procedure for consultations when the Government, public authorities and municipalities deal with issues of special importance for the Sami people.

156.268: Guaranteeing the repatriation of all Sami human remains is not possible. Issues of repatriation are generally complex in their nature. Sami human remains in museum collections have been collected at different times and in different ways, and sometimes it is even impossible to know for sure that the remains are Sami. In many cases there are good reasons for repatriation of human remains to the Sami people, for example if they were stolen or unrighteously taken from Sami, but decisions has to be made case by case and as a result of a thorough process including dialogue with the parties concerned.

156.278: The Swedish Transport Administration has drawn up an objective regarding physical accessibility in its disability policy work. The aim is that 150 train stations and 2 000 bus stops should be made accessible by 2021 (please see the annex).

156.279: In order to achieve the national goal, the implementation of disability policy will be targeted towards for example the principle of universal design and shortcomings in terms of accessibility, meaning that accessibility can be accomplished without increased funding. In accordance with the applicable principle of responsibility and financing there might however be increased funding for accessibility in certain areas (please see the annex).

156.200: The Swedish welfare system includes social security schemes that covers the basic needs of all people working and/or living in Sweden (please see the annex).

156.175, 156.176: On March 19, 2020, the government adopted the bill prop. 2019/20:129 *Effektivare hantering av häktningar och minskad isolering*. According to the proposals in the bill, detention periods should be delimited through the use of time limits. The time limit may be extended if there are special grounds to do so. Special grounds for exceeding the time limit may be if the penalty is very high in combination with the suspected crime being particularly difficult to investigate, e.g. because it has international links, or because the crime is part of organized or gang-related crime. In June 2020, the Swedish Parliament will vote on the bill.

156.287: The Government notes the first part of the recommendation regarding a prohibition and accepts the second part regarding the consideration of alternative measures. The conditions for detention and supervision of a foreign national are carefully regulated in the Swedish Aliens Act (please see the annex).

156.206: Asylum seekers and foreigners living in Sweden without necessary permits are entitled to maternal health care, abortion care, contraceptive counselling and care that cannot be deferred (see further The Act (2008:344) on Health Care for Asylum Seekers and Others (2008:344) and The Act (2013:407) on healthcare for certain foreigners residing in Sweden without the required permit).

156.158: The Ministry of Health and Social Affairs will take this criticism into consideration and return to the issue, especially the rights to information and bodily integrity. In March 2020 the National Board of Health and Welfare published new guidelines in relation to care and treatment in cases regarding intersex conditions. The guidelines and recommendation aim to secure a child rights approach in relation to surgical procedures.

156.282: Swedish legislation ensures the rights of migrants and refugees.

156.289: Swedish legislation is in conformity with the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights as regards the issues in the recommendation.

156.290: Swedish legislation is in conformity with the principle of non-refoulement.

156.298: Sweden is making improvements within our existing procedures such as asylum, residence permits and citizenship, by which statelessness can be identified.

156.171, 156.172, 156.173, 156.174: In September 2015 an inquiry appointed to examine whether there is a need for a specific provision on torture in Swedish criminal legislation presented its findings in the ministerial memorandum A specific provision on torture? (Ds 2015:42). In the memorandum it is proposed that torture be criminalised as a specific crime. The memorandum has been circulated for formal consultation. The matter is being considered by the Government Offices.

156.179: Sweden is a State Party to the ATT and adheres to article 6(3) of the treaty which stipulates that a State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of war crimes as defined by international agreements to which it is a party (please see the annex).

156.181, 156.182, 156.183: When examining license applications for arms exports, adherence to international humanitarian law and respect for human rights by the recipient country are both important assessment requirements (please see the annex).

156.208, 156.210: The pertinent Swedish regulation on home schooling will remain to secure children's right to education and the rights of the child to be safeguarded (please see the annex).

156.160: The government is working to promote equal rights irrespective of gender identity and gender expression. The work will consider the proposals made by the Inquiry concerning a Stronger Status and Improved Living Conditions for Trans People. The Inquiry's report provides an account of trans people's living conditions and proposals aimed to strengthening the status of trans people.

156.159, 156.161, 156.163: The Government is committed to human rights for LGBTI persons and therefore also to modernize the Gender recognition act to allow legal gender recognition based on self-definition. On August 30, 2018, the Government decided on a proposed legislation referred to the Council on Legislation to that end. However, the Council on Legislation expressed concern about parts of the proposal. There is now work underway in the Government Offices to amend the proposal while keeping the overall purpose intact. The Government plans to present a revised proposal in line with the recommendation for the consideration of the Swedish parliament as soon as possible during its mandate.

156.72: The restrictive measures adopted by the UN and EU, which Sweden is legally bound by, are fully compliant with obligations under international law, including human rights.