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Instruments**

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**Sweden\***

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1. The purpose of this core document is to assist the treaty bodies in understanding the situation in Sweden. The document contains information of both a general and specific nature relating to the implementation of the treaties to which Sweden is party, and which may be of relevance to all, or several, treaty bodies.

## **I. General information**

### **A. Demographic, economic, social and cultural characteristics**

2. Human rights and fundamental freedoms have been protected under Swedish law since around 1350. Swedish parliamentarianism began to evolve in the nineteenth century when political power started being transferred from the monarch to parliament. Universal suffrage was introduced for men in 1909 and for women in 1921.

3. The principle of separation of political power between the executive and the legislative organs of state was laid down in the Instrument of Government of 1809. Today, fundamental rights and freedoms are protected by the Instrument of Government of 1974 (please also refer to Chapter II.D), which is one of the four fundamental laws of Sweden that are often referred to collectively as the Constitution. There is no separate bill of rights. Instead, the Instrument of Government protects civil, political, social, economic and cultural rights. Freedom of the press and freedom of expression in other media are protected by two separate fundamental laws, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The fourth fundamental law is the Act of Succession. The Riksdag Act occupies an intermediate position between a fundamental law and an ordinary law. It contains rules concerning the working procedures of the Riksdag (the Swedish Parliament). Until 1974 the Riksdag Act was a fundamental law, but, as stated above, it now occupies an intermediate position.

4. Human rights and democracy are fundamental values in Swedish society. Proceeding from these values, the Government is firmly committed to ensuring full respect for human rights in the country.

#### **Population**

5. Sweden's population grew by 144 136 to 9 995 153 in 2016 due to a high birth rate and net immigration. Immigration reached record levels in 2016, with 163 005 immigrants coming to Sweden. Among the 163 005 immigrants (71 859 women and 91 146 men), 178 nationalities were represented. Emigration declined by 18 per cent compared with 2015.

6. A total of 90 982 people died in 2016; 46 561 women and 44 421 men. The number of deaths increased by 75 compared with 2015; however, the increase in population meant that the death rate per thousand population actually decreased by 0.1. In 2016, 2.5 children per 1 000 live births died before their first birthday. Slightly more boys than girls died in their first year of life. While boys had a higher mortality rate, slightly more boys were born. A total of 117 425 children were born in 2016; 57 226 girls and 60 199 boys. This is an increase of 2 555 children compared with 2015.

7. Trends over the last five years:

(a) The population of both sexes is increasing and there are more men than women. The population increase is greater for men because more boys than girls are being born, more women than men are dying and net immigration is higher for men than for women;

(b) The number of inhabitants per square kilometre is increasing;

(c) The number of births is increasing, and more boys than girls are being born. The number of births is increasing due to a larger population. The total fertility rate has decreased slightly over the last five years. Approximately 105 boys are born for every 100 girls;

(d) The number of deaths has not changed much over the years. More women than men are dying, but this is natural because women live longer and there are more women than men in the oldest age groups;

(e) The number of foreign citizens in Sweden has increased over the last five years.

### Population summary

	2012	2013	2014	2015	2016
Population 31 December	9 555 893	9 644 864	9 747 355	9 851 017	9 995 153
Men	4 765 905	4 814 357	4 872 240	4 930 966	5 013 347
Women	4 789 988	4 830 507	4 875 115	4 920 051	4 981 806
Number of people aged 0–17 years	1 928 121	1 952 478	1 985 282	2 025 077	2 076 407
People aged 0–17 years as a % of total population	20.2	20.2	20.4	20.6	20.8
Number of people aged 65 + years	1 828 283	1 872 207	1 912 884	1 947 227	1 976 857
People aged 65 + years as a % of total population	19.1	19.4	19.6	19.8	19.8
Households	4 360 368	4 389 007	4 432 614	4 481 746	4 536 214
Average number of residents per household	2.19	2.20	2.20	2.20	2.20
Foreign nationals <sup>1</sup>	667 232	694 662	739 435	782 833	851 949
Foreign nationals as a % of total population	7.0	7.2	7.6	7.9	8.5
Foreign-born	1 473 256	1 533 493	1 603 551	1 676 264	1 784 497
Foreign-born as a % of total population	15.4	15.9	16.5	17	17.9
Foreign-born Swedish citizens	840 957	875 002	908 659	936 729	969 201
Foreign-born Swedish citizens as a % of total population	57.08	57.05	56.66	55.88	54.31
Born in Sweden with two foreign-born parents	448 736	467 697	488 655	510 756	535 805
People with foreign background as a % of total population <sup>2</sup>	20.1	20.7	21.5	22.2	23.2
Live births	113 177	113 593	114 907	114 870	117 425
Birth rate (per 1,000 mean population)	11.88	11.83	11.85	11.72	11.83
Total fertility rate	1.91	1.89	1.88	1.85	N/A
Deaths	91 938	90 402	88 976	90 907	90 982
Death rate (per 1 000 mean population)	9.6	9.4	9.1	9.2	9.1
Life expectancy men	79.9	80.2	80.4	80.4	N/A
Life expectancy women	83.6	83.8	84.2	84.1	N/A
Infant mortality (per 1 000 live births)	2.6	2.7	2.2	2.5	2.5
Immigration	103 059	115 845	126 966	134 240	163 005
Immigration (per 1 000 population at the beginning of the year)	10.8	12.0	13.0	13.6	16.3
Emigration	51 747	50 715	51 237	55 830	45 878

	2012	2013	2014	2015	2016
Emigration (per 1 000 population at the beginning of the year)	5.4	5.3	5.3	5.7	4.6
Population growth	73 038	88 971	102 491	103 662	144 136
Population growth (per 1 000 population at the beginning of the year)	7.6	9.2	10.5	10.5	14.4
Acquired Swedish citizenship	49 746	49 632	42 918	48 249	60 343

Source: Statistics Sweden (SCB).

\* <http://www.statistikdatabasen.scb.se/sq/31156>.

\* <http://www.statistikdatabasen.scb.se/sq/31157>.

<sup>1</sup> People with dual nationality, one of which is Swedish, are not included.

<sup>2</sup> Foreign backgrounds includes those who are foreign-born and born in Sweden who have two foreign-born parents.

### Sweden's population (grouped by age) 2012–2016

Age	0–19		20–64		65+	
	Women	Men	Women	Men	Women	Men
2012	1 057 700	1 118 786	2 734 363	2 816 761	997 925	830 358
2013	1 063 378	1 126 350	2 749 429	2 833 500	1 017 700	854 507
2014	1 071 857	1 137 412	2 767 058	2 858 144	1 036 200	876 684
2015	1 085 718	1 153 897	2 783 005	2 881 170	1 051 328	895 899
2016	1 108 369	1 182 237	2 809 025	2 918 665	1 064 412	912 445

Source: SCB.

### Employment and social situation

8. The Swedish labour market began to recover from the effects of the financial crisis in 2010. Since then, employment has developed very positively and the proportion of the population (age 15–74) in employment has increased gradually, from 64.4 per cent in 2010 to 67.1 per cent in 2016. Over the same period, the number of employees has increased by 386 000 or 8.5 per cent. Employment has increased by 60 per cent among foreign-born men and women. (For employment statistics and a breakdown of employment by economic sector, please refer to Appendix 1.)

9. Unemployment remained relatively high in the years following the financial crisis, but has fallen significantly since 2014 to 6.9 per cent. The decrease is significantly higher among people who were born in Sweden and unemployment is significantly higher among people who are foreign-born. According to the labour force survey, the trade union affiliation rate among employees has continued to decrease in Sweden, from 68.4 per cent in 2009 to 66.7 per cent in 2016. The trade union affiliation rate among employees is almost five per cent higher among women than among men. This relationship has largely remained stable over the past ten years.

10. More people are able to earn their own living, but the proportion of people outside both the labour market and the social insurance system has remained unchanged in recent years. A weak connection to the labour market has a major impact on people's living conditions, for example their risk of illness. Those who are outside the labour market, especially those who have never entered it, are also at risk of not benefitting from the protection provided by the income-related part of the social insurance system. The social insurance system is individualised and includes both income-related benefits and basic protection in the form of universal and means-tested benefits. The social insurance system provides financial security in the event of illness or disability and to the elderly and families with children. It does not cover healthcare or unemployment.

11. The public sector comprises the central government, county councils and municipalities. It provides services such as healthcare, elderly care and education. It also administers the social security system, for example child benefit and pensions. Public-sector expenditure is chiefly funded by taxes, social insurance contributions and, to some extent, patient fees. Healthcare and social services are provided directly by central or local government or by private-sector actors, and are wholly or partly funded and regulated by central government.

12. Long-term poverty (five years or more) has continued to decrease in all population groups. Furthermore, incomes increased among all groups, although the increase was higher among high-income earners than among those with lower incomes. Consequently, the income gap has increased. (For statistics on living conditions, indicators, percentage by gender, age, and time period, Gini coefficient, and health and socio-economic indicators, please refer to Appendix 2.)

13. In Sweden, 48 per cent of the population live in the three largest city regions, defined as the three largest cities and their surrounding municipalities from which people commute. The proportion of the population living in urban areas has increased in recent decades. Almost 50 per cent of the population, both in Sweden as a whole and in urban areas, is male, while slightly more than 50 per cent is female. Compared to rural areas, there are more young people and more people with a higher education in urban areas. Religion, ethnicity and mother tongue are not registered in Sweden, only country of birth. Foreign-born people are overrepresented in urban areas (the three largest city regions). Sixty-two per cent of all foreign-born people live in these areas. Between 15 and 19 per cent of the population of these three regions was born in countries other than Sweden, compared with 14 per cent of the total population. However, it is not unusual for over 20 per cent of the population of municipalities within these three regions to have been born abroad. This trend has increased over the past five years.

14. There are worrying signs of increased segregation in cities in Sweden. Differences in terms of unemployment, school results, income, social security dependency, need for support from public social services, health, electoral participation, and insecurity can vary significantly between different residential areas in the same city or municipality. These factors also vary between women and men and between boys and girls. Several general welfare problems may occur concurrently, with one common combination being poor health and financial vulnerability. Serious illness often leads to poorer financial circumstances and an increased risk of couples separating. (For statistics on people at risk of poverty 2011–2015, see Appendix 3.)

## **Education**

15. Primary and secondary school is compulsory for children aged 7–16 who are considered to be residents of Sweden. All children are supposed to be enrolled. There were 1 023 956 pupils in primary school in year 2016/17. (For statistics on the number of pupils in compulsory education please refer to Appendix 4.) Municipalities and schools are obliged to ensure that all children covered by compulsory education actually attend school.

16. Children seeking asylum and children staying in Sweden without the necessary permits or legal support are entitled to education in primary and secondary school, but it is not compulsory for these children. The right to education in upper secondary school includes children in these categories if they entered school before the age of 18. A targeted government grant is available to municipalities for the education of these children. According to assessments made by the Swedish Migration Agency, almost all children are enrolled in school, and exceptions are rare. Parents are encouraged by migration officers to contact the nearest school and, if they consent, the Swedish Migration Agency notifies the municipality responsible for providing education.

17. Upper secondary education consists of national vocational programmes, national higher education preparatory programmes and introduction programmes. The minimum requirements for pupils who wish to apply for a national programme are passing grades from compulsory education in Swedish/Swedish as a second language, English, mathematics and at least five other subjects for vocational programmes or at least nine

other subjects for higher education preparatory programmes. Pupils who do not fulfil these requirements can apply to an introductory programme as a route into a national programme or working life. Ahead of the 2016/17 school year, 83.1 per cent of pupils were eligible to apply for national programmes. The 16.9 per cent of pupils who were not eligible will instead study an introductory programme.

18. The proportion of pupils who complete compulsory school and continue to upper secondary education is close to 100 per cent.

19. The proportion of pupils in upper secondary education who complete a three-year programme with a school diploma within five years is presented below. (Assuming that students who have not completed a three-year programme within five years have dropped out, these figures could be used as an indication of the upper secondary education drop-out rate.)

<i>Year of enrolment in USE</i>	<i>Female completed within 5 years</i>	<i>Male completed within 5 years</i>	<i>Total completed within 5 years</i>
Autumn 2016	74.3 %	66.7 %	<b>70.4 %</b>

*Source:* National Agency for Education (NAE) database.

### **Teacher-student ratio in publicly funded schools**

#### *Pupils per teacher in compulsory school*

2016/17	2015/16	2014/15	2013/14	2012/13
12.0	12.2	11.7	12.1	12.1

*Source:* NAE.

#### *Number of teachers per 100 pupils in upper secondary education*

2016/17	2015/16	2014/15	2013/14	2012/13
11.9	11.9	11.9	12.1	12.1

20. There are no statistics regarding the literacy rate in Sweden. Results from international student assessments such as the OECD Programme for International Student Assessment (PISA) may serve as an indicator of the literacy rate of pupils in primary education. PISA is the only international education study that measures the knowledge and skills of 15-year-olds, an age at which students in most countries are nearing the end of their compulsory schooling. After several PISA studies with declining results, the performance of Sweden's 15-year-olds has now improved. Reading comprehension and knowledge of mathematics have improved and there are signs of positive developments in the field of science. In the previous PISA study, Swedish students' performance was below the OECD average in all three areas. Now Sweden is at or above average. In terms of reading comprehension, pupils average 500 points. This is an improvement of 17 points compared with PISA 2012. Sweden's points are higher than the OECD average. In reading comprehension, it is the poorly-performing pupils who account for the bulk of the improvement in the PISA results.

### **Public finances**

21. For an overview of GDP, the consumer price index, public-sector revenue and expenditure, and the central government budget balance, please refer to Appendix 5.

### **Policy Coherence for Development (PCD)**

22. Shared Responsibility: Sweden's Policy for Global Development (Govt Bill 2002/03:122) serves as a guide that is used to steer the Government's global development policy on the basis of two fundamental perspectives: the perspective of poor people on

development and the rights perspective. The perspective of poor people on development means that the starting point for poverty reduction and the promotion of equitable and sustainable global development shall be the needs, circumstances, interests and priorities of poor women, men and children. The rights perspective centres on human rights, democracy, gender equality and the rights of the child. The fundamental principles of the rights perspective are non-discrimination, participation, openness, transparency and accountability. The two perspectives complement and support each other and partially overlap.

23. The Government's global development policy aims at policy coherence, which means that all policy areas are to work towards a common goal: equitable and sustainable global development. The policy deals with transnational issues that have an international impact. The policy requires all policy areas to formulate and implement policies in a way that takes into account the impact on developing countries and makes use of every available opportunity to help achieve the objective. It thus goes beyond official development assistance (ODA). Lack of coherence across policy areas poses a risk that measures or decisions in a given sphere will counteract or nullify the Government's attempts to promote global development and poverty reduction and the progress it has made thus far. A lack of coherence also has consequences for poor countries and people, and can weaken Sweden's and the EU's credibility as global actors. The policy for global development was relaunched by the Government in 2015, clearly linking it to the implementation of the 2030 Agenda for Sustainable Development.

24. In December 2016, the Government published a new policy framework for Swedish development cooperation and humanitarian assistance (Government communication 2016/17:60). This policy framework takes the current global development situation as a point of departure and relates to the 2030 Agenda, the Addis Ababa Action Agenda and the Paris Agreement on climate change. In addition to the rights perspective and the perspective of the poor on development, which coincide with the perspectives in Sweden's Policy for Global Development, three thematic perspectives have been added: a gender perspective, a conflict perspective and an environmental and climate perspective. These perspectives are to permeate all aspects of our work. The need for dialogue, partnership and local ownership are vital to achieving sustainable results. The ability to understand the local context, build relationships and conduct dialogue is central. The priorities and policies of partner countries are to form the platform for Sweden's development cooperation. Cooperation is to be driven by demand and is to complement the poverty reduction efforts being made by developing countries themselves. These two pillars must work together and support one another in order to achieve results. (For statistics concerning Swedish international assistance in 2011–2015, please refer to Appendix 6.).

## **B. Constitutional, political and legal structure**

25. Sweden is a constitutional monarchy with a parliamentary system of government. Swedish democracy is founded on universal and equal suffrage and the free formation of opinion, i.e. on political democracy as a decision-making technique. The monarch — the king or queen regent — is head of state, but has no political power.

26. Sweden is a parliamentary democracy. All public power proceeds from the people. The form of government is representative; the people are represented by the Riksdag (the Swedish Parliament), which has legislative power. The Government implements the Riksdag's decisions and drafts proposals for new laws or legislative amendments. One of the implications of the parliamentary system is that the Government must have the confidence of the Riksdag, or at least be tolerated by it. It must always be possible for a parliamentary majority to force a government out of office.

27. The Swedish Constitution — the Instrument of Government of 1974 — is based on the principles of popular sovereignty, representative democracy, parliamentarianism, local self-governance and the rule of law. All public power shall be exercised under the law. This not only applies to the courts and administrative authorities, but also to the Government and the Riksdag. It applies equally to local and central government.

28. As regards the protection of fundamental rights and freedoms, which is dealt with in more detail in Chapter II.D, the Instrument of Government gives a central role to such rights and freedoms that are of particular significance to the form of government, i.e. the “political” freedoms. The specific aim is to guarantee the free formation of opinion on political, religious and cultural matters. However, the rules are also directed towards protecting the individual from, for instance, inhumane punishment and other physical or mental abuse that might be employed for the purposes of harassment or coercion.

29. According to the Instrument of Government, the Government governs the Realm. To execute this task, the Government has at its disposal the administrative authorities. The Government decides how the authorities shall be organised and what tasks they shall perform. However, the authorities are independent of the Government and of other public authorities, including the Riksdag, in their decision-making capacity in a particular case relating to the exercise of public authority vis-à-vis a private subject or a local authority, or relating to the application of law. Consequently, the Government is prohibited in such cases from giving directions as to what decision the authority should arrive at in the particular case.

30. The independence of the judiciary is safeguarded by the Instrument of Government. No public authority, including the Riksdag, may determine how a court of law shall adjudicate an individual case, or otherwise apply a rule of law in a particular case. Provisions concerning the functions of the courts relevant to the administration of justice, the principal features of their organisation and court procedure are laid down in law.

### **Elections**

31. The early twentieth century saw a gradual expansion of the electorate. Universal suffrage was introduced for men in 1909 and for women in 1921. General elections to the Riksdag, county councils and municipal councils are held every four years. The Riksdag is a unicameral body composed of 349 seats, with members being elected for a fixed term of four years. Three hundred and ten of the seats are permanent constituency seats, while the remaining 39 are allocated to ensure greater proportionality to the national distribution of the constituency seats. The electoral method is based on proportionality.

32. The electorate comprises all Swedish citizens aged 18 and above who are, or have been, resident in Sweden. Apart from Swedish citizens, citizens of the European Union, Norway and Iceland aged 18 and above who are legally resident in Sweden, as well as other foreign nationals who are, and have been, resident in Sweden for more than three years may participate in elections to county councils and municipal councils. Swedish citizens who are entitled to participate in elections to the Riksdag are also entitled to participate in elections to the European Parliament. Citizens of the European Union residing in Sweden are also entitled to participate in elections to the European Parliament if they claim this right and certify that they will not exercise their right to vote or stand for election in their country of origin.

33. In the current electoral period (2014–2018), eight political parties are represented in the Riksdag: Socialdemokraterna (the Social Democratic Party), Moderaterna (the Moderate Party), Sverigedemokraterna (the Sweden Democrats), Miljöpartiet (the Green Party), Centerpartiet (the Centre Party), Vänsterpartiet (the Left Party) Liberalerna (the Liberal Party) and Kristdemokraterna (the Christian Democrats). To enter the Riksdag a party is required to achieve a minimum of four per cent of the vote. (For share of votes and seats in the Riksdag, please refer to para. 36). Nevertheless, a party which does not receive the required amount of votes to pass the four per cent threshold may take part in the allocation of permanent constituency seats, if the party has received at least 12 per cent of the vote in that constituency.

34. A total of 7 330 432 people were eligible to vote in the 2014 election to the Riksdag and 7 576 890 were eligible to vote in the 2014 municipal and county council elections. In the municipal council and county council elections, 454 000 foreign nationals were eligible to vote, which is six per cent of the total eligible electorate.

35. Elections to the Riksdag, county councils and municipal councils are held in September every fourth year. In the election to the Riksdag in 2014, the voter turnout



increased by 1.2 percentage points to 85.8 per cent. This was the third election in a row that turnout increased. The corresponding increases in the turnout for the elections to county councils and municipal councils in 2014 were 1.4 and 1.3 percentage points, respectively. The turnout in the election to county councils was 82.5 per cent and 82.8 per cent in the election to municipal councils. (For statistics on the turnout in the two most recent elections, please refer to Appendix 7.)

36. Anyone who believes that a mistake or an error has been made that has affected the results of an election may lodge an appeal within ten days of the election day. Appeals are submitted to the Election Review Board. Following the 2014 elections, 19 appeals were registered in the national elections and 46 appeals in the county council and municipal council elections. All appeals concerning the national election were deemed unsubstantiated. In one case concerning the local elections, the appeals led to a re-election at the local level in the municipal council in Båstad. The Election Authority decided that the re-election of the municipal council in Båstad would be held on 10 May 2015.

37. The Riksdag has one chamber with 349 seats. Since the 2014 election, the governing coalition is represented by Socialdemokraterna (the Social Democratic Party) and Miljöpartiet (the Green Party). Since the 2014 elections, the various political parties hold the following number of seats: Socialdemokraterna (the Social Democratic Party) — 113 seats, Moderaterna (the Moderate Party) — 84 seats, Sverigedemokraterna (the Sweden Democrats) — 49 seats, Miljöpartiet (the Green Party) — 25 seats, Centerpartiet (the Centre Party) — 22 seats, Vänsterpartiet (the Left Party) — 21 seats, Liberalerna (the Liberal Party) — 19 seats and Kristdemokraterna (the Christian Democrats) — 16 seats. Seven members of parliament have left their parties since the 2014 elections. They are still members of the Riksdag, but they no longer have any party affiliation. Following the 2014 elections, female members of parliament account for 43.6 per cent of the total (152 out of 349 seats).

<i>Name of political party</i>	<i>Share of votes in 2014 election (%)</i>	<i>Seats in the Riksdag in 2014 election</i>
Social-demokraterna	31.01	113
Moderaterna	23.33	84
Sverige-demokraterna	12.86	49
Miljöpartiet	6.89	25
Centerpartiet	6.11	22
Vänsterpartiet	5.72	21
Liberalerna	5.42	19
Kristdemokraterna	4.57	16
Feministiskt initiativ	3.12	
Other parties	0.97	

*Source:* Swedish Election Authority.

## **Media**

38. The daily newspaper companies, which have been shown to account for a large proportion of independent news reporting, are under pressure from several directions, including both domestic and international competitors. Technological developments, new consumption patterns and increased competition in the media market have presented the industry with major challenges, for example advertisers are choosing other ways of reaching their target audiences. The printed newspaper industry in particular is facing major issues with the ongoing structural transformation and digitalisation. Magazines find it difficult to charge users for their digital content and digital sales have only been able to compensate to a limited extent for the decline in print advertising sales. The largest media company in Sweden is Bonnier AB, which owns the daily newspapers Dagens Nyheter and Sydsvenska Dagbladet, the evening papers Expressen/GT/Kvällsposten and Dagens Industri, a financial newspaper. Bonnier AB controls 24.3 per cent of the market with a

turnover of SEK 5 billion. The second largest media company is Stampen Media Group, which owns newspapers including Göteborgs-Posten and had a turnover of SEK 3.6 billion, controlling 17.5 per cent of the market. Third is Schibsted, owner of Aftonbladet and Svenska Dagbladet, with a turnover of SEK 2.8 billion and control of 13.8 per cent of the market. After these three largest comes a number of companies focused on regional publications such as MittMedia (10.1 per cent of the market), NTM-koncernen (8.8 per cent) and Gota Media (5.4 per cent).

39. The public service broadcaster SVT and Bonnier AB, owner of the independent station TV4 and others, dominate the viewing figures for terrestrial television, with SVT having a 35.9 per cent share of viewers and Bonnier AB having 30.6 per cent. Smaller shares of viewers are held by the independent broadcasters Modern Times Group AB (TV3, TV6, TV8, TV10) with 14.6 per cent, and Discovery (Kanal 5, Kanal 9, Kanal 11) with 11.7 per cent. On the radio, the public service radio broadcaster SR has more than two-thirds of all listeners, while independent local radio stations have slightly less than one third. At present, all independent local radio stations are owned or controlled by either MTG Radio or Bauer Media.

### **Civil society**

40. Non-governmental organisations (NGOs) in Sweden are generally either non-profit associations or registered religious communities. However, the former do not have to be registered. There is no general legislation governing non-profit associations or general requirement that they be registered. The right of every person to initiate and participate in any form of association — freedom of association — is a constitutional right. In order to become a legal entity, a non-governmental organisation must have a board and rules that clearly set out how decisions are made and who is authorised to represent the association. Minutes kept in accordance with the rules constitute evidence as to the person or persons who are authorised to represent the association. As is the case for other organisations that are legal entities, non-profit associations are subject to rules and regulations set out in specific pieces of legislation such as tax law and labour law. There are no restrictions on a Swedish NGO receiving funding from abroad or to prevent non-Swedish citizens from establishing or participating in Swedish NGOs. In order to be considered a Swedish NGO, the organisation must be based in Sweden. In accordance with the principles of the independence of civil society, non-governmental organisations are not registered by the Government and there is no record of the total number of recognised organisations. The Government estimates that there are more than 200 000 local, national and regional non-governmental organisations in Sweden.

41. A policy on non-profit organisations (NPOs) and popular movements was established as a separate policy area in the central government budget for the first time in 2001. This policy has focused on encouraging and supporting people who form associations and similar groups and on providing a favourable climate for these organisations to operate in and pursue their activities.

42. In 2009, the Government launched its latest policy for civil society. The objective of the policy is to improve the conditions for civil society as an integral part of democracy. This is to be done in dialogue with civil society organisations by developing opportunities for civil society to help people participate based on a commitment and a desire to influence their own lives or society in general. This improves the potential for civil society to contribute to the development of society and welfare as a collective voice and opinion-maker through a variety of activities, and makes the public more knowledgeable about civil society.

### **Judiciary**

43. The principle of equality before the law and the right to have one's case examined by independent, autonomous and impartial courts are basic preconditions for a well-functioning democracy. The independence of the judiciary in Sweden is safeguarded by the Instrument of Government. The Riksdag, the Government and other public authorities cannot determine how a court is to adjudicate a particular case or how a court shall otherwise apply a rule of law in a particular case. Nor may any other public authority,

including the Government, determine how judicial responsibilities shall be distributed among individual judges. Judges may be removed from office only if, by reason of a criminal act or through gross or repeated neglect of their official duties, they have shown themselves to be manifestly unfit to hold office, or if they are under a legal obligation to retire.

44. Courts of law play a central role in protecting the rights of individuals in Sweden. The remedies provided for under the Swedish court system are adopted so as to provide a means to protect human rights. The judicial system consists of general courts and administrative courts. The courts concerned with general matters are the district courts, the courts of appeal and the Supreme Court. There are regional administrative courts, administrative courts of appeal and a Supreme Administrative Court for administrative matters. A number of courts and tribunals have been established to hear cases within specific categories.

45. The Instrument of Government stipulates that a legal dispute between individuals may not be settled by an authority other than a court except in accordance with law. The Instrument of Government also guarantees that it shall always be possible to have a deprivation of liberty examined by a court without undue delay. With regard to the organisation of the judiciary, the Instrument of Government makes reference to the Supreme Court and the Supreme Administrative Court, and adds that any other court must be established by virtue of law. Provisions concerning the functions of the courts relating to the administration of justice, the principal features of the organisation of the courts and legal proceedings shall be laid down in an act of law.

46. Over the last five years, the number of professional judges sitting in courts per 100 000 inhabitants was 11.7–11.9. If non-permanent judges are included, the number of professional judges sitting in courts per 100 000 inhabitants is instead approximately 22.

47. The average backlog of cases per judge at different levels of the judicial system, 2012–2016 (average number of cases adjudicated per judge within brackets in table below).

	2012	2013	2014	2015	2016
The Supreme Court	81 (337)	97 (338)	81 (349)	59 (351)	43 (326)
Courts of appeal	30 (127)	30 (127)	26 (124)	25 (117)	22 (112)
District courts	133 (325)	130 (321)	120 (308)	114 (301)	120 (296)
The Supreme Administrative Court	176 (431)	179 (527)	114 (451)	112 (439)	133 (460)
Administrative courts of appeal	87 (325)	74 (267)	94 (252)	97 (257)	105 (259)
Administrative courts	196 (633)	209 (647)	189 (663)	163 (643)	202 (639)

*Note:* Non-permanent judges, who adjudicate cases independently, are included above.

48. Relatively few people are detained while awaiting trial in Sweden. A number of those detained with restrictions would not be detained at all if there were no grounds for restrictions. Furthermore, Sweden has relatively short detention periods. (For statistics and indicators on crime, please refer to Appendix 8.)

49. If a suspect under arrest or detained so requests, public defence counsel shall be appointed for them. Public defence counsel shall also be appointed upon request for a person who is suspected of an offence for which the penalty prescribed is not less than six months imprisonment. Public defence counsel shall also be appointed if defence counsel is required by the suspect in connection with the inquiry into the offence, if defence counsel is required in view of doubt concerning which sanction shall be chosen and there is reason to impose a sentence of a sanction other than a fine or conditional sentence or such sanctions linked together, or if there are otherwise specific grounds relating to the personal circumstances of the suspect or the subject of the case. Initially, the central government will pay the costs of the public defence counsel. If the defendant or suspect is acquitted, they will not need to repay anything. If they are sentenced, they will, depending upon their income, normally be liable to pay all or part of the central government's costs. The number of public defence counsel appointed in the period 2012–2016 averaged approximately

70 000–80 000 per year. There are no statistics concerning how many applications for public defence counsel are rejected and the proportion of applicants who are granted public defence counsel is thus not available.

50. Victims of crime may be entitled to compensation/damages from the perpetrator in accordance with the Tort Liability Act (1972:207). Such damages may include compensation for personal injuries, damage to or loss of property, financial loss and violation of personal integrity. In cases where no perpetrator can be identified or where the perpetrator is not able to pay damages and there is no insurance to fully cover the injuries, victims of crime can generally apply for compensation from central government. Such compensation is known as criminal injuries compensation and is regulated by the Criminal Injuries Compensation Act (2014:322). The Crime Victim Compensation and Support Authority is responsible for processing applications under the Criminal Injuries Compensation Act. Compensation is primarily payable for personal injury, which includes both physical and psychological injury, and, in cases where the crime entitles the victim to such compensation, for the violation of personal integrity suffered by the victim. In exceptional cases, compensation for financial loss or damage to and loss of property may also be paid out.

- In 2016, the Crime Victim Compensation and Support Authority assessed 11 363 applications for central government compensation and a total of SEK 112 523 000 was paid to applicants;
- In 2015, the Crime Victim Compensation and Support Authority assessed 9 055 applications for central government compensation and a total of SEK 97 525 000 was paid to applicants;
- In 2014, the Crime Victim Compensation and Support Authority assessed 9 796 applications for central government compensation and a total of SEK 111 207 000 was paid to applicants;
- In 2013, the Crime Victim Compensation and Support Authority assessed 9 435 applications for central government compensation and a total of SEK 97 609 000 was paid to applicants;
- In 2012, the Crime Victim Compensation and Support Authority assessed 9 278 applications for central government compensation and a total of SEK 87 549 000 was paid to applicants.

51. The number of police officers per 100 000 people in Sweden has decreased from 220 in 2010 to 200 in 2016. The share of public expenditure going to the Police Authority has, over the course of the same period, decreased from 2.49 per cent to 2.43 per cent. The share of public expenditure going to the judiciary has increased from 4.45 per cent in 2010 to 4.7 per cent in 2016. The number of prosecutors per 100 000 inhabitants was 9.62 in 2016. This number has increased from 9.5 in 2009.

52. The Swedish National Council for Crime Prevention (Brå) produces and distributes information about criminality and crime prevention. Brå produces the official crime statistics, evaluates reforms, conducts research and supports local crime prevention efforts. For example, the Swedish Crime Barometer is produced by Brå every month. This collates incidents that have been reported and registered as crimes by the police, customs and public prosecutors in Sweden. Accordingly, these statistics include incidents that are reported but, having been investigated fully, are deemed not to be a crime as well as reported incidents where a crime cannot be proven. Each year, Brå publishes crime statistics and the Swedish Crime Survey, which is a survey of the attitudes and experiences of the general public (aged 16–79) regarding victimisation, fear of crime and public confidence in the justice system. (For more detailed information, please refer to: [www.bra.se](http://www.bra.se).)

53. The prison population was approximately 4 290 in 2015, which constitutes a decrease of one per cent compared with 2014. The prison population is now 22 per cent lower than in 2006. Of those incarcerated in prison in 2015, almost one quarter had been sentenced for theft offences. Around 12 per cent had been sentenced for crimes against life and health, around 24 per cent for drug offences and around 13 per cent for road traffic

offences. Assault offences dominated among the crimes against life and health, and drink driving offences dominated among the traffic offences.

54. The majority of the prison population are men. In 2015, men accounted for approximately 94 per cent of the total. This proportion has been relatively stable over the past ten years. Men constitute the majority of those given custodial sentences in connection with all types of offence. For example, the proportion of males among those given custodial sentences for sexual offences was 99 per cent in 2015. The proportion of women is relatively large among those who have been given custodial sentences for theft (nine per cent).

55. Around 35 per cent of those given custodial sentences in 2015 were aged 40 or older, 45 per cent were between the ages of 25 and 39, and 14 per cent were between the ages of 21 and 24. Young people aged 20 or under accounted for five per cent of custodial sentences in 2015. There is a different distribution among those given custodial sentences per 100 000 population in the respective age groups. On this basis, the dominant age group consists of those aged 25 to 29 years, with 231 custodial sentences per 100 000 population, compared with 70 per 100 000 population among those aged 15 to 20 years.

56. Approximately 1 830 individuals served their custodial sentence by means of intensive electronic supervision in 2015, which constitutes a decrease of three per cent compared with 2014. There were approximately 1 630 individuals detained in remand centres on 1 October 2015. Of these, 82 per cent were detained pending trial or during ongoing criminal investigations and four per cent were under arrest or otherwise in police custody. On 1 October 2015, the number of people serving a custodial sentence in remand centres was 149. In 2015, approximately 10 100 people entered the supervision of the probation service. This represents a decrease of four per cent compared with 2014. Approximately 6 090 people (60 per cent) were sentenced to probation and approximately 3 980 (39 per cent) were conditionally discharged.

#### **The International Criminal Court and other international criminal tribunals**

57. Sweden has been cooperating with the International Criminal Court (ICC) since 2002 and has transposed the Rome Statute into domestic law, i.e. the Act (2014:406) on criminal responsibility for genocide, crimes against humanity and war crimes. As of 2007, Sweden has arrangements with the ICC for the relocation to the territory of Sweden of witnesses who have appeared or are to appear in proceedings before the ICC, and, where necessary, people closely related to these witnesses. Pursuant to these arrangements, the Registrar of the ICC may require the relocation of a witness and, where necessary, people closely related to the witness. Such requests are considered on an individual basis by Sweden and, if deemed necessary and appropriate by Sweden, a residence and work permit is granted for one year to those being relocated. These arrangements are implemented in Swedish domestic legislation through the Aliens Act (2005:716).

58. In 2017, Sweden entered into an agreement on the Enforcement of Sentences of the ICC with the Court. After sentencing an accused person, the Presidency of the ICC shall communicate with Sweden and request Sweden to provide an indication of its readiness to receive a person convicted by the Court. If Sweden indicates its readiness to receive a person convicted by the ICC, the Presidency shall request Sweden to provide the Court with updated and necessary information regarding its national detention regime. If the Presidency designates Sweden as the State in which the sentenced person shall serve his or her sentence, it shall notify Sweden of its decision. Sweden shall promptly decide upon the Court's designation, in accordance with its national law, and inform the Presidency whether it accepts the designation.

59. Furthermore, Sweden is a party to the Agreement on the Privileges and Immunities of the International Criminal Court. Moreover, since the mid-1990s, Sweden has been cooperating with the international criminal tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR), established by the UN Security Council in 1993 and 1994, respectively. As of 2006, Sweden is also able to cooperate with the Special Court for Sierra Leone established 2002. This cooperation is governed by several Swedish laws and the conditions for cooperation vary depending on which of the courts has made the request. In brief,

Swedish legislation concerns different forms of legal assistance in criminal matters such as interrogation, the taking of evidence, various coercive measures in preliminary investigations, the surrender of suspects (extradition) and the enforcement of penalties and other decisions.

## **II. General framework for the protection and promotion of human rights**

### **A. Acceptance of international human rights norms**

60. Sweden is party to most major UN human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). Sweden has ratified the protocols to these conventions, with the exception of the Optional Protocol to the ICESCR and the Third Optional Protocol to the CRC on a Communications Procedure. Sweden signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007. Sweden regularly reviews its reservations to the central UN human rights instruments.

61. Sweden reviewed its reservations to Articles 10 (3), 14 (7) and 20 (1) of the ICCPR, Article 7 (d) of the ICESCR, Article 5 (2) of the Optional Protocol to the ICCPR and Article 14 (1) of the ICERD in connection with the adoption of its strategy on the national implementation of human rights. Sweden found that maintaining the reservations was necessary.

62. The reservation against the requirement for keeping juvenile offenders segregated from adults is deemed to be justified since the application of Article 10, paragraph 3 of the ICCPR could lead to young offenders being put in central institutions far away from their families and social services, which may have a negative impact on their well-being. The alternative option of separating juveniles from adults in central institutions entails a risk of isolation because there are few juveniles serving custodial sentences. Sweden has instead chosen to put people under the age of 18 in institutions that are specifically intended for the treatment of young offenders up to the age of about 25.

63. The reservation regarding Article 14, paragraph 7 of the ICCPR has been considered necessary with reference to the possibility of requesting a reopening in accordance with the provisions of Chapter 58, Section 3 of the Code of Judicial Procedure. Not providing the right to reopen cases where new evidence has come to light would undermine the credibility of the Swedish justice system.

64. The reservation to Article 20, paragraph 1 of the ICCPR was made for three reasons. Firstly, the prohibition of propaganda for war implies a restriction in the freedoms of expression and opinion, which are protected by Article 19 of the Covenant as well as by the Swedish Constitution. Secondly, the effect of this provision on free public debate must be considered. Finally, there are difficulties specifying the punishable area.

65. Sweden has entered a declaration with regard to the 1966 Optional Protocol to the ICCPR to the effect that Sweden's understanding is that Article 5, paragraph 2 of the Protocol implies that the Human Rights Committee shall not consider any communication from an individual unless it has ascertained that the same matter is not being examined, or has not been examined, under another procedure of international investigation or settlement.

66. Sweden found that maintaining the reservation to Article 14 (1) of ICERD is necessary due to the same reasons as with regard to the reservation to Article 5, paragraph 2 of the Optional Protocol to the ICCPR.

67. Sweden is also party to a large number of ILO conventions on labour rights, including the eight core conventions.

68. Sweden is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Convention and the additional protocols 1, 4, 6, 7 and 13 were incorporated into Swedish law in 1995. Sweden has no reservations to the convention or these protocols, but has not ratified protocols 12 and 16. According to the Instrument of Government, no act of law or other provision may be adopted which contravenes Sweden's undertakings under the ECHR. Swedish courts and administrative authorities shall apply the Convention and the additional protocols in their decision-making activities, as if they were any other piece of Swedish legislation.

69. Any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by Sweden of the rights set forth in the ECHR, or its protocols, may have recourse to the European Court of Human Rights. As state party to the Convention, Sweden is obliged to abide by the judgments of the Court in cases to which it is party. Judgments against Sweden have, in a number of cases, prompted the payment of just satisfaction to applicants and, in some instances, amendments to Swedish law relating to matters including widening the right of access to the courts. Under the supervision of the Committee of Ministers of the Council of Europe, the Government will continue to take all necessary steps to ensure the Court's judgments are executed. Sweden is also party to a number of other Council of Europe human rights conventions.

70. As a participating state of the Organization for Security and Co-operation in Europe (OSCE), Sweden implements the commitments taken in the Organization, which includes the commitments taken in the human dimension.

## **B. Legal framework for the protection of human rights at the national level**

71. The rights and freedoms enjoyed by people in Sweden are primarily protected through three fundamental laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Instrument of Government stipulates that public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual.

72. The Instrument of Government contains a list of human rights and freedoms, some of which are considered "absolute" in the sense that they cannot be restricted other than by an amendment to fundamental law. Others may be restricted by other kinds of statutes, mainly acts of law. The absolute rights include freedom of worship; protection from retroactive punishment; protection against being coerced by public authorities into divulging an opinion in a political, religious, cultural or similar matter; protection against being coerced into participating in meetings for the formation of opinion, into membership of a political association, a religious congregation or other such association; and the right to a hearing before a court when taken into custody. The Instrument of Government also contains an absolute prohibition against capital punishment, torture, corporal punishment and medical intervention for the purposes of extorting or suppressing statements.

73. In addition to the absolute rights, the Instrument of Government also lays down a number of rights and freedoms which may, under certain circumstances, be restricted by law. These include freedom of expression; freedom of information; freedom of assembly; freedom to demonstrate; freedom of association; freedom of movement and the right to protection against deprivation of personal liberty; protection against body searches and other forced physical violations; protection against examination of mail and other confidential correspondence and telecommunications; protection against other significant invasions of personal privacy involving surveillance or systematic monitoring; and the right to a public trial. However, such restrictions are themselves subject to restrictions.

74. Restrictions may be imposed only to satisfy a purpose acceptable in a democratic society and must not exceed what is necessary having regard to the purpose which occasioned it, nor may it be carried so far as to constitute a threat to the free formation of

opinion as one of the fundamentals of democracy. No restriction may be imposed solely on grounds of a political, religious, cultural or other such opinion. When restricting rights, the legislator must also bear in mind the prohibitions in the Instrument of Government against discrimination on grounds of sex and ethnic origin, etc. These prohibitions apply to legislation right across the board and not just to restraints placed on rights.

75. The existence of a free press is a fundamental basis for a free and democratic society. The Freedom of the Press Act, which is one of four fundamental laws in Sweden, guarantees freedom of the press. As a special feature in the constitutional framework, freedom of information, as regulated in the Freedom of the Press Act, encompasses the right of public access to official documents. Moreover, freedom of information and freedom of expression also encompass the right and duty of journalists to protect the anonymity of their sources, the right to communicate and publish information, and the right of access to court hearings and meetings of decision-making assemblies. All Swedish citizens may express their thoughts and views in print, publish any written matter and make known information on any subject. In principle, aliens have the same rights as Swedish citizens in this respect. In November 2017, the Government proposed significant changes in this constitutional framework which will be considered by the Riksdagen in 2018. If the amendments are enacted, these fundamental laws will, as from 2019, more expressly extend the rights and freedoms laid down in the laws to all individuals in the country. Sweden's first Freedom of the Press Act was introduced as early as 1766.

76. Effective from 1992, the Freedom of the Press Act has been supplemented by the Fundamental Law on Freedom of Expression. The purposes of this act include ensuring the freedom to express thoughts and opinions on the radio, on television, in films, on video and, to some extent, on the internet, and to safeguard against censorship in these media. The act is based on the same fundamental principles as the Freedom of the Press Act.

77. Sweden adheres to a dualistic system and ratified conventions do not automatically become part of domestic law. There are two main methods for giving legal effect to international conventions in Swedish law: incorporation and transformation. International conventions are usually transformed into Swedish law by the enactment of equivalent provisions in an existing or new Swedish statute. In certain cases, a convention can be incorporated by means of general law, stating that the convention shall apply in Sweden as law and be directly applicable. One example of the latter approach is the ECHR, which was incorporated into Swedish law in 1995.

78. European Union law has, under certain circumstances, direct effect. For example, in several cases concerning discrimination, the European Court of Justice ruled that the relevant provisions have direct effect. European Union law is applied by Swedish courts, tribunals and administrative authorities, thereby contributing to the protection of human rights in Sweden. Since the Lisbon Treaty came into force, the European Union Charter on Fundamental Rights is legally binding, with the same legal value as the Treaties. Consequently, the Charter shall be applied by Swedish courts and authorities when applying Union law.

79. A fundamental objective of the exercise of all public power in Sweden is to ensure full respect for human rights. Central, regional and local government, including the public administration, are all bound by Sweden's international human rights obligations in the exercise of their authority, as are the Riksdag and the judiciary. Responsibility for the implementation of Sweden's international human rights obligations rests first and foremost with the Government, but is also shared with regional authorities and municipalities.

80. Sweden has a long tradition of local self-determination, meaning that regional authorities and municipalities are free to make their own decisions within limits determined by the Riksdag and the Government. Regional and local authorities are responsible for areas including health services, social welfare matters, matters concerning compulsory school and upper secondary school, preschool and care of the elderly.

81. Courts of law play a central role in protecting the rights of individuals in Sweden. The remedies provided for under the court system are adopted so as to provide a means to protect human rights. Legal proceedings are dealt with by general courts, general administrative courts and, to some extent, by administrative authorities. In addition, a



number of courts and tribunals have been established to hear cases within specific categories. Such special courts and tribunals of relevance to human rights include the Swedish Labour Court, the migration courts and the Migration Court of Appeal.

82. The courts, administrative authorities and other public bodies are obliged, under the Instrument of Government, not to apply a provision that is found to be in conflict with a rule of fundamental law or other superior statute, or where a procedure laid down in law has been disregarded in any important respect when the provision was made. In this connection it should be mentioned that, according to the Instrument of Government, no act of law or other provision may be adopted which contravenes Sweden's undertakings under the ECHR. Hence, such a provision would be considered as unconstitutional under the Instrument of Government. In the case of such a review of an act of law, particular attention shall be paid to the fact that the Riksdag is the foremost representative of the people and that fundamental law takes precedence over other law.

### **Remedies and damages**

83. Human rights issues form an intrinsic part of many different kinds of actions brought before Swedish courts and authorities. It would therefore prove difficult to produce an exhaustive list of all available remedies concerning individual human rights. If a person alleges that they have been subjected to illegal practices, the allegations can be submitted to a public prosecutor for investigation. As a rule, such an investigation should be undertaken by the prosecutor *ex officio* if there are reasonable grounds to believe that an offence has been committed. The victim of a crime may, however, institute criminal proceedings in two cases, namely when the prosecutor has decided not to prosecute and when false accusations or indictments have been levelled against them. If the victim has been killed, this remedy is also open to the surviving family.

84. In connection with criminal proceeding pertaining to a certain offence, an individual may bring an action for damages resulting from the offence in accordance with the Code of Judicial Procedure. In general, the public prosecutor, upon the request of the injured party, has the duty to prepare and present the injured party's claim together with the prosecution. If the action for damages is not pursued together with the criminal proceedings, either because the public prosecutor decides not to claim for damages on behalf of the victim or because the court decides that the matter should be dealt with separately, the individual can make a separate civil claim. On the other hand, if a separate action is brought against the accused in criminal proceedings, the court may decide to treat the civil and criminal proceedings jointly. With regard to compensation, the victim may request that the prosecutor assist them in presenting a private claim for damages to the court in connection with a trial in a criminal case. However, if for some reason the individual prefers not to have the private claim dealt with in that context, they may institute compensation proceedings in the manner prescribed for civil actions. Legal aid may be granted in such cases. Under certain circumstances, the victim may be granted legal aid in the form of legal counsel.

85. According to the Tort Liability Act (1972:207), the central government or a municipality is obliged to pay compensation for damage caused by a wrongful act or an omission in the course of, or in connection with, the exercise of public authority for which the central government or municipality is responsible. If someone has been detained or held in custody without later being convicted for a crime, there will normally be a right to compensation from central government in accordance with the Compensation for Deprivation of Liberty and other Coercive Measures Act (1998:714). The same may apply if someone suffers personal injury or damage to property due to the use of force by a public official.

86. According to the ECHR, everyone whose rights and freedoms as set out in the Convention are violated shall have an effective remedy before a national authority. Judgments against Sweden by the European Court of Human Rights have, in a number of cases, prompted the payment of just satisfaction to applicants, and in some instances amendments to Swedish law relating to matters including widening the right of access to the courts. In some cases, the Convention demands that a state pay compensation, although such compensation is not awarded pursuant to Swedish legislation (non-pecuniary damages

are usually not compensated pursuant to Swedish legislation). However, the Supreme Court has found that if someone's rights under the Convention have been violated by, for example, the State, the State may have an obligation to pay compensation even where this is not regulated in Swedish compensation law. Within the Government Offices a government bill is being drafted regarding the possibility of awarding damages to a person affected by a violation of the Convention. The bill has been approved by the Parliament and the new legislation will enter into force on 1 April 2018.

### **Ombudsmen**

87. The implementation of human rights is also supervised by the functions of ombudsmen. Anyone who feels that they or someone else has been treated wrongly or unjustly by a public authority or an official employed by the civil service or local government can make a complaint to the Office of the Parliamentary Ombudsmen (JO). In other words, it is not necessary for a person to be a Swedish citizen or have reached a certain age to lodge a complaint. The Office of the Parliamentary Ombudsmen was established in 1809 and the Parliamentary Ombudsmen are appointed by the Riksdag. Every year, JO receives almost 7 000 complaints of widely varying kinds. Inquiries can also be initiated by the Ombudsmen themselves. The powers and sanctions of the Ombudsmen allow, in extreme and very rare cases, an Ombudsman to act as a special prosecutor and bring charges against an official for malfeasance. The Parliamentary Ombudsmen also have the right to initiate disciplinary proceedings against an official for misdemeanours and to issue critical advisory comments or recommendations.

88. Some supervisory functions are also executed by the Chancellor of Justice (JK). For example, the JK can receive complaints and claims for damages directed to the State and decide on financial compensation for such damages. The Office of the Chancellor of Justice was introduced in 1713. The Chancellor of Justice is a non-political civil servant appointed by the Government. The period of time for which they are appointed is not limited. The present Chancellor took up office in 2009. The Office of the Chancellor of Justice is an independent authority and the Chancellor performs their duties from a strictly legal point of view. The main tasks of the Chancellor of Justice are to act as the Government's ombudsman in the supervision of authorities and civil servants, represent the State in legal disputes, primarily actions for damages against the State and to ensure that the limits of freedom of the press and other media are not transgressed and to act as sole prosecutor in cases concerning offences against freedom of the press and freedom of expression. The Office of the Chancellor of Justice currently has a staff of about 50 people, most of whom are experienced lawyers.

89. The Equality Ombudsman (DO) was established in 2009 and is a government agency that works to combat discrimination and promote the equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. DO is tasked with supervising compliance with the Discrimination Act, and combating discrimination and promoting equal rights and opportunities. One of DO's tasks is to investigate complaints of discrimination. This may include representing the victim of discrimination in settlement proceedings or, ultimately, in a court of law. DO can also conduct independent surveys, produce reports and make recommendations.

90. The intention of having a single ombudsman for anti-discrimination issues is to ensure more effective and powerful monitoring of compliance with the Discrimination Act. A comprehensive discrimination law based, as far as possible, on equal treatment on all grounds also emphasises the non-hierarchical relationship between the different grounds for discrimination. The Act also includes the right, given to organisations and associations such as non-governmental organisations, to act on behalf of the complainant. The Act also stipulates sanctions and compensation for infringements of the Act. The sanctions are designed both to compensate for the violation represented by an infringement and to act as a deterrent.

91. People in Sweden who are under the age of 18 have an ombudsman of their own, the Ombudsman for Children in Sweden (BO). The main duty of BO is to promote the rights and interests of children and young people as set forth in the Convention on the Rights of

the Child (CRC). BO monitors implementation of the CRC in Sweden, which involves measures that include submitting proposals for legislative amendments and encouraging the application of the CRC in the work of government agencies, municipalities and county councils. However, BO does not supervise other authorities and has no legal right to intervene in individual cases.

92. As of 1 July 2011 the Office of the Parliamentary Ombudsmen has a special unit — the OPCAT unit — which is tasked with monitoring to ensure that individuals deprived of their liberty are not exposed to cruel, inhumane or other degrading treatment or punishment. The OPCAT unit regularly inspects places in Sweden where individuals deprived of their liberty are being held, reports on its visits and takes part in international cooperation in this area.

93. In October 2016, the Government delivered to the Riksdag a national human rights strategy (Govt Communication 2016/17:29). In this strategy, the Government makes the assessment that an independent national human rights institution in accordance with the Paris Principles ought to be established in Sweden. An institution of this nature would make it possible to independently review Sweden's compliance with all its convention commitments. The Government has appointed an inquiry to look into the establishment of a human rights institution in Sweden. The inquiry will submit its report on 31 July 2018.

94. Another supervisory agency of relevance to human rights is the National Board of Health and Welfare. The Swedish Bar Association and the Press Council also have supervisory roles. In addition, The Swedish Agency for Participation monitors and analyses developments pertaining to disability policy.

### **C. Framework within which human rights are promoted at the national level**

95. As already mentioned, on 13 October 2016, the Government delivered to the Riksdag a national human rights strategy (Govt Communication 2016/17:29). The strategy involves the Government taking further steps towards a coherent structure for the promotion and protection of human rights at an overarching level. A structure of this type should consist of strong legal and institutional protection of human rights, coordinated and systematic implementation of human rights within the public sector and strong support for work involving human rights in civil society and in business.

96. The goal of the Government's human rights policy is to ensure full compliance with Sweden's international human rights commitments. This new goal is the basis for the Government's national human rights efforts and clarifies the link between these efforts and Sweden's international commitments.

97. As part of a strong legal and institutional protection of human rights, the Government has made the assessment that a national human rights institution in accordance with the Paris Principles ought to be established in Sweden (see para. 92). Further, in a bill (Govt. Bill 2017/18:186) submitted to the parliament in March 2018, the Government proposes to incorporate the Convention on the Rights of the Child into Swedish law.

98. As part of a coordinated and systematic implementation of human rights in the public sector, the Government intends to monitor the application of the principle of consistent interpretation in the activities of government agencies and improve the Government's efforts to monitor compliance with international conventions. The Government will also continue its efforts to ensure that central government employees have the necessary human rights skills and to implement human rights at the municipal and regional levels.

99. As part of its strong support for work with human rights in civil society and in business, the Government has developed forms for deeper and more structured open consultation with civil society organisations. The Government is implementing a national action plan for business and human rights that is based on the UN Guiding Principles on Business and Human Rights. The Government will monitor and evaluate its national human rights strategy.

100. The current policy on the rights of national minorities entered into force in 2010 (Govt Bill 2008/09:158: From Recognition to Empowerment — the Government's Strategy on National Minorities). An important part of the policy is the Act on National Minorities and Minority Languages (Swedish Code of Statutes 2010:724), the provisions of which include an obligation for public authorities to inform national minorities of their rights in an appropriate manner. Two agencies, the County Administrative Board in Stockholm and the Sami Parliament, have been tasked with monitoring the implementation of the act and the policy among municipalities and government agencies. These two agencies are also to aid and support the municipalities in the implementation process through awareness-raising activities, information campaigns and training. Seminars and conferences for municipal and government agency officials are held regularly. Awareness of national minorities and minority rights is in constant need of development. In order to spread information on the policy a government website, [www.minoritet.se](http://www.minoritet.se), was launched in 2009. This contains information about minority rights and discrimination legislation as well as general information about national minorities.

101. A coordinated long-term strategy for Roma inclusion for the years 2012–2032 was adopted in 2012. This 20-year strategy should be seen as a strengthening of the minorities' policy that applies to the five national minorities. The strategy has a human rights perspective, with a specific emphasis on the principle of non-discrimination. The overall goal of the 20-year strategy is for a Roma who turns 20 years of age in 2032 to have the same opportunities in life as a non-Roma. Women and children have particular priority. The strategy contains goals and measures in six areas and eight national agencies have been tasked with supporting the work of both municipalities and Roma civil society organisations. Measures to counter and prevent anti-Roma prejudice are an important part of the work to ensure the human rights of Roma.

102. The Government has had a national strategy for equal rights and opportunities irrespective of sexual orientation, gender identity or gender expression since 2014. The purpose of the strategy is to strengthen LGBTI rights in Sweden. The strategy is a framework for a long-term and result-oriented effort. The strategy covers six different focus areas and five strategic agencies have been tasked with creating the conditions for improving our knowledge in this field and ensuring LGBTI people are treated equally.

103. On 24 November 2016, the Government adopted a national plan to combat racism, similar forms of hostility and hate crime. In the national plan, the Government asserts that Sweden shall be a country free of racism and hate crime.

104. The overarching goal of the national plan is strategic, effective and coherent work against racism, similar forms of hostility and hate crime in Sweden. The Government identifies five strategic areas as being crucial to achieving the plan's objective. The strategic areas are:

- More knowledge, education and research;
- Improved coordination and monitoring;
- Civil society: greater support and more in-depth dialogue;
- Strengthening preventive measures online; and
- A more active legal system.

#### **Local level**

105. The municipalities and county councils have an important role and a great deal of responsibility in terms of ensuring that Sweden fulfils its human rights obligations. These obligations also represent one aspect of the municipalities and county councils' operational framework. The municipalities and county councils currently account for a large proportion of the services provided directly to individual citizens. A number of these services are of great importance to the implementation of human rights, e.g. the right to education, the right to adequate housing, the right to the highest attainable standard of health, the rights of persons with disabilities and the rights of national minorities. Accordingly, the municipalities' and county councils' operations often have an impact on the economic,

social and cultural rights of the individual. Protection against discrimination and other issues relating to treatment and attitude are therefore of the utmost importance to the activities of municipalities and county councils.

106. According to the Instrument of Government, the municipalities are to manage local and regional matters of public interest on the basis of local self-government. Local self-government means that municipalities and county councils have far-reaching autonomy in terms of how their activities are to be framed and what action they are to take in order to ensure respect for human rights. An important part of the Government's efforts to ensure compliance with international conventions is therefore systematic cooperation with municipalities and county councils. The Government encourages municipalities and county councils to adopt the Government's long-term goal — full respect for Sweden's international human rights commitments — as the objective for their own work with human rights. Since 2014, the Government has had an agreement with the Swedish Association of Local Authorities and Regions (SALAR) to strengthen efforts to protect and promote human rights at the municipal level.

107. Sweden's long-standing democratic system of government and constitutional framework form the basis of the enjoyment of all rights, while the general welfare system has contributed to the practical enjoyment of a number of rights and Sweden's relatively high ranking in international comparisons pertaining to overall living standards. The State is responsible for all, or most of, the costs associated with education, healthcare, child care, elderly care and basic social security benefits. (Please refer to Chapter II. D, para. 86 and following for information about the various ombudsmen.)

### **Information**

108. The Government recognises its fundamental challenge to ensure that all human rights are addressed at all levels of society — national, regional and local. This requires all relevant actors to have knowledge of human rights issues. It is also necessary to ensure that the different levels of government cooperate with one another. The Government intends to continue collaborating closely with all relevant stakeholders (see para. 105). Dissemination of information relating to Sweden's international obligations in the field of human rights is a priority for the Government. Efforts to enhance such awareness include disseminating Swedish translations of human rights instruments, providing the public and authorities with information regarding the content of these instruments and promoting an exchange of views on human rights issues with non-governmental organisations.

109. In 2002, the Government established a special human rights website. Information posted on this website includes key human rights conventions translated into Swedish, Sweden's reports to various international monitoring mechanisms and concluding observations from such bodies. It also includes all judgments delivered by the European Court of Human Rights in cases brought against Sweden and reports by UN special rapporteurs on human rights issues. Individuals can also pose questions regarding human rights issues in Sweden through the website. The website has about 30 000 individual visitors per month. It is accessible for people with disabilities and certain sections have been translated into indigenous and minority languages as well as English. The Swedish versions of key human rights conventions that Sweden has ratified are published and distributed on the human rights website and in a booklet available by mail for a small charge. In 2018 the content of the human rights website was transferred to the Government's official website.

110. Swedish translations of binding international agreements concluded by Sweden are also published in the Swedish Treaty Series (Sveriges internationella överenskommelser, SÖ) and agreements concluded as of 1994 are also published on the Government's website. In addition, Swedish legislation adopted in connection with the conclusion of international agreements is published in the Swedish Code of Statutes (Svensk författningssamling). International agreements that require changes to existing legislation or the enactment of new legislation must be approved by the Riksdag. Parliamentary approval is also necessary for agreements in areas which lie within the decision-making competence of the Riksdag and for other agreements of major significance. In most cases, government bills presented to the Riksdag must include a Swedish translation of the full text of the agreement.

Government bills are published in parliamentary publications, which are widely available to the public. Additional information about the content of human rights instruments is provided in the series of booklets on foreign affairs that have been published by the Ministry for Foreign Affairs.

### **Government agencies**

111. It is the State's responsibility, through legislation, agency management, dissemination of knowledge, information and other means, to counteract abuses of human rights. The efforts to make government agencies aware of their responsibility to ensure that human rights are not abused and to increase understanding of what the international obligations mean are part of the Government's national human rights strategy. A number of government agencies are tasked with working with human rights issues. The Government intends to continue this work. Respect for, and awareness of, human rights must be seen as an integral part of the ordinary operation of the public administration. The measures being implemented should aim to increase knowledge and awareness of, and respect for, human rights as binding obligations for Sweden. The starting point is international conventions on human rights. Measures implemented to promote respect for human rights should be seen as complementary with respect to ongoing or planned work involving human rights such as gender equality, non-discrimination, the rights of people with disabilities, the rights of the child and the rights of national minorities.

112. People in leading positions represent a key target group for competence development measures. The Government concentrates agency control efforts regarding human rights on agencies of special importance when it comes to ensuring that human rights are respected.

113. Since 2014, Uppsala University has been tasked by the Government with developing and implementing a human resources development programme concerning human rights for central government employees. The purpose of this task is to ensure that selected staff at each government agency have sufficient knowledge of human rights and what they entail in order to enable them to recognise situations in which human rights issues arise within the context of their occupations. Uppsala University has also been tasked with conducting a survey of the application of the principle of consistent interpretation in the activities of government agencies.

### **Education**

114. The new Swedish Education Act entered into force on 1 July 2011. The Act places even greater emphasis on human rights as one of the fundamental values on which the school system is founded. The Act and the national curriculum both stipulate that everyone who works in preschools or schools is obliged to promote respect for human rights and to very clearly disassociate themselves from anything that conflicts with these values. As a consequence of the new Education Act, the role of human rights education has also been made clearer in the curriculum, in particular when it comes to overarching goals. Human rights education is reflected as part of the purpose, goal and core content of the subject Civics. As of March 2010, newly employed principals are required to undergo special initial training at university level. As a part of the training, principals are to acquire knowledge on international agreements and conventions that are relevant to the education sector. The National Agency for Education (NAE) has been tasked by the Government with the development and implementation of national school development programmes aimed at municipalities and individual principals and schools. These efforts began in 2015 and focus on primary and secondary schools. Among other things, the NAE will be providing education concerning xenophobia and intolerance. The NAE is also, together with Living History Forum (see para. 156), providing training to preschool and school employees in order to improve how they challenge and respond to various forms of xenophobia and racism. Targeted groups are principals, school leaders, teachers, youth workers and supervisors.

## Media

115. A number of other actors in society, both public and private, contribute to the promotion and enjoyment of human rights. The media play a crucial role by providing information to the public, initiating public debate and scrutinising the exercise of public power. The existence of a free press is a fundamental basis for a free and democratic society, as has already been mentioned.

## Civil society

116. Sweden has a long tradition of civic engagement and an active civil society, often characterised by a high rate of participation and democratic internal organisation. Non-governmental organisations play an essential role in upholding and developing democratic values, respect for human rights and civic participation in Swedish society (see para. 39).

117. The Swedish Forum for Human Rights is the civil society movement's forum for human rights and a meeting place for politicians, students, public officials, activists and researchers. The Swedish Forum for Human Rights is the largest human rights event in the Nordic countries. In 2016, it attracted around 5 000 participants. The Forum is held on an annual basis, and the aim is to contribute to the development of ideas concerning, and the implementation of, human rights in Sweden and internationally. The purpose is to widen and deepen the public debate, move human rights issues further up the political agenda, develop the cooperation between non-governmental organisations and those government authorities that have a specific responsibility for human rights issues, offer knowledge and methods for the practical application of human rights, present challenges within the area of human rights and enable the creation of new networks.

118. The Government Offices of Sweden actively participates in the Swedish Forum for Human Rights each year through such means as maintaining an information desk, distributing human rights information, displaying the human rights website, engaging in discussions with visitors and participating in seminar panels.

## Financial resources

119. Since 2014, the Government has allocated SEK 15 million (approximately EUR 1.55 million) each year to finance overarching measures to promote and ensure respect for human rights at the national level. Budget allocations in specific human rights areas were, for 2017 alone, distributed as follows:

- SEK 331 million (approximately EUR 33.9 million) was allocated to gender equality actions;
- SEK 247 million (approximately EUR 25.3 million) was allocated to disability policies;
- SEK 175 million (approximately EUR 17.9 million) was allocated to the Equality Ombudsman and other actions against discrimination, racism, similar forms of hostility such as homophobia and transphobia and for equal rights and opportunities;
- SEK 117 million (approximately EUR 12 million) was allocated to measures for national minorities;
- SEK 45 million (approximately EUR 4.6 million) was allocated to the Sami Parliament;
- SEK 52 million (approximately EUR 5.3 million) was allocated to the Ombudsman for Children in Sweden and other child rights policies.

120. The total budget for 2017 was SEK 982 million (approximately EUR 101 million).

## Foreign policy

121. Protection of human rights is a cornerstone of Sweden's foreign policy. The Government is committed to ensuring that human rights, democracy and the rule of law are integrated into all foreign policy areas. The Government aims to pursue a human rights-based approach that is consistent and results oriented. Dialogue with other states,

multilateral negotiations, public diplomacy, dialogue with civil society and development cooperation are important means of promoting human rights, democracy and the rule of law internationally. Human rights, democracy and the rule of law constitute thematic priorities of Sweden's development cooperation. The implementation of Sweden's overall development policy is based on a human rights perspective and on the perspective of poor people on development.

122. The Government presented two communications to the Riksdag in 2016 "Human rights democracy and the principles of rule of law in Sweden's foreign policy" (Govt communication 2016/17:62), which emphasized the close links between these three aspects as well as their interdependence, and the Policy Framework for Swedish Development Cooperation and Humanitarian Assistance, which gives directions for these areas. The starting point for the policy framework is the 2030 Agenda for Sustainable Development, the commitments in relation to development finance and the Paris climate agreement. In 2015, the Government presented a national action plan for business and human rights. The action plan is based on the premise that business and respect for human rights go hand in hand and must be part of an active corporate social responsibility (CSR) policy in both trade policy and export promotion.

123. The Government attaches high priority to ensuring that international law, including human rights, as well as gender equality and women's empowerment and enjoyment of all human rights, democracy and the rule of law permeate the European Union's internal and external actions. A priority for Sweden in the EU is to ensure and protect human rights, democracy and the rule of law in both internal and external EU policies. Sweden supports the implementation of all EU guidelines on human rights and promotes the substantive work at the UN and other multilateral bodies on human rights, democracy and the rule of law. Sweden plays an active role nationally and through the EU in United Nations bodies mandated to address human rights such as the General Assembly and the Human Rights Council. Sweden will continue working to safeguard the crucial role of these bodies as forums for maintaining respect for and protection and fulfilment of all human rights, and for effectively addressing all violations of human rights and international humanitarian law. Cooperation with the Office of the High Commissioner for Human Rights is also particularly important. Sweden also endeavours to ensure that human rights issues are fully addressed and reflected and in other UN contexts such as in the work of the ILO, UNICEF, UNHCR, UNDP, UNFPA and UNESCO.

#### **D. Reporting process at the national level**

124. Sweden regularly reports to the United Nations (UN) treaty bodies on compliance with its international human rights obligations. The Government's intention is to carefully follow up on criticism of Sweden concerning international human rights obligations. It is important that representatives of different parts of society take part in the collection of material for Sweden's reports to international organisations and in the work to follow up on the observations that Sweden receives. The Government devotes serious attention to the concluding observations of the UN treaty bodies, which contribute to improving human rights protection in Sweden. The Government also devotes serious attention to the views issued with regard to individual cases against Sweden. The Government therefore invites representatives from various parts of the community to meetings held in conjunction with Sweden's reporting and when Sweden receives observations from the monitoring committees. The Government endeavours to have an open and transparent process that involves government agencies, civil society and, when relevant, other stakeholders at an early stage.

125. Sweden views the Universal Periodic Review (UPR) of the UN Human Rights Council as a vital mechanism for the protection and promotion of human rights, both nationally and internationally. At the national level, the UPR process has become an important part of the systematic effort to promote human rights.

126. A permanent interministerial working group led by the Ministry of Culture and the Ministry of Foreign Affairs, is charged with the task of following up on the Government's



national human rights strategy. The working group also provides a forum within the Government Offices in which to disseminate information about and discuss international human rights efforts, including reporting, and assists, where necessary, with the coordination and planning of negotiations in international forums. All ministries are represented in the group. The members are contacts for their respective ministries on issues relating to human rights. The role of the working group is that of coordination and does not involve taking over responsibility for the human rights issues that fall within the areas of expertise of the ministries themselves.

127. The responsibility for reporting in accordance with the various UN conventions on human rights is divided between ministries within the Government Offices on the basis of the issues concerned. As the scope of the reports is quite wide and covers a wide variety of issues, several specialised ministries are involved in the preparatory process. Procedures have been drawn up in the Government Offices for reporting and following up observations and recommendations from international bodies that examine compliance with human rights. These procedures are intended to provide support in work of reporting and following up on observations and recommendations from international bodies.

128. According to the procedures in place, one way of following up on observations and recommendations from international bodies is to consider the need for an action programme. A programme of that kind is to be followed up and disseminated to government agencies, municipalities and county councils. Observations and recommendations from international bodies are published on the Government's human rights website. The Government endeavours to have an open and transparent process that involves government agencies, civil society and other stakeholders at an early stage. The coordinating ministries hold open-ended meetings with stakeholders to inform them about and collect their views on the process and the report. In accordance with the Government's national human rights strategy, the Government has extended its consultation with civil society to cover possible action to ensure compliance with recommendations from international human rights bodies. The Government strongly supports the system of alternative reports to its own report — known as “shadow reports” — which are drawn up by civil society and submitted to the UN committees because civil society plays an important role in the reporting process. (Please refer to Chapter II.E, para. 107 and following for information concerning dissemination of concluding observations etc.)

## **E. Other related human rights information**

### **Follow-up on international conferences**

129. In its follow-up on the Vienna Declaration and Programme of Action from the 1993 World Conference on Human Rights, Sweden has adopted two national human rights action plans and is currently implementing a third that takes the form of a national human rights strategy. (Please see Chapter II.E, para. 94 for more information.) The implementation of commitments made at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance have been integrated into Sweden's overall human rights efforts as expressed in the national action plans. Furthermore, Sweden actively participated in the Durban Review Conference, the process leading up to this and the adoption of the outcome document. The Durban Review Conference's outcome document has been translated into Swedish in order to disseminate the information in this document to a wider audience and to organisations active within the field in Sweden. Sweden is actively working to help achieve the UN Millennium Development Goals.

## **III. Information about non-discrimination and equality and effective remedies**

130. The task of strengthening the protection against discrimination and to promote equal rights and opportunities in other ways is implemented through a number of different measures within different parts of society. In spite of this, people are still being subjected to

discrimination in Swedish society. This is of course unacceptable and the effort to combat discrimination is therefore an issue that is given very high priority by the Government. The goal of the Government's initiatives to combat discrimination is a society that is free from discrimination. This includes measures to prevent discrimination on grounds of sex, ethnicity, religion or other belief, disability, sexual orientation, transgender identity or expression and age. Other issues linked to this area are measures to combat racism and similar forms of hostility and to promote equal rights and opportunities, irrespective of sexual orientation, gender identity or gender expression. According to the Instrument of Government, courts of law, administrative authorities and others performing tasks within the public administration shall have regard in their work to the equality of all before the law, and shall observe objectivity and impartiality. This principle, as laid down in the Constitution, is binding for all who exercise public power, regardless of whether it is an administrative authority, a court or a private entity equipped with such powers.

131. Anti-discrimination legislation is based on several international legal instruments to which Sweden has acceded including the UN Convention on the Elimination of All Forms of Discrimination against Women, the UN International Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Rights of Persons with Disabilities, the EU directive implementing the principle of equal treatment of persons irrespective of racial or ethnic origin (Directive 2000/43/EC), and the EU directive establishing a general framework for equal treatment in employment and occupation (Directive 2000/78/EC).

132. The most extensive initiative aiming to achieve the goal of a society free from discrimination in recent years is the Discrimination Act, which entered into force on 1 January 2009, as mentioned in connection with the description of the Equality Ombudsman in para. 88–89. Under the Act, discrimination is prohibited in principle in all sectors of society and on all grounds mentioned above. According to the Discrimination Act, the prohibition of discrimination does not prevent measures that contribute to efforts to promote equality between women and men, and that concern matters other than pay or other terms of employment. The prohibition of discrimination does not apply if the actions of an employer's represent an endeavour to promote gender equality in working life.

133. The prohibition of discrimination in the Act are supplemented by rules concerning active measures. In simple terms, the active measures can be said to be targeted at the treatment of employees and others as groups, not as individual cases. The active measures are intended to constitute a driving force and to encourage further action to combat discrimination. When the distribution of women and men is not more or less equal in a certain type of work or in a certain employee category at a place of work, the employer is to make a special effort when recruiting new employees to attract applicants of the under-represented sex. The employer is to attempt to ensure that the proportion of employees from the under-represented sex gradually increases.

134. Government financial contributions to non-governmental organisations comprise another element in the fight against discrimination. The Swedish Agency for Youth and Civil Society, a government agency, administers applications for government subsidies in accordance with three ordinances, all of which aim to promote equal rights and opportunities. Subsidies are available, for example, for local initiatives to combat discrimination implemented by anti-discrimination offices. There are about fifteen anti-discrimination offices nationwide that offer assistance to individuals who believe they have been discriminated against on any of the grounds covered by the Discrimination Act.

135. In 2009, Sweden ratified the Convention on the Rights of Persons with Disabilities (CRPD) The Swedish Agency for Participation works on the premise that everyone is entitled to participate fully in society, regardless of their functional ability. It fulfils its mission by monitoring and analysing developments, proposing methods, guidelines and guidance, disseminating knowledge and initiating research and other development work as well as providing support and proposing measures to the Government.

136. Disability organisations have a very important role to play as consultative partners. The Government therefore supports them financially and has also established disability advisory committees at all levels of the public sector.

137. In May 2017, the Government decided on the Government Bill National Objective and Direction for Disability Policy (Govt Bill 2016/17:188). This Bill contains a new national goal for disability policy that is based on the CRPD. The Bill also contains measures that are in line with goals and targets in the 2030 Agenda and that aim toward compliance with the recommendations from the Committee on the rights of persons with disabilities. The new national disability policy has been approved by the Riksdag in November 2017.

138. The Instrument of Government (please also refer to Chapter II.D above) stipulates that public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual. In 2011, amendments to the Instrument of Government were enacted to modernise the language used, making it gender neutral and simpler for the general public to understand. The provision in the Instrument of Government on the protection of fundamental rights and freedoms was also amended in order to clarify that the protection of rights and freedoms in the Constitution is afforded to every individual in the country, regardless of citizenship. In 2011, the Instrument of Government's provision on the prohibition of discrimination was also amended. This provision now states that no act of law or other provision may imply the unfavourable treatment of anyone because they belong to a minority group by reason of ethnic origin, colour, or other similar circumstances, or on account of their sexual orientation. The phrase "other similar circumstances" includes the notion that people could be divided up and classified according to race. Furthermore, no act of law or other provision may, according to the Instrument of Government, imply the unfavourable treatment of anyone on grounds of gender, unless the provision forms part of efforts to promote equality between men and women or relates to compulsory military service or other equivalent official duties.

139. As mentioned previously, the ECHR was incorporated into Swedish law in 1995. According to Article 14 of the Convention, the enjoyment of rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Sweden has not adhered to Protocol 12 to the Convention on a general prohibition of discrimination. Consequently, that protocol has not been incorporated into Swedish law.

140. The Swedish Penal Code contains two provisions directly concerned with contempt or discrimination on the grounds of race, colour, national or ethnic origin, religious belief or sexual orientation; one relating to agitation against a national or ethnic group, the other to unlawful discrimination. The Penal Code also contains a specific clause which states that, when assessing the penal value of a crime, it shall be considered an aggravating circumstance if a motive of the crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance. The provision is applicable to all categories of crime.

141. Protecting the rights of the Sami indigenous people and the other national minorities, as well as the rights of other minorities such as migrants, refugees and asylum seekers, is a continuous duty. Close attention will be paid to these issues and the Government will continue to thoroughly follow up recommendations by treaty bodies. The Government's national minorities policy encompasses issues related to the protection of, and support for, the national minorities and their long-established minority languages and aims to strengthen the national minorities and provide the support needed to keep their languages alive. The five recognised national minorities in Sweden are Jews, Roma, Sami, Swedish Finns and Tornedalers. In order to raise awareness about national minorities and minority rights, the website [www.minoritet.se](http://www.minoritet.se) was launched in 2009. This website provides information about minority rights, national legislation, and international conventions and about the national minorities in general. This is one part of the Government's current minority rights policy, which has been in effect since 2010. Another part of the policy is the Act on National Minorities and Minority Languages, which stipulates certain rights for those who belong to a national minority such as the right to consultation and the right to preschool education and elderly care in their minority language.

142. Gender equality is an important priority and should be an integral part of all relevant policy areas. Men's violence against women is a particular priority and a considerable problem that affects the whole of society, both women and men. Combating men's violence against women and all kinds of intimate partner violence and domestic violence, including violence and oppression in the name of honour and violence in same-sex relationships, will remain a priority. Men's violence against women is fundamentally an issue of gender equality and the full enjoyment by women and girls of their human rights. Sweden's commitments within the framework of efforts on the part of the UN, the European Union and the Council of Europe are an important cornerstone of the Government's work.

143. In 2014, Sweden ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In November 2016, the Government adopted a national strategy for preventing and combating men's violence against women that covers the period 2017–2026. In terms of its scope of application and specific measures, the national strategy is largely harmonized with the Istanbul Convention. The strategy includes an action plan for the years 2017–2020 for which a total of SEK 600 million has been allocated. Along with previously decided grants for non-profit women's shelters, municipalities and county councils/regions, the Government has allocated well over SEK 1 billion for work in this area for the period 2015–2020. A national agency for gender equality will be established in January 2018. This agency will be responsible for follow-up, analysis, coordination, knowledge and support based on the gender equality policy goals, including the goal to prevent and combat men's violence against women, honour-related violence and oppression, as well as prostitution and human trafficking.

144. The objective of the Government's elderly policy is for elderly people to lead active lives and have an influence in society and their own everyday lives, to be able to age in security and retain their independence and to be treated with respect and have access to good health and social care services. Ensuring the rights of elderly will remain a priority for the Government.

145. The Government's objective is to ensure a sustainable migration policy that safeguards the right to asylum and, within the framework of managed immigration, facilitates mobility across borders, promotes needs-based labour migration, harnesses and takes into account the effects of migration on development and deepens European and international cooperation. The Swedish Aliens Act contains a system of procedures and appeals with a two-party process. This system aims for transparency and provides opportunities for oral hearings. The Swedish Migration Agency is the first instance for applications concerning residence permits and asylum. Its decisions can be appealed against in one of the four migration courts. Following a further appeal by the parties, leave to appeal can be granted by the Migration Court of Appeal. Leave to appeal will mainly be granted if a case is believed to provide guidance (precedent-setting rulings) about the application of the Aliens Act. If leave to appeal is granted, the Migration Court of Appeal will examine the appeal on its merits. The Aliens Act contains rules to ensure that the Migration Agency's decisions comply with requests, decisions and judgments from the international bodies that are competent to examine complaints from individuals. Regarding the grounds for recognition of refugee status, the Aliens Act includes a well-grounded fear of persecution because of gender, sexual orientation or other membership of a particular social group. Individual assessments of the grounds for asylum are always made in each case.

146. The large numbers of asylum seekers who arrived in Sweden in 2015 led to an unsustainable situation. The capacity of the Swedish reception system was stretched well beyond its limits. There was a lack of school facilities and teachers, social services were overburdened and the healthcare system was affected. Authorities and municipalities warned that important social actors were unable to cope. In order to relieve the pressure, the Government announced a number of measures including legislation to temporarily restrict the opportunity to obtain residence permits in Sweden. The Act Temporarily Restricting the Opportunity to Obtain Residence Permits in Sweden entered into force on 20 July 2016. The Act will be in force for three years. The rules under the Act are compliant with Sweden's obligations under international conventions and EU law.

147. The system for labour immigration is employer led and demand driven, and applies to labour migrants of all skills and levels. Migrants who are admitted will be given full access to equal rights at the same level as Swedish citizens and may be accompanied by their family immediately. The legislation provides a three-month transition period in case the migrant loses their job or is not satisfied with their employer. During the transition period, the migrant is allowed to remain in Sweden and apply for a new job. Since the introduction of the current labour immigration legislation in 2008, the Government has introduced a number of measures aimed at protecting and strengthening the position of labour migrants in the labour market.

148. Since 2013, the county councils have been obliged to offer adults who are in Sweden without the necessary permits or legal support the same subsidized healthcare as adult asylum seekers. This means one free health examination, emergency or urgent medical and dental care, gynaecological care and maternal and prenatal care. Care provided under the Swedish Communicable Diseases Act is free. The county councils are entitled to offer adults care up to the same level as residents and citizens of Sweden. Children and young people up to the age of 18 are offered full healthcare provision (subsidised and often free) including regular dental care. This applies to children without necessary permits as well as children seeking asylum.

149. The number of unaccompanied minors (UAM) seeking asylum in Sweden presents a challenge. The municipalities are responsible for the reception of UAMs and for appointing a legal guardian and providing them with accommodation, schooling and care. Municipalities are compensated financially for doing so by the central government. Upon arrival, a UAM is temporarily placed in a nearby municipality, but is relocated shortly thereafter to a municipality assigned by the Migration Agency.

150. Integration policy covers the introduction into society of newly arrived immigrants, compensation provided to municipalities for refugee reception and the promotion of integration.

151. The goal of Sweden's integration policy is to ensure equal rights, obligations and opportunities for all, irrespective of their ethnic and cultural background. This goal is to be achieved primarily through general policy measures for the whole population, supplemented by targeted support for the introduction of newly arrived immigrants<sup>1</sup> who have a residence permit (and their families) during their first years in Sweden. The reception of newly arrived immigrants is a responsibility that is shared between the national, regional and local levels.

152. The key objective of the introduction programme is to speed up the introduction of newly arrived immigrants into working life and the community. Through the introduction programme, all newly arrived immigrants are given professional support to help them learn Swedish, find work and support themselves and become acquainted with the rights and obligations that apply in Sweden as quickly as possible. The public employment service Arbetsförmedlingen is the agency that coordinates the introduction programme. A dialogue between Arbetsförmedlingen and the newly arrived immigrant results in an introduction plan that is based on their educational background, previous work experience and need for training and other initiatives. Active participants in the introduction programme are entitled to introduction benefit for a maximum of 24 months. The introduction plan is individualised but normally includes activities to prepare the participant for employment, Swedish language courses and a civic orientation course that aims to foster a basic understanding of Swedish society. The municipalities are responsible for providing the Swedish language courses and civic orientation courses. The municipalities are also responsible for providing housing for newly arrived immigrants and introduction initiatives for newly arrived immigrant children in schools and preschools.

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<sup>1</sup> In Sweden we use the term newly arrived immigrant to describe a person who has been granted humanitarian, international or subsidiary protection during the period in which they are entitled to attend the introduction programme. This is normally two to three years after being granted a residence permit.

153. The goal of the Government's regional growth policy is dynamic development in all areas of the country with greater local and regional competitiveness. The policy is based on the capacity of regions to take action, but the central government also has obligations. A prerequisite for this is that women and men, regardless of ethnic and cultural background or sexual orientation, shall have equal opportunities to develop in all areas of the country. Political measures that promote, innovation and business development, the provision of skills, attractive environments and accessibility, as well as international cooperation are required in order to enhance local and regional dynamic development. The measures should be adapted to both local and regional differences and conditions. There is a continued need for initiatives targeting geographically defined areas that are considered to be in need of special measures in order to strengthen their potential for sustainable growth.

154. In parts of Sweden, segregation has become a growing problem. In order to decrease and combat segregation, the Government has launched a comprehensive long-term reform programme which spans the period 2017–2025. This reform programme focuses on actions in five strategic areas: combatting crime, reducing long-term unemployment, improving conditions in schools and pupils' results, strengthening public and other services and reducing residential segregation, and strengthening democracy and supporting civil society. In order to accelerate current efforts, the Government announced in March 2017 the establishment of a new government agency with the task of supporting the reform programme's implementation. In cooperation with municipalities, regions, civil society, the private sector and other actors, this agency will support the development of innovative methods in the field and will conduct research and develop networks for the exchange of knowledge and experience. In addition, the Government has launched a large number of reforms that can make a long-term contribution to decreasing segregation. For instance, an annual sum of SEK 10 billion has been allocated to municipalities and regions for measures with aims such as the creation of employment opportunities and strengthening the health and education sectors.

155. The Equality Ombudsman (DO), [www.do.se](http://www.do.se), (please also refer to para. 87–88) also has duties that include raising awareness and disseminating knowledge and information about discrimination and the prohibition of discrimination, among both those at risk of discriminating against others and those who are at risk of being subjected to discrimination. DO offers guidance to employers, higher education institutions, schools and others and helps develop useful methods on their behalf. A further task is ensuring, through awareness-raising initiatives, that everyone knows their rights. In addition, DO is required to draw attention to human rights issues and encourage debate concerning these. DO also has special responsibility for reporting on new research and international developments in the field of human rights and discrimination.

156. The Ombudsman for Children in Sweden (BO), [www.barnombudsmannen.se](http://www.barnombudsmannen.se), also disseminates information concerning the Convention on the Rights of the Child (CRC). Key duties of BO are its participation in public debate, the promotion of the public's interest in key issues and influencing the attitudes of decision makers and the public. BO maintains regular contact with children and young people. BO visits schools and youth clubs and children and young people can get in touch with the agency by mail, telephone and through its website. Each year, BO submits a report to the Government that addresses the situation of children and young people in Sweden.

157. The Living History Forum is a Swedish public authority that, using the Holocaust and other crimes against humanity as a starting point, works with issues related to tolerance, democracy and human rights in both a national and international perspective. The Living History Forum uses methods and tools such as exhibitions, workshops and teaching materials reach its key target group: young people. The intention is to equip people with knowledge for the future, the goal being to strengthen their desire to work to promote democracy and the equal rights and value of all — to listen, understand and act. The Living History Forum also conducts surveys of attitudes in society. An understanding of the reasons for intolerance and its extent and geographical distribution is vital if we are to find ways to combat such attitudes. The Living History Forum works closely with researchers working in areas such as Islamophobia, anti-Semitism, anti-Gypsyism and racism in

Swedish society. The Forum also publishes other types of report and material, notably on its website: [www.levandehistoria.se](http://www.levandehistoria.se).

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