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Summary record of the 1989th meeting

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Chairperson: Mr. Bhagwati

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant *(continued)*

Fifth periodic report of Sweden
(CCPR/C/SWE/2000/5, CCPR/C/74/L/SWE)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*

2. **Mr. Ehrenkrona** (Sweden) said that his Government was very appreciative of the valuable contribution made by Swedish non-governmental organizations to the work of the Committee. As well as promoting human rights, non-governmental organizations placed unceasing pressure on Governments to implement in full their obligations under the international human rights instruments. His own Government was fully committed to meeting those obligations, and regarded the promotion and protection of human rights as one of its most important tasks.

3. Since the fifth report was submitted in November 2000, Sweden had adopted certain measures which the Government believed would strengthen the protection of human rights. To maintain public support for the fight against terrorism, the measures adopted for that purpose must be conducted in accordance with the Charter of the United Nations and the international human rights instruments. Where sanctions were imposed which affected individuals, they must be justified at national level and be defensible in both national and international courts. Together with other European Union countries, Sweden was therefore developing proposals to enable the United Nations sanctions committees to make better provision for the legal rights of individuals. The Swedish Government was intending to ratify the International Convention for the Suppression of the Financing of Terrorism, and the necessary legislation was expected to enter into force on 1 July 2002.

4. In January 2002 the Government had adopted a National Action Plan for Human Rights, to take effect over a three-year period. The priority areas for action under the Plan were protection against discrimination, the rights of disabled persons, the rights of the child, the rights of elderly persons, housing issues and segregation, national minorities, the Sami people, deprivation of liberty, freedom of expression and

freedom of religion. The Plan described the Government's objectives for each of those areas, together with its current activities, proposed legislation and new measures to comply with Sweden's international obligations. In February 2001 the Government had adopted a National Action Plan against Racism, Xenophobia, Homophobia and Discrimination. Specific proposals in the Plan included improvements in legislation, increased awareness of discrimination, support for local initiatives, the role of non-governmental organizations and the strategic role of the National Integration Office.

5. Legislation had been adopted to ban discrimination in employment on the basis of sexual orientation, disability and ethnic origin. The duties of the Ombudsman against Discrimination on grounds of Sexual Orientation, included combating discrimination against homosexual women and men in working life and in other areas of society. A bill introduced in November 2001 proposed to criminalize agitation against homosexuals as a group. In January 2002 a Parliamentary Commission had been appointed to consider general legislation against discrimination, to include protection of persons with disabilities against unfair treatment, and the protection of all transgender persons.

6. Although Sweden was often seen as a society with a high degree of equality, there was still a considerable imbalance in the power relations between the sexes. The Government was determined to tackle the problem of violence against women, and was conducting a nationwide training programme for those working in the criminal justice system and in social welfare and health services, to help them become aware of the mechanisms involved in crimes of that nature and to identify the most appropriate ways of dealing with them. A new criminal offence of "gross violation of a woman's integrity" had been included in the Penal Code on 1 July 1998, to deal with repeated punishable acts committed by men against women who had been, or still were, in a close relationship with the perpetrator. The Government had also decided to present to Parliament a bill to impose criminal liability for trafficking in human beings for sexual purposes.

7. The Government had taken a number of steps to protect girls and young women, especially those in families which had immigrated, from threats or coercion, and to extend that protection to those lacking family support. The aims of the Government's

integration policy were to ensure equal rights, obligations and opportunities for all, regardless of ethnic and cultural background, and to promote mutual respect and tolerance. A commission would be appointed to make proposals to improve the reception of refugees and their integration into society. From 1 January 2001, children seeking asylum would have the same right to education at all levels as those resident in Sweden. They already enjoyed the same levels of health care. In order to strengthen legal security when dealing with asylum cases, the Aliens Act would be amended to replace the Aliens Appeals Board by administrative courts.

8. Concerning the right to life, he explained that Sweden had long ago abolished the death penalty, and had encouraged the adoption by the Council of Europe of Additional Protocol No. 13 to the European Convention on Human Rights, which sought to ban the death penalty in all circumstances, including for crimes committed in time of war and during the imminent threat of war.

List of issues (CCPR/C/74/L/SWE)

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (article 2 of the Covenant)

9. The Chairperson read out the questions relating to article 2: study carried out in Sweden, to ensure the compliance of Swedish law with the Covenant, and extent to which it did not yet conform; suggestion that the Covenant should become part of Swedish domestic law, and whether incorporation was envisaged; measures proposed to give full effect to the views adopted by the Committee under the Optional Protocol; and progress in giving effect to the Committee's views on the State party's fourth periodic report.

10. **Mr. Ehrenkrona** (Sweden) said that the bill proposing ratification of the Covenant had contained an analysis showing that Swedish law was, in the main, in conformity with the Covenant but that some legislative changes might be necessary. In the years following ratification, Sweden had amended its law to comply with article 43, on the privileges and immunities of experts serving the Human Rights Committee. When ratifying the Covenant, Sweden had entered three reservations. The first related to the separation of juvenile offenders from adults, as required by article 10 (3), Sweden having maintained the option of

determining for itself the appropriate treatment of offenders. It should be borne in mind, however, that in Sweden the sentencing of offenders under the age of 21, and especially under the age of 18, was restricted by article 26 (4) of the Penal Code. The second reservation, relating to article 14 (7), allowed for criminal proceedings to be reopened even where a longer sentence might result, or where the outcome might be to the detriment of the accused; however, that was done only where new evidence had emerged or where the initial judgement was held to be contrary to law. The third reservation, on article 20 (1), had been entered because the prohibition of all war propaganda had been regarded as an unwarranted interference with freedom of expression, and one which would be open to abuse in public debate and create problems for the criminal law. The reservations did not conflict with the aim and purpose of the Covenant, to which Swedish law otherwise conformed.

11. International treaties to which Sweden was a party were not part of Swedish law unless enacted or incorporated into it. However, according to the jurisprudence of the Supreme Court, the domestic law must be interpreted in the light of Sweden's international obligations. A domestic court which anticipated a conflict between national law and an international treaty would therefore interpret the national law in conformity with the treaty. Since no conflict had emerged since ratification, Sweden had not felt any need to incorporate the Covenant. Moreover, the Covenant did not itself indicate that a State party must make it directly applicable. It merely stated that steps must be taken to achieve full realization of the Covenant rights by all appropriate means, including legislation; and it was for the States parties to choose the means for achieving that aim. The fact that the Covenant was not incorporated into Swedish law did not prevent anyone from invoking it in a particular case, or querying whether any particular statute or legal requirement was in conformity with the Covenant. In fact none of the human rights instruments of the United Nations had been incorporated into Swedish law.

12. Sweden attached considerable importance to the Concluding Observations of the various treaty bodies, which were extremely important in ensuring a correct interpretation of the Covenant and indicated the extent to which national law complied with it. Swedish law did not provide for the reopening of cases following decisions by international courts, United Nations treaty

bodies or other international organs. It was not clear how far the provisions on reopening cases contained in chapter 58 of the Code of Judicial Procedure could be applied for such purposes, nor was there any case-law on the subject. If the Chancellor of Justice or a court found that a national authority had acted wrongly in dealing with a particular case, they could provide compensation under Chapter 3, section 2 of the Tort Liability Act. In addition, the Government could make *ex gratia* compensation payments to citizens.

Right of peoples to self-determination (article 1 of the Covenant)

13. **The Chairperson** read out the question relating to article 1: implementation of article 1.

14. **Mr. Ehrenkrona** (Sweden) said the right of self-determination could be exercised in Sweden by virtue of its constitutional and political system. Indigenous peoples, such as the Sami people, had no such right since General Assembly resolutions 1514 and 1541 (XV) did not pertain to them, and the international law concerning indigenous peoples was still evolving. However, they did have a right to self-government in certain respects, and Sweden had therefore granted its Sami population a degree of autonomy. The Sami Parliament functioned as a public administrative authority, with the primary task of nurturing a Sami culture in Sweden and representing the Sami electorate. A committee consisting of parliamentarians, representatives of the Sami, landowners and farmers' organizations had been set up to review the reindeer herding policy and its administration, and in December 2001 it had proposed several measures to enhance Sami autonomy. In 1997, the Government had appointed a committee to examine the possibility of Sweden's ratifying ILO Convention No. 169, on indigenous and tribal peoples in independent countries, and to ascertain the measures required to enable Sweden to comply with it. In its report, the committee had recommended that Sweden accede to the Convention within a period of five years. The first step would be to identify the land to which the Sami had a right and the second would be to clarify the scope of their hunting and fishing rights on land they traditionally occupied. Ultimately, their right of self-government was a question of having a democratic system by which they could influence national political processes and the decisions which affected them.

Principle of equality (article 3 of the Covenant)

15. **The Chairperson** read out the question relating to article 3: pay differentials between men and women; domestic violence in the past three years; outcome of review of the provisions relating to sexual offences; and progress made on bill to strengthen equality between men and women.

16. **Mr. Ehrenkrona** (Sweden) said that in 2000, the wages of women had averaged 82 per cent of the wages of men. The discrepancy was due partly to factors such as age, part-time working, occupation, the public versus the private sector and level of education. If those factors were taken into account, the wages of women would be equal, on average, to 92 per cent of men's wages. The corresponding figures for 1999 were 83 per cent and 92 per cent respectively.

17. The figures for offences constituting gross violations of a woman's integrity under Chapter 4, section 4 (a) of the Penal Code were 923 offences in 1999, 1,147 in 2000 and 1,485 in 2001, making a total of 3,555.

18. The Commission had proposed replacing Chapter 6 of the Penal Code, with a new chapter that would include provisions imposing criminal liability for the crime of trafficking in persons and children, respectively, for sexual purposes, abolishing double jeopardy for crimes committed abroad in the case of serious sexual offences against persons under the age of 18, and inserting new provisions to cover trafficking for sexual purposes. A bill on trafficking was in preparation in the Ministry of Justice.

19. The bill to amend the Equal Opportunities Act had been adopted on 18 October 2000. The amendments, which had entered into force on 1 January 2001, provided that the protection of applicants for employment against discrimination would extend to the whole of the employment process. Discrimination could be established without an express comparison with a person of the opposite sex. Employers and employees were expected to encourage the same pay opportunities for men and women. Employers must make an annual survey of regulations and practice concerning pay and pay disparities between men and women doing work of equal value, in order to eliminate discrimination in pay and conditions between the sexes. All employers with more than nine employees must draw up an action plan for equal pay, to reflect the results of the survey. Damages paid to

persons who had suffered discrimination should be apportioned individually in the light of each person's injury, instead of being shared out equally among them. A definition of the concept of indirect discrimination was to be incorporated into law. The Equal Opportunity Ombudsman would have the right to enter workplaces for the purpose of investigations. A new public authority, the National Mediation Office, was responsible for public statistics and for compiling official pay figures, disaggregated by sex. It was also expected to analyse the findings from a gender perspective. In 1999, the Equal Opportunity Ombudsman had been instructed by the Government to speed up the achievement of equal pay. It had since developed methods to survey wages and to advise employers on avoiding pay disparities between men and women.

Right to life (article 6)

20. **The Chairperson** read out the questions relating to article 6: rules regarding euthanasia and assisted suicide; and legislation on research ethics.

21. **Mr. Ehrenkrona** said that section 1 of Chapter 3 of the Penal Code, on crimes against life and health, stated that a person who took another's life should be convicted of murder and sentenced to life imprisonment. In the presence of mitigating circumstances or for certain other reasons, the offender would be guilty of manslaughter and would be sentenced to a term of imprisonment of at least six but not more than ten years. In Swedish law, euthanasia was a crime but assisted suicide was not. The difference, for the courts, lay in whether the acts of the perpetrator had independently caused the death. In the case of euthanasia, the courts had returned verdicts of manslaughter, and imposed lighter sentences, in certain circumstances such as the victim having consented and the existence of a strong motive of compassion on the part of the perpetrator. There was an ongoing debate in Sweden on the question.

22. Sweden had a voluntary system for the ethical review of research proposals, which was accepted by the scientific community and had so far functioned well. However, pressure was now being exercised to regulate the process of ethical review, because of developments in the life sciences, including cellular and molecular biology, and demands for ethical reviews from other parts of the legislative system, such as the rules on the handling of personal data in

databases or biobanks and the standards set by international conventions such as the Council of Europe Convention on Human Rights and Biomedicine. The Ministry of Education and Research was therefore developing a proposal for legislation on the ethical review of research on human subjects, and a bill would be presented to Parliament at the end of March 2002.

Liberty and security of person (article 9 of the Covenant) and treatment of prisoners and other detainees (article 10 of the Covenant)

23. **The Chairperson** read out the questions relating to articles 9 and 10: implementation of the Compulsory Psychiatric Care Act; death of Osmo Vallo and other cases of deaths in prison; regulations governing the use of coercive techniques by police; conditions of detention of young persons and of women.

24. **Mr. Ehrenkrona** said that amendments to both the Compulsory Mental Care Act and the Forensic Mental Care Act had come into force in 2000 with the aim of decreasing the number of compulsory care cases by establishing clearer legal guidelines concerning when such care could be allowed and ensuring greater use of medical experts at trials. The National Board of Health and Welfare was to follow up on the results of the amendments and report annually until 2004, when a more detailed final report was to be submitted.

25. Two of the policemen involved in the Osmo Vallo case had been convicted of causing bodily injury, but the circumstances of his death had not been fully clarified, despite inquiries and forensic examinations. The Chancellor of Justice's examination of the procedure in cases of death in police custody had resulted in recommendations for improvements, which had been to a great extent put into practice. The commission established to examine the procedure followed in the investigation of Osmo Vallo's death was to report in April 2002.

26. Policemen in certain situations could not avoid using physical force in the execution of their duties. The 1984 Police Act defined the powers of the police, and other regulations specified the situations in which certain police methods, such as the use of firearms, tear gas and police dogs, might be used. The fundamental principle was that violence should be used only when necessary and be proportionate to the aim pursued.

27. A custodial system called Secure Institutional Treatment for Young Offenders had been introduced in 1999. Offenders under 18 were placed in special detention centres and were given prison sentences only in exceptional cases. A young person under 21 given a prison sentence was usually placed in a prison with special programmes for young inmates. According to the guidelines of the Prison and Probation Administration women should be placed in women's prisons or, in a special women's ward.

Rights of aliens (article 13 of the Covenant)

28. **The Chairperson** read out the questions relating to article 13: significance of the replacement of the concept of "de facto refugee" by that of "an alien otherwise in need of protection"; changes since 1995 in the procedures and time limits for the detention of illegal immigrants, asylum-seekers and persons subject to expulsion orders; decisions taken on expulsion or the refusal of immigration or asylum requests without a hearing; bill on appeals against a decision to expel an alien; rules concerning temporary residence permits.

29. **Mr. Ehrenkrona** said that the amendments to the Aliens Act had been designed to broaden the interpretation of refugee. The concept of "an alien otherwise in need of protection" covered all persons who could not return to their home country because of a well-founded fear of capital or corporal punishment, torture, other inhuman or degrading treatment or punishment or persecution because of gender or sexual orientation or who needed protection as a result of external or internal armed conflict or environmental disaster.

30. With regard to detention of aliens (the term "illegal immigrant" did not appear in Swedish law), Migration Board statistics showed that, in 2001, 3,175 persons had been detained for an average of 8.1 days. Detention could be appealed to administrative courts. An alien might not be detained more than 48 hours purely for investigation of his or her right to remain in Sweden. Otherwise an adult alien might not be detained for longer than two weeks without exceptional grounds for it. However, an alien under a refusal-of-entry or expulsion order might be detained for up to two months unless there were exceptional grounds for a longer detention. The detention order would remain in force during the appeals process if it was considered probable that the refusal of entry would be upheld by the Aliens Appeal Board. A foreign child under 18

years of age (raised from 16 in 1997) could not be detained for more than 72 hours, or for an additional 72 hours on exceptional grounds. In 1997, responsibility for detention questions had been transferred from the police to what was now the Swedish Migration Board.

31. No decisions were taken on expulsion, refusal of immigration or asylum requests without an appropriate hearing, the Migration Board being the forum of first instance in asylum cases, although most cases were decided by the Aliens Appeals Board on the basis of the case file.

32. Work on reforming the rules on appeals against a decision to expel was still in progress. The aim was to increase legal security for asylum-seekers while also speeding up the decision-making process. Asylum cases would be appealed to the administrative courts rather than to the Aliens Appeals Board. The reform would entail an entire new Aliens Act. The Bill would be submitted to Parliament during the course of 2002.

33. Residence permits were granted in Sweden either for a limited period of time (temporary residence permit) or indefinitely (permanent residence permit). The Government could issue a time-limited residence permit to a specific group of aliens in need of temporary protection. Such permits could be granted for at most two years and also covered family members. The rules were currently under review.

Protection of privacy (article 17 of the Covenant)

34. **The Chairperson** read out the questions relating to article 17: use of secret surveillance techniques by Swedish police during their investigations: appeals against surveillance decisions; number of cases in the past three years; enforcement of the 1998 law on public camera surveillance.

35. **Mr. Ehrenkrona** said that the rules for secret wiretapping and secret telesurveillance by the police were mainly to be found in the Code of Judicial Procedure. Secret wiretapping could be used in the preliminary investigation of offences carrying a penalty of two years or more, or the attempt, preparation or conspiracy to commit such an offence. Secret telesurveillance could be used in investigating offences carrying a penalty of six months or more or narcotics offences. Among other limitations, it was stipulated that those methods might only be used if a person was reasonably suspected of the offence and the measure was of exceptional importance to the inquiry. A

decision permitting secret wiretapping or telesurveillance must be rendered by a court on the request of the prosecutor and must specify the permitted duration, which might not exceed one month, and the telecommunications address to which it applied, which must be one held by the suspect or one the suspect was presumed to use. Bugging was not currently permitted in Sweden but was under consideration. There was no appeal against a surveillance decision, since the suspect was not supposed to know about it. In 1999, wiretapping had been used in 326 cases (312 in 2000), telesurveillance in 297 (358 in 2000) and videosurveillance in 30 (43 in 2000).

36. The revised law on public camera surveillance that came into force in 1998 was designed to protect against violations of personal integrity and was based on the principle that information about camera surveillance must be given and camera surveillance might not be used in an area open to the public unless the purpose outweighed the protection of personal integrity. The new act extended the right to use camera surveillance to banks, post offices and shops. The law was currently under review.

Freedom of religion (article 18 of the Covenant)

37. **The Chairperson** read out the questions relating to article 18 of the Covenant: restriction of the freedom of religion of non-Swedish citizens; changes in the bond between the Church of Sweden and the State since 1994; modification of the system whereby children automatically became members of the Church of Sweden at birth.

38. **Mr. Ehrenkrona** said that, effective 1 January 2000, Sweden's traditional State church system had been abolished. The Church of Sweden was no longer in the public sector, and its parishes and church associations no longer enjoyed status as local authorities or the right to levy taxes. In consequence, the automatic membership of children in the Church had been abolished.

39. In principle, foreign nationals enjoyed the same freedom of religion and worship as Swedish citizens, however, it was possible to place restrictions by special provisions of law, which were subject to the rules set forth in the Instrument of Government and, among other limitations, required a majority of five sixths in the Parliament. Such legislation might not contravene

the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and hence could not be passed unless necessary in the interests of public safety, public order, health or morals or the protection of the rights and freedoms of others. In practice, no such laws had been passed on Sweden.

40. **Mr. Amor** said that Sweden had pride of place and hence a special responsibility in the area of human rights, which were under threat as a result of the criminal attacks of 11 September. Many countries were finding it hard to strike the right balance between the needs of security and respect for human rights. The principle of non-refoulement was under threat. Wiretapping to combat terrorism was being used to excess, often based on unfounded suspicions. The framework of law adopted by the Council of Ministers of the European Union could begin to undermine freedom of expression and assembly. The context of terrorism was sometimes being used as a pretext, and even Sweden was not totally immune. He appealed to Sweden to maintain its traditional stance as an advocate of human rights and would like to hear the delegation's comments in that regard and its elaboration on the few but important cases in which suspicion of terrorism had been the justification given for the actions taken.

41. He would not deal at length with Sweden's dualistic stance concerning direct applicability of the Covenant, except to say that he was not totally convinced by the theoretical explanation and hoped that the country might reconsider its position.

42. Sweden had an excellent record in promoting the rights of women; however, foreign women faced particular problems which required attention. If they were in a situation of conflict with their husbands, it was difficult for them to gain access to justice, and sometimes they were not aware of their rights and how to defend them. If they left their husbands because of domestic violence or other reasons, they risked expulsion from the country. There were also rare cases of women being subjected to excision, even though it was prohibited. He would like to know whether any special measures were being considered to eradicate that practice completely. It seemed that foreign girls under the age of 18 could marry in accordance with the law of their own country if they so wished. He asked how the Swedish Government protected the personal status of such girls if the law of the country in question

permitted practices that were not permissible under Swedish law, such as polygamy or forcing a girl under 18 to marry without her consent.

43. Insufficient attention was paid to the problem of police brutality, which had manifested itself on a number of occasions, including at the European Union-United States summit in Gothenburg in 2001. Moreover, as the investigations into such excesses always seemed to be conducted internally, they lacked transparency and had not resulted in any prosecutions of police officers. Another problem was that asylum-seekers could be detained at any time during the process of claiming asylum. He would also like to know what provisions existed to protect the rights of individuals under surveillance. Lastly, he had heard that it was not compulsory for a lawyer to be present in court with a defendant; nor was the presence of an interpreter compulsory for foreign defendants. If those claims were true, they would be a matter of grave concern.

44. **Sir Nigel Rodley** noted that two policemen had been convicted of causing bodily injury in the Osmo Vallo case; he would like to know what sentence had been imposed on them, whether they had appealed against it and, if so, what the outcome of the appeal had been. The Committee had been informed that violence could be used only when necessary and must be proportionate to the aim pursued. However, the report by the Swedish non-governmental organizations Foundation for Human Rights and the Helsinki Committee for Human Rights mentioned two cases where the violence had been disproportionate. One involved an alleged car thief who had been shot in the back by a police officer as he tried to escape, and had later died; the other a Kurdish man who had been shot dead by a police officer during an identity check. He would like to know whether the information in that report was correct and whether complaints against the police were investigated by the police themselves or by an independent body.

45. While welcoming the Swedish Government's commitment to ensuring that counter-terrorism measures were implemented in accordance with international human rights obligations, he expressed concern about the case of two Egyptians who had apparently been deported to Egypt, where they were wanted in connection with suspected terrorist offences. Several international authorities had identified widespread systematic torture of suspects in Egypt,

particularly where issues of State security were concerned. The Government had stated that it had received satisfactory assurances from the Egyptian Government that the two individuals in question would not be tortured or executed and that the proceedings relating to them would respect Egyptian rule of law. He would like to see the text of those assurances and asked at what level of Government they had been concluded. He asked what measures the Swedish Government had been authorized to take in order to ensure that Egypt complied with the assurances and what measures had actually been taken, as marks had been noticed on the detainees when their relatives had visited them in January 2002, one month after their deportation. He asked whether any further visits had taken place since then and, if so, what information they had yielded regarding the extent to which the assurances had been respected. He asked the delegation to provide the fullest possible answers to his questions.

46. **Mr. Solari Yrigoyen**, welcoming Sweden's exemplary human rights record, said that there was nonetheless room for improvement in some areas. It was regrettable that the Covenant could not be directly invoked before the courts and administrative authorities. However, it was encouraging that the European Convention on Human Rights had been fully incorporated into Swedish law and it was to be hoped that the same action would soon be taken with respect to the Covenant. There was still no mechanism in Sweden for giving full effect to the Committee's views under the Optional Protocol. He would therefore like to know whether the Government was considering measures to create such a mechanism.

47. In 2001, the Swedish Government had hosted a conference on racism, where it had shown a film about the problem of neo-Nazism in Sweden. Its willingness to reveal its own difficulties concerning racism to representatives from around the world was commendable; in that light, he would like to know whether the Government had analysed whether the existing legislation was adequate to fight discrimination and racism. The report stated that the principle of freedom of expression might result in tolerance of "hate-speech"; incidents of racial discrimination also persisted. Steps should be taken to prevent and punish such conduct.

48. He welcomed the legislation adopted to protect the Sami people, but expressed concern about the

restrictions on their hunting and fishing rights and the privatization of their traditional territories.

49. He mentioned a number of cases where law enforcement officers had used excessive force. In two cases, suspects had been shot dead by police. In another, an alleged thief had died in custody after being immobilized by police officers; the initial autopsy results had indicated asphyxiation. In a fourth case, a man had died after being restrained by prison guards. One of the guards had been charged with homicide; he would like to know the outcome of that case. Another worrying case involved the Swedish immigration authorities, which had violated the obligations enshrined in the Covenant by returning an Iranian woman to her country, despite the risk that she would be stoned to death for adultery if she returned.

50. The separation of the Church of Sweden from the State was a positive development. He requested information on other changes in that regard and asked whether the Church of Sweden had tax advantages compared to other churches. He also asked whether military service was still compulsory and, if so, what requirements had to be fulfilled to become a conscientious objector. Lastly, he had read in the reports of certain agencies that a law was being drafted to ensure equality for disabled people. He would like to know whether that law had been enacted and requested information about its provisions.

51. **Mr. Klein**, noting that assisted suicide did not constitute a crime in Sweden, said that if the State itself provided such assistance — for example, in a State-run hospital — that could constitute a violation of the State's obligation to protect the right to life under article 6. He would like to hear the delegation's comments on that point. He asked whether the Committee's concluding observations were being used as a reference in the debate on euthanasia. Although euthanasia was currently still a crime in Sweden, the existence of the debate suggested that that might change. If euthanasia were to be legalized, he would like to know how that would square with the provisions of article 6 and whether euthanasia would be permitted for minors as well as adults. He also asked about the Swedish Government's attitude to biomedicine in the light of article 6, with particular reference to stem cell research and the possibility that embryos with genetic deficiencies could be discarded instead of being implanted in the mother's womb.

52. A number of non-governmental organizations had alleged that Sweden no longer applied the principle of non-refoulement in certain cases, particularly those relating to terrorism. If that were true, it would be a matter of serious concern. The reply given to question 14 (a) did not fully cover the legal issue raised by surveillance. The rule of law, as he understood it, required that persons who had been placed under surveillance should be informed of that fact after the surveillance had ended, so that they could appeal against the measures taken if they so wished.

53. While States parties were not obliged to incorporate the Covenant into domestic law, he said that the system followed by Sweden had two drawbacks. Firstly, in cases where domestic law was clearly different from the provisions of the international treaty in question, it was impossible to interpret it in a way that conformed with the treaty. Secondly, it made it difficult to take the Committee's jurisprudence into account. It was therefore to be hoped that Sweden would incorporate the Covenant into domestic law, in the same way as it had incorporated the European Convention on Human Rights. There should be some procedure — at least an informal one — for giving serious consideration to the Committee's views and concluding observations, even if they were not regarded as legally binding. He would therefore like to know how the Government acted on the views and concluding observations conveyed to it by the Committee.

54. **Mr. Henkin** said that to a certain extent, all States Parties to the Covenant bore some responsibility for the behaviour of other States Parties, and that was particularly relevant in the case of expulsion or extradition. He wondered whether the Swedish Government, after it had expelled or extradited an individual, took the next step and monitored what happened to that individual in the country to which he had been returned.

55. **Mr. Scheinin** asked for more information about the mechanism for securing compliance with the European Convention on Human Rights and whether a similar mechanism could be applied in the case of the Covenant. He was concerned that the Government seemed reluctant to apply article 26 of the Covenant, which went farther than Protocol 12 of the European Convention on Human Rights on the subject of discrimination. He would also like to know if the current policy on non-refoulement was absolute, even

in cases where the returnee could face capital punishment.

56. A number of concerns had been raised about the use of force by the police and their training, and it would be useful to elaborate on the lessons learned as a result of the Gothenburg demonstrations.

57. He asked how the principle of self-determination was being applied to the Sami people and for more information about the powers of the Sami Parliament with regard to control of the competing uses of their traditional lands.

58. The legal framework for the protection of women's rights appeared to be adequate, but he would like to hear more about policy concerning such practices as female genital mutilation, honour killings and forced marriage which continued to occur within some communities. He would like to know what emphasis was placed on dialogue with those communities and empowerment of women. It appeared, however, that legislation was overused with regard to some traditional practices of religious minorities, for instance kosher and halal slaughtering practices and male circumcision.

59. **Mr. Lallah** said that he would like more details about the bill on measures to counter terrorism which had been introduced in the Parliament. Any restrictions on fundamental freedoms should be guided by article 4 of the Covenant. Defining and criminalizing terrorism in a way that avoided undue restriction of basic civil and political rights was a matter of deep concern for all countries. He would like to know, in the treatment of a suspected terrorist, what measures the executive branch of the Government could take without the involvement of the judiciary. It was a matter of great concern to him that Security Council resolution 1373 (2001) had been used as an argument for action that ran counter to the Charter, but nowhere did that resolution allow human rights derogations.

60. **Mr. Ando**, referring to paragraph 40 of the report, asked for details of the circumstances under which neglecting to report a grave sexual offence was punishable, and who was required to make such reports. Turning to the subject of child abuse, he asked how the special representatives for children mentioned in paragraph 106 were chosen and what relationship they had with the parents and the child. It would be helpful to hear more about concrete cases of the offences of gross violation of integrity (paragraph 108)

and negligent acts of dissemination of child pornography (paragraph 112) and the outcome of any such cases.

The meeting rose at 1 p.m.