

# Joint submission for Sweden's first Universal Periodic Review in May 2010

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<sup>4</sup>SIOS represents 16 organisations working with minority rights. <sup>5</sup>RIFFI represents 21 organisations working with immigrant and minority women's rights issues.



## Executive Summary

This report is submitted by the United Nations Association of Sweden (UNA Sweden) and supported by 16 Swedish organisations working in the field of human rights.

Sweden generally has a very good reputation in terms of living up to its human rights obligations. Because of this perception, however, there is a risk that important issues do not receive their due attention. There are several areas in which Sweden fails to live up to its international obligations.

Laws affecting the provision of health care, accessibility for persons with disabilities and asylum procedures, for example, infringe certain rights. This is especially true in terms of health care services for asylum-seekers, undocumented migrants and persons of foreign background.

Sweden has to work on living up to its obligations under the Convention on the Rights of the Child (CRC), in particular in the area of the right to education and health, ensuring that unaccompanied asylum-seeking minors receive adequate protection and that the best interests of the child is always a primary consideration.

Inaccessibility outside of the workplace is still not considered an issue of discrimination in Sweden. Hence, persons with disabilities are prevented from participating fully in Swedish society.

Too little progress has been made in terms of eliminating discrimination against women in the labour market and narrowing the gap between the number of women and men in decision-making positions in the private and academic sectors.

Reported incidents of sexual violence against women and girls is on the rise in Sweden. Sweden should take measures to address attitudes that give rise to violence against women and also provide better measures for protection.

Another issue raised in this report is the Saami people's right to their culture and the use of traditional land. We hope a recent government inquiry will lead to a bill that expands the influence and self-governance of the Saami Parliament, particularly in matters that affect their livelihoods, such as land use.

The Roma people, a national minority, face widespread discrimination, especially in the areas of education, employment and housing.

The incidence of hate crime has increased in recent years in Sweden, yet it is still legal to disseminate propaganda based on ideas of ethnic or racial superiority in Sweden.

2009 ushered in interesting developments regarding the promotion and protection of human rights in Sweden. This includes new anti-discrimination legislation and the merging of four separate discrimination ombudsmen into one Equality Ombudsman. It is too soon to comment on the extent to which these developments have affected human rights on the ground, but the Equality Ombudsman does not fully live up to the independence required by the Paris Principles relating to the Status of National Institutions.

Finally, this submission looks at the reasons and need for collecting equality data based on all grounds of discrimination. Sweden should strive to set a good example and use all available tools, such as equality data, to proactively tackle discrimination within its borders.

## Highest attainable health care for all

Immigrants, asylum-seekers and undocumented migrants in Sweden do not enjoy the same standard of health care as the rest of Swedish society. The discrimination is overt in that it is legislated and subtle in terms of how these groups are treated by health care professionals.

Sweden has one of the most restrictive health care rules for asylum-seekers and undocumented migrants in Europe.<sup>1</sup> Under the new Health and Medical Care for Asylum Seekers and Others Act, which took effect in 2008<sup>2</sup>, asylum-seekers are entitled to “emergency” care and health care “that cannot wait”, such as maternity care. Undocumented migrants, including children, can receive emergency health care, but they must pay for the cost of treatment and medication.

As noted by UN Special Rapporteur on Health Paul Hunt, the abovementioned discrimination violates the fundamental right to the highest attainable standard of health.<sup>3</sup> According to the Committee on Economic, Social and Cultural Rights General Comment No. 14, “States are under an obligation to respect the right to health by refraining from or denying or limiting equal access for all persons, including [ . . . ] asylum seekers and illegal immigrants, to preventive, curative and palliative health services.”

Medical personnel and the Swedish Red Cross<sup>4</sup> have reported cases of patients dying from preventable causes or risked dying because they had not received adequate health care in Sweden.<sup>5</sup> There are known cases of asylum-seekers and undocumented persons who do not seek medical assistance out of fear of being reported to the authorities by medical staff.<sup>6</sup> The fact that they have to pay for treatment is a further hindrance.

This issue, though brought to the attention of the Human Rights Committee in a letter for the review by the International Covenant on Civil and Political Rights Committee in 2009<sup>7</sup>, was not addressed in the Committee’s concluding remarks. Strangely, the ESCR Committee, in its concluding remarks from December 2008, stated: “The Committee notes with appreciation the efforts taken to continue ensuring the high standard of health in the State party and that health care is accessible to all, including undocumented persons.”<sup>8</sup> In light of this misperception it is particularly important that this issue be addressed in the UPR process.

Another obstacle persons with a foreign background – undocumented or not – experience is discriminatory attitudes from health care professionals. According to a study from 2005, 82 percent of undocumented persons have faced direct or indirect obstacles when seeking medical assistance.<sup>9</sup> In fact, data from 2008 shows that Sweden received the highest number of complaints (18) regarding discrimination in health care on grounds of racial or ethnic origin of 10 countries who collect such equality data.<sup>10</sup>

A Swedish study indicates that people’s health and lives are still at risk because of discrimination in the health care system. The study looked at 82 new patients diagnosed with HIV during 2007 at Karolinska Hospital in Stockholm.<sup>11</sup> Of those, 34 cases were detected at an advanced stage of the illness. They had significantly weakened immune systems and the majority had developed AIDS. More than one-third of those detected at an advanced stage had previously sought care for illnesses that should have prompted doctors to order HIV testing. Twenty-four patients among the 34 late detections were immigrants from outside the Nordic countries; 19 were from Africa. Seventeen of the late detection cases were women of African descent. A year later four of the 34 people with late detections had died, constituting a mortality rate of almost 12 percent, when the national average mortality rate among HIV-infected in Sweden that same year was 1 percent. These figures suggest a relaxed attitude toward health care for immigrants.

In his report Paul Hunt observed that "...health professionals in Sweden did not always know about, and sometimes, acted contrary to, their patient's human rights."<sup>12</sup>

Studies show a clear correlation between discrimination and poor health.<sup>13</sup> A Swedish public health survey looking at discrimination in the social security system, the national employment service and the health and medical care system, showed that discrimination is more widespread within the health and medical care system than in the social security system and national employment service.<sup>14</sup>

It is the hope of UNA Sweden that this issue be given correct and deserved attention in the Universal Periodic Review and that Sweden consider the following recommendations:

### **Recommendations**

- Enact legislation to offer all persons, including asylum-seekers and undocumented persons, the same health care, on the same basis.
- Allocate resources for human rights/equality training in the curricula of nursing and medical schools and for those already working in the health professions.

## **Rights of the child**

Not all children in Sweden are afforded the same right to education, health and medical care. The practical application of new laws affecting education, health care and migration breach international human rights obligations and/or do not take the best interests of the child into consideration.

In Sweden education is not compulsory for asylum-seeking children<sup>16</sup>, and the number of asylum-seeking children attending compulsory school is decreasing.<sup>17</sup> As noted by the CRC Committee, children without a residence permit, in particular children in hiding and undocumented children, do not enjoy the right to education.<sup>18</sup> We hope that an ongoing Government inquiry on access to education results in an expansion of access to education to all children living in Sweden.

Undocumented children only have a right to receive urgent medical care, for which they must pay the full fee. The new Health and Medical Services Act, which went into effect July 1, 2008, does not cover children who are undocumented.<sup>19</sup> This is in violation of the right of all children to the highest attainable health care.

In asylum processes the best interest of the child principle is not always applied. For this reason decisions by the Swedish Migration Board and the Swedish Migration Courts receive frequent criticism. During the summer of 2009, for example, the European Court of Human Rights stopped the deportation of four children aged 6 to 14 to an orphanage in Serbia while the court examines the legality of the Migration Board's decision.<sup>20</sup> The children have relatives in Sweden who can care for them while their mother, with whom the children have a functioning relationship, serves out a prison sentence. In October 2009, the Swedish Migration Board heard the case again and this time granted the children residency permits, citing Article 8 of the European Convention on Human Rights.

Based on this case and on many others involving children and juveniles, it is clear that under the new Aliens Act<sup>21</sup>, which took effect in 2006, and has changed the migration appeal system and process, the best interests of the child is still not always a primary consideration.<sup>22</sup> It also illustrates the urgent need to train public servants at state agencies and within the judicial system in human rights law and on the CRC in particular.

Finally, legislative amendments from 1 July 2006 that transferred responsibility for the reception and housing of unaccompanied minors from the Swedish Migration Board to the municipalities has had unintended consequences that must be addressed to ensure that these children receive the support and security that is their right. Only one-third of Sweden's municipalities are willing to accept unaccompanied minors. As a result, hundreds of children, many of whom have escaped war-torn, conflict-ridden countries, are spending months in temporary housing situations without access to education or adult guidance.<sup>23</sup> The CRC Committee recently criticized Sweden for not appointing a legal guardian for each unaccompanied child quickly enough.<sup>24</sup>

## Recommendations

- Enact legislation that ensures the provision of education and the highest attainable standard of health care and medical services to all children, including asylum-seeking and undocumented children in Sweden.
- Train staff at the Migration Board, migration courts and social welfare authorities on the CRC.
- Exert pressure on municipalities to receive unaccompanied minors so that children are not forced to live in temporary shelters for months at a time, without access to education.
- Enact legislation that will ensure that unaccompanied asylum-seeking children are appointed a temporary guardian within 24 hours of arrival.

## Access and employment for persons with disabilities

Sweden ratified the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol in December 2008. Although domestic laws are deemed sufficient, generally, they are not implemented satisfactorily. As a result, persons with disabilities face discrimination and human rights violations in many areas, but especially in terms of access to public transportation, information and buildings and access to work and employment.

According to a survey from 2005, more than one in four people with disabilities say they cannot use buildings, cannot read information and cannot use airplanes, buses or trains.<sup>25</sup> Lack of access hinders persons with disabilities from participating in the political process or fully exercising their economic, social and cultural rights and their civil and political rights. Sweden has a lax attitude toward enforcing accessibility.<sup>26</sup> Not only was the goal to make public transportation fully accessible by 2010 sidelined yet again for new priorities, but accessibility measures were not included in the new Anti-discrimination Act, which entered into force in 2009. Nothing in the law says it is discriminatory for businesses and others to not provide access to public facilities or

public service. An action plan to address existing gaps for persons with disabilities in the transport and service sectors is needed.

The negative trend for persons with disabilities in the workforce is also of great concern and was recently noted by the Human Rights Committee.<sup>7</sup> An employment survey from 2006 showed that employment figures were improving in all categories except for those with a diminished work capacity.<sup>28</sup> The same survey conducted in 2008 suggests the gap in workforce participation between persons with disabilities and persons without disabilities is widening.<sup>29</sup> According to the Swedish National Audit Office, not enough is being done to stimulate employers to hire persons with a diminished work capacity.<sup>30</sup>

Finally, it should be noted that women with disabilities fare worse than their male counterparts on most fronts, including in terms of support, services received and access to employment.<sup>31</sup> Women with disabilities are also more vulnerable to domestic violence, exploitation and abuse in various forms.

## Recommendations

- Conduct a thorough inventory of laws and regulations to bring to light those that are not in accordance with the principle of equality and/or the CRPD.
- Change anti-discrimination legislation so that even inaccessibility outside of working life is considered discriminatory.
- Create an action plan with measurable goals, areas of responsibility, a time plan and financing to realize the rights in the CRPD and the Optional Protocol.
- Encourage better coordination among state authorities so that persons with disabilities receive better support in finding a job.
- Launch awareness-raising campaign to combat negative stereotypes and prejudice against persons with disabilities.

## Violence against women

The Human Rights Committee expressed concern over the high prevalence of violence against women, particularly domestic violence.<sup>32</sup> Although domestic violence statistics are believed to have remained relatively static since 2000<sup>33</sup>, the number of reported cases of sexual violence in Sweden increased almost 50 percent between 1995 and 2008.<sup>34</sup> The overwhelming majority of victims of sexual violence are women and girls.

Generally there is a lack of faith in the justice system among victims of violence in close relationships.<sup>35</sup> During 1995-2007 reported sexual crimes that led to a prosecution varied between 15 to 20 percent. In 2007 there were 12.500 reported sexual crimes. That same year 985 people were convicted for a sexual crime. Recent case law from the Supreme Court suggests that more evidence will be required in cases of rape. This development will place higher demands on police investigations and could make it even harder to prosecute cases where there was any delay in the filing of the complaint.<sup>37</sup>

Furthermore, the level of protection, the quality of care for victims and the number of sex-crime related prosecutions in proportion to the number of cases varies drastically among the municipalities<sup>38</sup>. Immigrant, refugee and minority women, as well as women with disabilities, are particularly vulnerable.<sup>39</sup> They face a higher risk of violence and are more likely to remain in violent relationships.<sup>40</sup>

## Recommendations

- Provide resources for training on how to secure and document evidence for professions that come into contact with victims of domestic and sexual violence.
- Establish and implement a national action plan against sexual violence and require municipalities to develop guidelines and indicators for their work.
- Improve data collection and statistics on violence against women.
- Work to change attitudes and behaviors related to domestic and sexual violence through awareness-raising targeting young men and boys, in particular.
- Increase efforts to raise awareness among women with immigrant, asylum-seeking or refugee backgrounds, as well as national minorities and persons with disabilities, about the availability of social services, legal remedies and rights.
- Ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

## Discrimination against women in the labour market

Too little progress has been made in eliminating discrimination against women in the labour market and in decision-making positions in the private and academic sectors. There is a significant gap between men and women in upper management and on boards.<sup>42</sup> The recent increase in the representation of women on the boards of directors in the public sector is positive, but the private sector is lagging. Affirmative action measures and proposals have been discussed since 2006, but the will to implement them is lacking, in contrast to the situation in Norway, where rapid progress was made in the private sector when affirmative action measures were implemented.<sup>43</sup>

In Sweden more women work part-time than men, resulting in lower salaries, lower future pension benefits and diminished career prospects. Women carry a larger burden of unpaid household work and childcare, and they use about 80 percent of all available parental leave benefits.<sup>44</sup> Although there is evidence that the wage gap between men and women is slowly narrowing, women still earn less than men for the same job.<sup>45</sup>

## Recommendations

- Implement measures to promote an equal balance of women and men in all levels of professional life.
- Enforce labour laws and, if needed, strengthen legislation to eliminate discrimination against women in the labour market.



## Saami traditional land and culture rights

In Sweden, contrary to the situation in Norway, the Saami do not have constitutional protection as an indigenous people, even though they are recognized as such by the United Nations.<sup>46</sup> The Saami people's right to traditional lands, waters and natural resources is systematically violated in Sweden.

Reindeer husbandry is the main means of subsistence for a large portion of Saami society and the practice is inextricably tied to the Saami culture and its survival. Since the 1950s, however, exploitation of reindeer grazing land has been extensive. Land used by the Saami for reindeer husbandry has made way and continues to make way for infrastructure projects, the mining industry, wind power parks, water regulation and tourism.<sup>47</sup> Such developments, which are expected to increase due to climate change and melting icecaps, claim vast areas essential to reindeer husbandry. The cumulative effect puts enormous pressure on the Saami communities, their livelihoods and their culture.

The Saami people's right to traditional land use is rarely considered in the evaluation of permits for projects that affect areas used for reindeer husbandry. Disputes over permits between Saami communities and various developers are ongoing and at times severe. In most counties the court has not granted reindeer grazing rights, even though these rights are supported by international law.

Current legislation, including the Reindeer Husbandry legislation, the Swedish Environmental Code, the Minerals Act and the Planning and Building Ordinance, provide inadequate protection for reindeer grazing. Municipalities frequently fail to consult the Saami, even though their livelihoods are affected by building plans. In fact, during 2003–2007 Krokoms Municipality failed to notify the Saami community regarding 31 building permits affecting winter reindeer grazing land, and that is just one municipality.<sup>48</sup>

Land conflicts are likely to rise with increased resource exploitation in the Saami region.<sup>49</sup> A positive development has been that the Saami Parliament has taken over responsibility for identifying which areas should be considered of national importance for reindeer husbandry. It is, however, also crucial that the Saami Parliament is consulted and given a central function in the decision-making process of land use matters as well.<sup>50</sup>

Saami communities also shoulder an enormous economic burden defending their livelihoods in disputes that are largely caused by inadequate legislation (in terms of regulating the relation between Saami communities and public and private interests) and an unwillingness to demarcate which areas traditionally have been used for reindeer husbandry, leaving too much room for interpretation and questioning of Saami land rights.

Further, the lack of clarity over geographic boundaries as well as Swedish and international law has fostered a situation in which land owners benefit from initiating legal processes over areas where reindeer grazing has traditionally been accepted, because Saami communities are reluctant to defend their rights through long drawn-out and prohibitively expensive legal battles. This situation has enabled several ongoing court cases between property owners and Saami communities regarding the existence of customary use of winter grazing for reindeer. Ratifying ILO Convention No. 169 would require Sweden to identify land used for reindeer husbandry and the land the Saami traditionally has used and/or uses together with others.



A Boundary Commission has established these demarcations in 2006, but they are continuously ignored as they are not supported by legislation. The 13-year process of investigations and studies regarding implementation of ILO Convention No. 169 should be concluded. A solution must be reached to ensure that reindeer husbandry isn't jeopardized.

## **Recommendations**

- Ratify ILO Convention No. 169.
- Provide constitutional protection of the Saami people as an indigenous people.
- Take a leading role in bringing forth a Nordic Saami Convention to strengthen Saami rights from a national legal perspective.
- Transfer administration of land user rights and land use in the reindeer husbandry area to the Saami Parliament. Endow the Saami Parliament with the authority and power to influence cases where conflicts arise with private or public interests.
- Provide the necessary resources to the Saami Parliament to ensure that new responsibilities can be fulfilled, as within any other government agency.
- Ensure that Saami communities are involved earlier in decision-making processes affecting the exploitation of their traditional land, their culture and livelihoods.

## **Discrimination against the Roma people**

Discrimination and socioeconomic marginalization affect the Roma people on many fronts, especially in the areas of housing, education and employment. According to a recent report from the European Commission Against Racism and Intolerance, there is a 40 percent absentee rate in schools among Roma children. Almost 90 percent of those who identify themselves as Roma are unemployed, and the unemployment rate is high even for those working with trades in which there is a shortage of workers.<sup>53</sup> According to one survey, 30 percent of the Roma participants said they had been denied housing (buying or renting) because of their ethnicity.<sup>54</sup>

## **Recommendations**

- Develop methods and strategies to increase knowledge among the Roma of their rights.
- Monitor and counteract negative messages spread by the media that reinforce prejudices against the Roma.
- Train teachers and teacher assistants among the Roma population who can be introduced into the school system and help increase the attendance of Roma school children.
- Provide continued resources for the Delegation for Roma Issues so that it can continue to support municipal projects and activities aimed at improving the situation of the Roma

## Hate crime and racist propaganda

Article 4 in the Convention on the Elimination of All Forms of Racial Discrimination (CERD) requires countries to condemn and penalize all dissemination of propaganda and organizations based on ideas of the superiority of one race or ethnic origin or which incite racial hatred or violence. CERD statutes and general recommendations 7 and 15 urge states parties to enact legislation banning racist organizations, racist propaganda, memberships in racist organizations and the financing of these structures.

Sweden is not in compliance with its obligations under CERD Article 4. Sweden upholds that according to Sweden's Fundamental Law on Freedom of Expression and Association, criminal acts committed by individual members of racist organizations are punishable, but the existence of and participation in such racist organizations is not. The State does not see a need for legislative measures to ban racist organizations as the activities of such organizations are countered through existing legislation.<sup>55</sup>

During 2007, 155 cases of agitation against ethnic minorities were reported, but the attorney general initiated proceedings against only six of them. Since 2003 only four cases have been considered by the Supreme Court, and only one of those led to a conviction.<sup>57</sup>

There is a continuous increase in reported racially motivated as well as homophobic/transphobic crimes in Sweden. According to the National Board of Crime Prevention report Hate Crime 2008<sup>58</sup>, reported hate crime incidents in 2008 were about 5.900, almost a 50 percent increase on 2007. This rise is due in part to a broadened definition of hate crime in 2008, but according to the authors of the report, the broader definition does not affect the number of Islamophobic, anti-Semitic and homophobic hate crimes, which have increased 32, 35 and 45 percent, respectively, compared with 2007. According to the authors, about 50 percent of the increase in crimes with xenophobic and racial motivations can be attributed to the broadened definition. The remaining 50 percent is an actual increase in crime.<sup>59</sup> Racist propaganda and so-called White Power music is spread openly without restriction on the Internet and in schools, targeting vulnerable groups, such as school children, who are the largest recruitment base for racist and Nazi organizations.

Sweden should comply with its international legal obligations and act in accordance with the CERD Committee's repeated recommendations to implement a ban on racist organizations. Where incompatible with constitutional provisions, Sweden should introduce other protective measures to counteract racist propaganda and organizations. Existing legislation and measures to address racist violence is not sufficient to counteract it, nor provide protection to victims of racist propaganda or acts of violence agitated by racist organizations.

### Recommendations

- Develop comprehensive legislation to address racism as a crime and implement a ban on racist organizations, in line with international obligations.
- Intensify efforts to ensure legislation on racist crime is applied in practice.
- Enforce aggravated sentencing on the basis of racist motives.
- Introduce measures to combat racist propaganda and the presence of racist organizations in schools.
- Intensify efforts to prevent, combat and prosecute hate speech.

## Equality data to measure and end discrimination

Sweden's lack of disaggregated data is a recurring theme in the concluding remarks of several treaty bodies (ICESCR<sup>60</sup>, Convention on the Elimination of Discrimination Against Women<sup>61</sup>, Convention Against Torture<sup>62</sup>, CRC<sup>63</sup>). The collection of equality data is a sensitive issue because of potential abuses. Nevertheless, it is the opinion of the treaty bodies and two UN special rapporteurs<sup>64</sup> that it is possible to safeguard the collection of equality data and that such collection is paramount if Sweden is to make real progress in fulfilling, monitoring and following-up on its human rights obligations.

A report from 2007 by the European Commission against Racism and Intolerance, an independent human rights monitoring body of the Council of Europe, concludes that current data protection laws can accommodate the collection of ethnic statistics for the purpose of fighting discrimination, if there is a will to do so.<sup>65</sup>

Equality data is needed to guide and support policy development and implementation; help evaluate and assess the impact of policies; provide empirical evidence in judicial processes; provide quantitative and qualitative data for international monitoring bodies, such as the UN treaty bodies, so that they can perform their monitoring functions; provide data for government agencies and businesses that want to ensure that human resource practices comply with equal treatment laws by monitoring the composition of their workforce on equality grounds; for sensitizing and awareness-raising purposes; as well as providing evidence on the extent and nature of discrimination to serve as a compelling, factual baseline for national discussion on equality and discrimination.<sup>66</sup>

The collection of disaggregated data based on all of the major discriminatory grounds – including sex, racial or ethnic origin, religion and belief, disability, age, sexual orientation – will illustrate the de facto state of equality on the ground. It will help Sweden fight discrimination more effectively and on many fronts. Without disaggregated data it is impossible to create a set of indicators and benchmarks to work towards. Without knowing who is disadvantaged, and to what extent, Sweden is unable to comply with its international human rights obligations regarding inequality and discrimination.

### Recommendations

- Review domestic data protection and privacy laws to ensure that Swedish domestic law does not pose any unnecessary obstacles for the collection of equality data.
- Adopt a national action plan setting out measures to be taken to develop a national knowledge base on equality and discrimination, perhaps with the help of recommendations in the European handbook on equality data.<sup>67</sup>
- Collect disaggregated data in relation to as many of the internationally prohibited grounds of discrimination as possible to create indicators and benchmarks to measure progress made in Sweden's anti-discrimination work.

# Notes

- <sup>1</sup> Ascher, Björkman, Kjellström, Lindberg, "Diskriminering av papperslösa i vården leder till lidande och död" (Author's translation: Discrimination against undocumented migrants in the health care system causes suffering and death", *Läkartidningen*, no. 8, 2008, vol. 105, p. 538.
- <sup>2</sup> Health and Medical Care for Asylum Seekers and Others Act (2008:344).
- <sup>3</sup> Paul Hunt, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Mission to Sweden", A/HRC/4/28/Add.2, 2006, p. 20.
- <sup>4</sup> Charlotta Arwidson, coordinator at Red Cross clinic for undocumented persons.
- <sup>5</sup> Ascher, Björkman, Kjellström, Lindberg, "Diskriminering av papperslösa i vården leder till lidande och död" (Translation: Discrimination against undocumented migrants in the health care system causes suffering and death", *Läkartidningen*, no. 8, 2008, vol. 105, p. 538.
- <sup>6</sup> Ibid.
- <sup>7</sup> The letter, dated March 9, 2009, was submitted to the Human Rights Committee by HIV-Sweden and Doctors of the World Sweden.  
[http://www2.ohchr.org/english/bodies/hrc/docs/ngos/Projektledare\\_Migration\\_och\\_hiv\\_HRC95\\_Sweden.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/Projektledare_Migration_och_hiv_HRC95_Sweden.pdf)
- <sup>8</sup> "Concluding Observations of the Committee on Economic, Social and Cultural Rights", E/C.12/SWE/CO/5, 1 December 2008, p. 2.
- <sup>9</sup> "Experiences of Gömda in Sweden: Exclusion from Health Care for Immigrants Living Without Legal Status", *Médecins Sans Frontières*, 2005, p. 5.
- <sup>10</sup> Annual Report 2009, European Union Agency for Fundamental Rights, p. 52.
- <sup>11</sup> Veronica Svedhem Johansson, "23% of Newly Diagnosed HIV Cases 2007 in Karolinska University Hospital Had Opportunistic Infections," Department of Infectious Diseases, Karolinska University Hospital, Sweden, August 2009.
- <sup>12</sup> Paul Hunt, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: Mission to Sweden", A/HRC/4/28/Add.2, 2006, p. 18.
- <sup>13</sup> "Diskriminering – ett hot mot folkhälsan: slutrapport från projektet Diskriminering och hälsa" (Translation: "Discrimination: a threat to public health: final report from the 'Discrimination and public health' project"), Ombudsman against ethnic discrimination, Ombudsman against discrimination based on sexual orientation, Swedish National Institute of Public Health, 2006.
- <sup>14</sup> Ibid., p. 30.
- <sup>15</sup> "Concluding observations: Sweden", Advanced unedited version, Committee on the Rights of the Child, Fifty-first session, Consideration of reports submitted by states parties under Article 44 of the Convention, 12 June 2009, par. 27, 28, 54, 55.
- <sup>16</sup> "Skolgång för barn som skall avvisas eller utvisas" (Translation: School for children who will be turned down or deported", SOU 2007:34, Sweden/Statens Offentliga Utredningar, 2007.
- <sup>17</sup> "Skolor och elever läsåren 2001/02–2006/07" (Translation: Schools and students during the school years 2001/02–2006/07" and "Skolor och elever läsåret 2006/07, medelvärden för kommungrupper (kommunala skolor) (Translation: Schools and students during the 2006/2007 school year, averages for municipal schools)", [http://www.skolverket.se/content/1/c4/90/53/Grund\\_Elever\\_Riks\\_Tab2A.xls](http://www.skolverket.se/content/1/c4/90/53/Grund_Elever_Riks_Tab2A.xls).
- <sup>18</sup> "Concluding observations: Sweden, Advanced unedited version, Committee on the Rights of the Child, Fifty-first session, Consideration of reports submitted by states parties under Article 44 of the Convention", 12 June 2009, par. 54.
- <sup>19</sup> The Children's Ombudsman, comments concerning the Swedish Government's fourth periodic report to the UN Committee on the Rights of the Child, 27 January 2009, p. 7.
- <sup>20</sup> "Sverige kan få bakläxa om utvisning" (Translation: Sweden could be reprimanded for deportation decision", *Svenska Dagbladet*, August 30, 2009, p. 6.
- <sup>21</sup> Under the new Aliens Act, which took effect in 2006, the Swedish Migration Board has the final say in some decisions, and it is in some cases not possible for asylum-seekers to appeal those decisions. While the new act includes the principle of the best interests of the child, a new regulation on residency permits on grounds of particularly distressing circumstances has replaced the rules on humanitarian grounds.
- <sup>22</sup> "Nytt system gamla brister? Barns egen asylskäl efter ett år med den nya instans- och processordningen" (Translation: New system, old flaws? Children's own reasons for asylum after one year with the new court and process order)", Save the Children Sweden, 2008. This study found that a detailed description of the children's reasons for seeking asylum were provided in less than half of the decisions taken by the Swedish Migration Board and the migration courts.
- <sup>23</sup> Dan Eliasson, Elisabeth Dahlin and Fredrik Malmberg, "Situationen ohållbar för ensammas asylsökande barn" (Translation: "The situation is not sustainable for unaccompanied asylum-seeking children") *Dagens Nyheter*, 4 August 2009.
- <sup>24</sup> "Concluding observations: Sweden", Committee on the Rights of the Child, 51st session, 12 June 2009, paragraph 63.
- <sup>25</sup> Statistics Sweden survey, 2005. Alternative report on the CESC, Swedish Disability Federation, May 2006, p. 15. [http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/DisabilitiesFederation\\_Sweden39.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/DisabilitiesFederation_Sweden39.pdf)
- <sup>26</sup> Recently the Supreme Administrative Court changed the categories of those who are included in and entitled to services under the Social Services Act.
- <sup>27</sup> "Concluding Observations of the Human Rights Committee", Ninety-fifth session, New York, CCPR/C/SWE/CO/6, 7 May 2009.
- <sup>28</sup> "Funktionshindrades situation på arbetsmarknaden, 4:e kvartalet 2006" (Translation: The situation for disabled persons in the labor market, 4th quarter 2006"), Statistics Sweden, 2007.
- <sup>29</sup> "Funktionshindrades situation på arbetsmarknaden, 4:e kvartalet 2008" (Translation: The situation for disabled persons in the labor market, 4th quarter 2008"), Statistics Sweden, 2009.
- <sup>30</sup> "Utanförskap på arbetsmarknaden – funktionshindrade med nedsatt arbetsförmåga" (Translation: "Alienated from the labour market – disabled persons with a diminished capacity for work", 2007:24, National Audit Office report, November 2007.
- <sup>31</sup> "Funktionshindrades situation på arbetsmarknaden, 4:e kvartalet 2008" (Translation: The situation for disabled persons in the labor market, 4th quarter 2008"), Statistics Sweden, 2009.

- <sup>32</sup> “Concluding Observations of the Human Rights Committee”, Ninety-fifth session, New York, CCPR/C/SWE/CO/6, 7 May 2009.
- <sup>33</sup> “Partner violence against women and men: A summary of report 2009:12”, Swedish National Council for Crime Prevention, BRÅ.
- <sup>34</sup> Swedish National Council on Crime Prevention figures.
- <sup>35</sup> “Partner violence against women and men: A summary of report 2009:12”, Swedish National Council for Crime Prevention, BRÅ, p. 7.
- <sup>36</sup> “Brottsutvecklingen i Sverige fram till 2007” (Author’s translation: Crime in Sweden up until 2007), Swedish National Council for Crime Prevention, 2008, p. 178-180.
- <sup>37</sup> “Ny Rättspraxis för våldtäktsfall” (Translation: “New legal practice for rape cases”), Svenska Dagbladet, 14 August 2009.
- <sup>38</sup> “Antalet sexåtal varierar stort i riket” (Translation: “Number of sex-crime prosecutions varies drastically around the country”, Dagens Nyheter, 23 August 2009, p. 5.
- <sup>39</sup> “Concluding observations of the Committee on the Elimination of Discrimination against Women: Sweden”, April 2008, CEDAW/C/SWE/CO/7.
- <sup>40</sup> Yakin Ertürk, “Report of the Special Rapporteur on violence against women, its causes and consequences, Mission to Sweden”, A/HRC/4/34/Add.3, Feb. 2007, p. 16.
- <sup>41</sup> CEDAW Committee noted that Swedish crime statistics are not broken down by sex of victims. “Concluding observations of the Committee on the Elimination of Discrimination against Women: Sweden”, CEDAW/C/SWE/CO/7, paragraphs 25, 27 and 29. CAT Committee noted lack of state-wide statistics on domestic violence. “Concluding observations of the Committee against Torture: Sweden”, CAT/C/SWE/CO/5, June 2008, paragraph 24.
- <sup>42</sup> “På tal om kvinnor och män”, Translation: “On the Topic of Women and Men”, Statistics Sweden report, 2008, p. 101.
- <sup>43</sup> “Kvotering fungerar – se bara på Norge”, “Translation: Affirmative Action Works – Just Look at Norway”, Expressen, 26 October 2008, <http://www.expressen.se/debatt/1.1346800/kvotering-fungerar-se-bara-pa-norge> and “Norsk lag om kvotering fungerar”, Translation: Norwegian affirmative action law works”, Aftonbladet, October 19, 2009, <http://www.aftonbladet.se/wendela/jobbet/article5979345.ab>.
- <sup>44</sup> Everything about Gender Equality, [http://www.alltomjamstallhet.se/om\\_jamstallhet/om\\_jamstallhet/](http://www.alltomjamstallhet.se/om_jamstallhet/om_jamstallhet/) (2008)
- <sup>45</sup> “Löneskillnader mellan män och kvinnor: Vad säger den officiella lönestatistiken?” (Translation: Wage gaps between men and women: what do the official wage statistics say?”, Statistics Sweden, 2008, [http://www.scb.se/statistik/\\_publikationer/LE0001\\_2008K04\\_TI\\_11\\_A05TI0804.pdf](http://www.scb.se/statistik/_publikationer/LE0001_2008K04_TI_11_A05TI0804.pdf).
- <sup>46</sup> “Concluding observations of the Committee on the Elimination of Racial Discrimination, Sweden”, CERD/C/SWE/CO/18, September 2008.
- <sup>47</sup> Statement by the Equality Ombudsman (DO) in the case T 243-08, DO ./. Krokomborg Municipality, Gothenburg, 27 March 2009.
- <sup>48</sup> Ibid.
- <sup>49</sup> “Arctic Climate Impact Assessment”, Arctic Council and International Arctic Science Committee, November 2004.
- <sup>50</sup> The authorities currently responsible for the decision-making process regarding exploitation of traditional Saami land areas are the Mining Inspectorate of Sweden, the Swedish Forest Agency and the County Administrative Boards.
- <sup>51</sup> “Concluding observations of the Human Rights Committee”, CCPR/C/SWE/CO/6, May 2009.
- <sup>52</sup> “Concluding observations of the Committee on the Elimination of Racial Discrimination, Sweden”, CERD/C/SWE/CO/18, 23 September 2008.
- <sup>53</sup> Report from the Delegation for Roma Issues, JU 2006:10, p. 12.
- <sup>54</sup> “Diskriminering av Romer i Sverige” (Translation: “Discrimination against the Roma People in Sweden”), 2002, 2003, p. 16.
- <sup>55</sup> “17th and 18th Periodic State Report of Sweden to the CERD Committee”, December 2006.
- <sup>56</sup> “Concluding Observations of the Human Rights Committee”, CCPR/C/SWE/CO/6, May 2009.
- <sup>57</sup> The reported cases were not considered criminal or were carried out through mediums – the Internet, flyers and graffiti – not covered by the Freedom of the Press Act or the Fundamental Law on Freedom of Expression. Several recent acquittals by the Supreme Court concerning the Internet and other publications show that the existing legislation and its implementation is ineffective in restricting agitation against minorities. (See “Svårt att fällas för hets mot folkgrupp” – Translation: “Difficult to convict for incitement to violence against an ethnic minority”, Expo, November 9, 2007.)
- <sup>58</sup> “Hate Crimes 2008: Reports to the police where the motivation for crime includes ethnic background, religious faith, sexual orientation, transgender identity or expression”, English Summary of Brå report 2009:10, National Board of Crime Prevention, p. 23.
- <sup>59</sup> See “Hatbrott 2008”, National Board of Crime Prevention, p. 11.
- <sup>60</sup> “Concluding Observations of the Committee on Economic, Social and Cultural Rights: Sweden”, E/C.12/SWE/CO/5, 1 December 2008, paragraph 14.
- <sup>61</sup> The CEDAW Committee recommends using disaggregated data by sex, skills and sectors to help monitor developments with regard to women’s participation in top management and to monitor impact of measures taken and results achieved in terms of women’s de facto equality in the labor markets. The CEDAW committee also notes with regret that Swedish crime statistics are not broken down by sex of the victims. See “Concluding observations of the Committee on the Elimination of Discrimination against Women: Sweden”, CEDAW/C/SWE/CO/7, paragraphs 25, 27 and 29.
- <sup>62</sup> “Concluding observations of the Committee against Torture: Sweden”, CAT/C/SWE/CO/5, June 2008, paragraph 24.
- <sup>63</sup> “Concluding observations: Sweden”, Committee on the Rights of the Child, 51st session, CRC/C/SWE/CO/4, 12 June 2009, paragraph 41.
- <sup>64</sup> See Paul Hunt, “Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mission to Sweden”, A/HRC/4/28/Add.2, 28 February 2007, and Yakin Ertürk, “Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Sweden”, A/HRC/4/34/Add.3, paragraph 87.
- <sup>65</sup> Patric Simon, “‘Ethnic’ statistics and data protection in the Council of Europe countries”, European Commission against Racism and Intolerance Study Report, 2008.
- <sup>66</sup> Timo Makkonen for the Finnish Ministry of Labour, European handbook on data equality, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, November 2007, p. 17.
- <sup>67</sup> Timo Makkonen for the Finnish Ministry of Labour, European handbook on data equality, European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, November 2007.



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