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UNDER ARTICLE 40 OF THE COVENANT**

Sixth periodic report

SWEDEN*

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Introduction

1. This report, Sweden's sixth report to the Human Rights Committee (the Committee), contains a description of the measures taken by Sweden to implement the International Covenant on Civil and Political Rights (ICCPR). Particular attention has been paid to the issues highlighted by the Committee in its concluding observations from 24 April 2002 (CCPR/CO/74/SWE).

A national action plan for human rights and a delegation for human rights

2. A national action plan for human rights 2006–2009 (Government Communication 2005/06:95), Sweden's second national action plan for human rights, was presented to the Riksdag (Swedish Parliament) in March 2006. A delegation for human rights in Sweden was established at the same time. More information on the action plan, the delegation and its work can be found in Sweden's latest report to the Committee on Economic, Social and Cultural Rights (E/C.12/SWE/5, paragraphs 17-22).

The Swedish Government's human rights website

3. The Swedish Government's human rights website at www.manskligarattigheter.se contains all Swedish reports to the various international bodies that review individual States' observance of human rights. It also has the concluding observations regarding Sweden from the Committee, as well as from other monitoring committees. These documents are now available in both Swedish and English. For further information about the Swedish Government's human rights website, the Committee is referred to Sweden's report to the Committee on Economic, Social and Cultural Rights (E/C.12/SWE/5 paragraph 23).

4. As part of the process of preparing this report, Swedish non-governmental organisations have been invited to express their opinions at a meeting.

Article 1

5. It is the view of the Government of Sweden that indigenous peoples have the right to self-determination insofar as they constitute peoples within the meaning of common article 1 of the 1966 International Covenant on Civil and Political Rights and 1966 International Covenant on Economic, Social and Cultural Rights. By virtue of the right of self-determination indigenous peoples freely determine their political status and freely pursue their economic, social and cultural development. However, the right to self-determination shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction of any kind.

6. The Sami are recognised as an indigenous people and constitute a recognised national minority in Sweden. Like others in society, it is important that the Sami population in Sweden feel empowered and have the opportunity to influence their own culture and the development of society as a whole. These are some of the reasons behind the establishment of the Sami Parliament in Sweden in 1993. The Sami Parliament is both a Swedish government agency and a

popularly elected body. The elected body is made up of 31 MPs elected by the Sami people in Sweden. Sami Parliament elections are held every four years and Sami who are registered on the Sami Parliament voting list are eligible to vote. Approximately 20,000 Sami live in Sweden and about 7,180 are registered to vote. Voter turnout increased to 66 per cent for the 2005 election compared with the 2001 election, which is a reduction by 6 per cent since the first election in 1993. About 1,800 more Sami have registered to vote since the first election, however, indicating that voter turnout has increased in absolute numbers. As of the 2005 election, 32 per cent of the members of the Sami Parliament Plenary Assembly are women and 68 per cent are men. Women's representation has increased by 7 per cent since the 2001 election. Of the Sami who are eligible to vote and those who do vote, 49 per cent are women and 51 per cent are men. For more information on strengthening women's representation in the Sami Parliament and strengthening the position of Sami women in society, the Committee is referred to CEDAW/C/SWE/7 (paragraphs 53-57).

7. The Sami Parliament is an important symbol for the Sami and it represents the Sami People in various contexts in its capacity as a popularly elected body. Regular dialogues and deliberations between the Swedish Government and the Sami Parliament serve an important function in strengthening the status of the Sami as an indigenous people and a minority in Sweden. The recurring dialogues focus on topical subjects, primarily those which the Sami Parliament wishes to discuss and illuminate.
8. Development has been ongoing for some time in Sweden aimed at increasing the influence of the Sami population over more internal Sami affairs. As part of this development, the Sami Parliament has assumed tasks from the County Administrative Board and the Swedish Board of Agriculture, that pertain mainly to internal Sami conditions. In accordance with the decision, much of the responsibility for reindeer husbandry has been transferred from the County Administrative Board and the Board of Agriculture to the Sami Parliament, which also became the administrative agency responsible for reindeer husbandry as of 1 January 2007.
9. In January 2002 the Government appointed a boundary committee, which it instructed to study the boundaries of land where reindeer husbandry rights exist. The committee was also intended to establish the extent to which the Sami traditionally occupy and use land in common with others as meant by Article 14 of ILO Convention 169. The committee presented its report and recommendations in spring 2006 and the report has been referred for consideration.
10. With a view to gaining further clarity prior to a possible future ratification of ILO Convention 169 on Indigenous and Tribal Peoples (1989), the Government appointed a special committee of inquiry in April 2003 whose task was to survey, as far as possible, the grounds and extent of hunting and fishing rights held by landowners and Sami Village members within Sami lands and on reindeer grazing mountains. The report was submitted to the Government in January 2006 and has been referred for consideration.
11. A project is in progress at the Nordic level to harmonise the situation of the Sami People in Sweden, Norway and Finland. One result of the effort is that the Sami ministers and Sami parliamentary chairmen in the three countries have appointed a committee that has been instructed to write a draft for a Nordic Sami Convention. The committee was made up of representatives of the Sami Parliaments and the national governments of the three countries. The

committee presented the draft in November 2005 and the report was referred for consideration in all three countries in spring 2006. Thereafter, national and joint Nordic drafting processes will take place.

Article 2

Article 2, paragraph 1. Protection against discrimination

12. As mentioned in previous Swedish reports (CCPR/SWE/2000/5, paragraph 4), the Swedish Constitution provides legal protection against discrimination. Under Chapter 1, Article 9 of the Instrument of Government, Swedish courts of law, administrative agencies and others performing tasks within public administration shall have regard in their work to the equality of all before the law and shall observe objectivity and impartiality. Furthermore, Chapter 2, Article 15 of the Instrument of Government states that no act of law or other provision may imply the unfavourable treatment of a citizen because he belongs to a minority group by reason of race, colour or ethnic origin.

13. A new anti-discrimination provision was also added to the Swedish Constitution on 1 January 2003. Under the fourth paragraph of Chapter 1, Article 2 of the Instrument of Government, the public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the private person.

14. Under Chapter 2, Article 16 of the Instrument of Government, no act of law or other provision may imply the unfavourable treatment of a citizen 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 analogous official duties. For further information on Swedish legislation to combat discrimination on grounds of sex, the Committee is referred to Article 2 in Sweden's combined sixth and seventh report to the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW/C/SWE/7). For further information on Sweden's gender equality efforts, the Committee is referred to the section on Article 3 below.

15. Regarding legal protection against discrimination, the Committee is also referred to Sweden's combined seventeenth and eighteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/18, paragraphs 11-46).

Measures to combat discrimination and racism

16. The National Action Plan for Human Rights 2006–2009 (Government Communication 2005/06:95) puts a clear focus on anti-discrimination measures. Issues brought up in 2001 in A National Action Plan against Racism, Xenophobia, Homophobia and Discrimination (Government Communication 2000/01:59) have been followed up and further developed in the new action plan.

17. A number of measures have been taken in 2006 aimed at combating discrimination in public agencies, State-owned companies and private enterprises and other entities performing services on behalf of public agencies. These measures include the commissioning of

anti-discrimination strategies, clarification of the ownership policy for State-owned companies, anti-discrimination clauses in procurement contracts and regional development work on diversity and anti-discrimination. Further information on these measures can be found in Sweden's combined seventeenth and eighteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/18, paragraphs 47-53 and 91-94).

18. The Living History Forum is a government agency established on 1 June 2003. The agency implements further training on intolerance in the form of Islamophobia and anti-Semitism for teachers and other staff working with children and young people. It has a particular focus on children, young people and closely associated adults in order to create dialogue and awaken debate on the issues that form the foundations for the agency's activities. The agency has, for example, compiled a web-based catalogue of ideas featuring human rights training material and methods. For further information on the agency's activities, the Committee is referred to the above-mentioned report (CERD/C/SWE/18, paragraphs 61 and 134).

19. Special measures were taken in 2006 to give everyone a greater opportunity of participating in political life regardless of ethnic origin. These measures have included information campaigns on the democratic system and election issues, directed towards different ethnic groups. They have also included networking projects aimed at eliminating the obstacles to, and improving the opportunities for, elected representatives with a foreign background. Further information on these measures can be found in the above-mentioned report (CERD/C/SWE/18, paragraphs 97-100).

20. Measures in the labour market, the housing market and the educational system that have been taken to improve the situation of people with a foreign background are also presented in the above-mentioned report (CERD/C/SWE/18, 102-124).

Hate crimes

21. As regards measures taken to strengthen the fight against racially motivated or similar types of crime as well as against organisations that perform racist activities, the Committee is referred to the section on Article 20 below and to Sweden's combined seventeenth and eighteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/18, paragraphs 18-32).

22. Furthermore, reference is made to the assignment given in 2007 to the National Police Board and the Swedish Prosecution Service, which are ensure to that possible motives for hate crime are identified and investigated as early as possible in criminal investigations.

Sweden's disability policy

23. Sweden's disability policy includes measures to eliminate obstacles to full participation in society, measures to combat discrimination and individual support measures. The goals of the disability policy are a social community based on diversity; a society designed in a way that allows people with disabilities of all ages full participation in the life of the community; and equality in the living conditions of girls and boys and women and men with disabilities. Government agencies have to observe the disability policy goals when planning and performing their activities. Agencies have to work to make their premises, activities and information

accessible for persons with disabilities. For further information on work in the disability policy area, the Committee is referred to Sweden's reports to the Committee on Economic, Social and Cultural Rights (E/C.12/SWE/5) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/SWE/7).

Article 2, paragraph 2

24. International treaties do not automatically become part of Swedish legislation. In order to be applicable, international treaties must either be transformed into Swedish legislation or incorporated via a special statute. The most common approach to implementing an international agreement is to establish a corresponding Swedish provision in a Swedish statute.

25. The preparations prior to the ratification of ICCPR included a comprehensive review to ensure that Swedish legislation is in conformity with its provisions. The review and the subsequent Government Bill to the Riksdag led to the ratification of ICCPR.

26. As mentioned above, the material content of ICCPR is not directly applicable in Swedish courts of law or in Swedish authorities. However, Swedish legislation is interpreted in compliance with Sweden's international obligations (known as "treaty-compliant interpretation"). This is in accordance with Swedish case law established by the Supreme Court on a number of occasions. Thus, like other international agreements, ICCPR may be invoked in a Swedish court of law.

Article 2, paragraph 3

27. The European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention) was incorporated into Swedish law on 1 January 1995. To ensure that Sweden fulfils its undertakings in accordance with Article 6.1 of the European Convention relating to the right to judicial examination, a new act was introduced on 1 July 2006, the Act (2006:304) on the legal adjudication of certain government decisions. The objective of legal adjudication is to provide an opportunity for judicial examination of decisions that, according to the European Convention, shall be subject to trial by an independent and impartial tribunal and that could not otherwise have been adjudicated other than by a new trial. Under the new Act, individuals can apply for legal adjudication of Government decisions that may affect their civil rights and obligations in accordance with Article 6.1 of the European Convention. Other decisions, which may be subject to legal adjudication under the European Convention, may instead be appealed to the general administrative courts.

28. As regards the protection of human rights, supervisory institutions fulfil an important function in Sweden. The Parliamentary Ombudsman and the Chancellor of Justice are among those who supervise the authorities. As part of their supervisory activities, the Parliamentary Ombudsman and the Chancellor of Justice are also authorised, alongside the police and public prosecutor, to bring charges against a civil servant for breach of official duty. They can also report misdemeanours to a competent disciplinary committee, which can in turn decide on a disciplinary measure, such as a warning or salary deduction, in accordance with Swedish labour legislation.

29. One example of the legal instruments available to individuals in criminal cases is the obligation of Swedish courts of law, when sentencing, to consider whether, in relation to the type of crime, an unusually long time has elapsed since the crime was committed. If it is clearly unreasonable to impose a penalty, the court shall instead grant a remission of sanctions. In addition, the Supreme Court, in a judgment from 2003, has also stated that, under the requirement for the availability of effective legal instruments in the European Convention, Swedish courts of law shall, when sentencing, consider whether there has been a violation of the Convention's requirement for a trial within a reasonable time period. When adjudicating on this matter, the courts shall also observe the case law developed by the European Court.

30. Furthermore, individuals also have the opportunity to claim damages from the State. Any such claim can be examined as a civil case in a public court. Individuals also have the chance to first of all have their claim examined within the framework of the Government's voluntary claims settlement system. The claims settlement process is entirely free of charge for the individual. Under the Swedish Tort Liability Act (1972:207), an individual is entitled to compensation from the State for personal injury, property damage or pure economic loss caused as a result of error or negligence in the exercise of public authority in an activity whose conduct is the responsibility of the State. Compensation shall also be payable for damage as a result of someone being violated by a crime that includes an error or negligence in the exercise of such authority. Furthermore, the Supreme Court has established that a defendant who has been acquitted may be entitled to both financial and non-financial damages from the State, if the criminal suspicions have not been examined in judicial proceedings within a reasonable time period.

Article 3

Gender equality work

31. As regards the provisions in the Constitution governing the unfavourable treatment of citizens because of their sex, the Committee is referred to the section on Article 2.1 above. For an account of national gender equality work, the Committee is referred to CEDAW/C/SWE/7.

32. After the general election on 17 September 2006, the Swedish Government consists of 9 women and 13 men. The Riksdag is made up of 349 members, of whom 47 percent are women and 53 percent men.

33. Considerable extra funding, SEK 400 million, was earmarked to gender equality policy measures in the 2007 Budget Bill - a tenfold increase in the appropriation. This extra funding will, inter alia, be used for an action plan to combat men's violence against women and for research into women's health. The Government also intends to initiate reforms within other areas to promote gender equality. One such reform is to look into the prerequisites for introducing a gender equality bonus in the parental insurance system that improves the possibilities for men to be able to take more parental responsibility during the first twelve months of the child's life and for men and women to share domestic chores. Furthermore, the Government has submitted a bill to the Riksdag on tax relief for household services with the aim of making it easier for women and men to combine family life and work. The Government is providing SEK 100 million over three years to increase the number of women starting new businesses, to help women's companies to grow and to increase knowledge about and research into women's enterprise.

Men's violence against women

34. For an account of the work being done to combat violence against women, the Committee is referred to CEDAW/C/SWE/7 (paragraphs 65-115). Men's violence against women is a serious form of crime and still a grave social, public health and gender equality problem. One of the Government's objectives for gender equality policy is for this violence to cease. Men's violence against women with whom they have or have had a close relationship is often systematic and persistent. It may be difficult for the woman to extricate herself from the relationship, especially if there are children in the family. The violence often leads to severe social problems, such as social isolation, financial difficulties, housing problems and sickness absence. Violence against women is thus a complex problem that affects many different policy areas and a variety of actors. Greater demands are therefore made on society to take its responsibility and on the authorities to act and take necessary and effective measures. In this context, it is also important to focus on children who witness such violence.

35. Significant efforts have been made in recent years to combat violence against women, including major training programmes and the development of guidelines for the authorities; special initiatives for support to women's shelters and increased support to the victims of violence; and reinforced legislation.

36. The Government highly prioritizes the issue of men's violence against women. An action plan is being elaborated, with a view to taking a more holistic approach to the issue. The objective is that women exposed to violence will be better protected; that the measures of society and the way society meets the need of these women and children will be of good quality; and that the preventive measures, including ways of getting violent men to stop beating, shall be enforced. Further, the cooperation between authorities and organisations on the national, regional and local level shall be enforced and developed.

37. The following additions can be made as regards paragraph 96 in CEDAW/C/SWE/7. The Government is allocating special resources to the prison and probation service in 2007 for the treatment of those convicted of sex crimes and men convicted of domestic violence. The prison and probation service is implementing work aimed at providing treatment to men convicted of violence against women. The focus is on the men and the activities needed to ensure they don't relapse into violent behaviour. Research-based, appraisable motivation and treatment programmes for men convicted of domestic violence are being developed in cooperation with the British Home Office. Considerable emphasis is also placed on ensuring the safety of the victims of crime whilst the male perpetrator is institutionalised. An example of this is the aggrieved party's right, after a legislative amendment that came into force on 15 November 2006, to be informed in certain situations about the applicable rules governing the serving of restraining orders. This amendment has been made to the Act (1974:203) on correctional treatment in institutions, the Act (1991:1129) on forensic psychiatric care and the Act (1998:603) on the care of young persons in a closed institution. A restraining order can prevent the internee from visiting or contacting the aggrieved party in any other way while on temporary release. Information can also be conveyed when a detainee is about to be released or has been granted some form of temporary leave. There is a provision in the Act (1974:203) on correctional treatment in institutions guaranteeing the aggrieved party's right to information when a detainee is serving a sentence for a crime directed at another person's life, health, freedom or peace. The Government has recently implemented changes so that women subjected to violence and

other victims of crime receive relevant information in more situations than previously. Firstly, the aggrieved party shall receive information about when a person who is serving a prison sentence has been placed on remand and when he or she is outside the remand centre. Secondly, the aggrieved party shall be informed if a person is serving a sentence at home under intensive supervision (electronic monitoring), as well as be informed of the option of applying for a restraining order.

38. In January 2007, the Government submitted a bill to the Riksdag with proposals for how support from the social services to women subjected to violence can be improved (Government Bill 2006/2007:38). The Government proposes strengthening the Social Services Act (2001:953) so that the responsibility of the social welfare committee to provide support and help to victims, especially women and children subjected to violence, is more clearly stated. To supplement the legislative amendment, the Government also proposes a number of other measures aimed at building a comprehensive structure that strengthens the support to women subjected to violence and children who have witnessed it. This includes support for the application of the legislation, better knowledge support and stronger supervision. A total of SEK 120 million is being provided to support implementation of this raised level of ambition, as proposed by the Government. One ambition is to stimulate the development of goal-oriented, structured and coordinated efforts at local level. Support must also be given to the valuable work and knowledge of non-governmental organisations.

39. Women with disabilities are a group in need of special measures. The Government has given the National Council for Crime Prevention the task, in consultation with the Office of the Disability Ombudsman and the Agency for Disability Policy Coordination, of surveying violence against persons with disabilities. The Council is to compile relevant knowledge and analyse the scope for preventing such violence. This assignment will be reported in November 2007.

40. The National Board of Health and Welfare allocates annual State subsidies to non-profit organisations working to combat violence against women. In 2006, SEK 16 million was allocated to the two national non-profit women's shelter organisations and SEK 2.5 million to other voluntary organisations that work towards the same goals, including organisations that work to persuade male perpetrators of violence to change their behaviour.

41. In recent years, the National Police Board has worked actively in various ways to make the prevention of domestic violence more effective and to improve its work with victims of crime. The National Police Board presented a national crime victims action plan for the police in 2002. The action plan should be seen as expressing an ambition to work more effectively and it contains concrete measures regarding the rights of victims of crime and the obligations of the police in this area. During 2005, the National Police Board developed guidelines and routines for cases of domestic violence and restraining orders. These are intended to facilitate the police authorities' development of structured threat and risk assessments.

42. In its appropriation directions for 2007 the National Police Board has been given the assignment of taking measures to ensure that every police authority has access to qualified people with the skills to provide victims of crime with relevant information about the resources available to them in society.

43. Moreover, in 2007, the National Police Board has been given the task of ensuring, after consultation with the Swedish Prosecution Service, that every police authority has access to qualified people with the skills to prevent and investigate men's violence against women and violence directed at children. This can include special domestic violence units working closely with prosecutors, the social services, etc.

44. Starting in 2005, the Swedish Prosecution Service undertook a comprehensive review of how criminal investigations were conducted in cases of gross violation of a woman's integrity. A supervisory report was compiled after the review had been completed. As a follow-up to this review, the Development Centre in Göteborg has produced a handbook on violation of integrity crimes. The handbook is intended to help increase the quality of investigations regarding this category of crime and hence result in more prosecutions.

45. The Government has appointed an inquiry chair to review how the protection of threatened and pursued persons can be strengthened and to consider how the scope for giving financial support to these people can be extended. The assignment also includes reviewing the Restraining Orders Act (1988:688). The inquiry chair is to consider measures that make the everyday lives of people with protected personal data easier. Furthermore, the inquiry chair is to analyse whether the legislation needs to be changed in order to improve protection against stalking, i.e. repeated harassment and hounding.

46. An inquiry chair has been given the task of conducting a review of the Aggrieved Party Counsel Act (1988:609). The remit was to review the Act's areas of application and see whether it is being used as intended - i.e. to give those aggrieved parties with the greatest need of legal help and support the right to representation during the legal process. A report has been submitted (Official Government Report 2007:6) and is currently being processed in the Swedish Government Offices.

Sexual crimes

47. As a result of legislation that came into force in 2005, the judicial regulation of sexual crimes has been strengthened. For example, the provision on rape has been extended by lowering the requirement of force. Furthermore, the penalties for certain crimes, such as gross procuring and gross sexual coercion have been increased.

48. In the 2007 Budget Bill, the Government also provides SEK 10 million in support for an action plan combating prostitution and trafficking in human beings for sexual purposes. More information on the work to combat trafficking can be found in the section on Article 8 below.

49. The Prosecution Service's Development Centre in Göteborg and the National Police Board have implemented a joint, simultaneous follow-up inspection in the autumn of 2006 with regard to rape and gross rape where the victim is over 15 years of age. The main purpose of this inspection was to highlight the concrete measures taken pursuant to the report in April 2005 (CEDAW/C/SWE/7 paragraph 86) and how these measures have influenced police investigation work. The work has been completed and a report was finalised in March 2007.

50. The Government decided on 22 February 2007 to give the National Knowledge Centre on Men's Violence against Women the task of drawing up a national programme for the treatment

of sexual crime victims within the Swedish health service. The aim of this commission is to ensure that the victims of sexual crime are better taken care of when they come into contact with the health service.

Violence in the name of honour

51. The initiatives that have been under way for three years to combat honour-related violence is to continue (CEDAW/C/SWE/7, paragraphs 107- 115). Additional resources will be provided in 2007 and the initiatives will be coordinated with other measures being implemented by the Government to combat men's violence against women.

52. The Government has given the Swedish Prosecution Service the task of performing a survey and analysis of prosecutors' handling of cases relating to honour-related violence against young people. A report was submitted in January 2007. From the survey and analysis that were part of the assignment, it has been possible to establish that many prosecutions for violent crime can be characterised as honour-related violence and that heavy penalties are often imposed for these crimes. In order to increase prosecutors' knowledge of honour-related violence and improve their skills in investigating and initiating proceedings for this type of violent crime, special prosecutor training programmes were developed and implemented on two occasions during 2006. The training will continue during 2007. A handbook has also been developed to help the police and prosecutors.

53. The National Police Board was also given the task in 2005 of taking measures to improve the skills and capacity of the police to prevent, detect and investigate honour-related crime. This work is continuing during 2007.

Female genital mutilation

54. A special act was introduced in 1982 that prohibits female genital mutilation (Act (1982:316) prohibiting the genital mutilation of women). The penalty for this crime is a maximum prison term of four years or, if the crime is gross, a minimum of two and a maximum of ten years in prison. Attempt, preparation and conspiracy to commit crime, as well as failure to disclose female genital mutilation, are also punishable offences. Since 1 July 1999 the offence of female genital mutilation has been exempted from the principle of double criminality. A person committing an offence in contravention of the Act while abroad can be convicted in a Swedish court of law even for something that is not punishable in the other country. Since the requirement for double criminality was abolished, Swedish courts have convicted two persons of contravening the Act prohibiting the genital mutilation of women, imposed heavy prison sentences on them and ordered them to pay considerable amounts of compensation.

55. The Government adopted a national action plan to combat female genital mutilation in June 2003. The overarching aim of the action plan is to stop female genital mutilation and to provide adequate support to those who have been mutilated. The measures in the action plan cover relevant ethnic and occupational groups, local governments and associations. It focuses on continued knowledge-gathering and method development, the administration of justice and international action to combat female genital mutilation.

56. In December 2003, the National Board of Health and Welfare was given the task of further developing preventive work against female genital mutilation. This work has resulted in a handbook on genital mutilation for police officers and prosecutors, as well as educational material designed for schools, the health service and social services. Materials have also been translated into English, Somalian, Amharic, Tigrinya and Arabic and distributed to independent Muslim schools, for instance. A knowledge bank containing facts, best practice examples of preventive action and occupation-specific information on female genital mutilation has been established: www.socialstyrelsen.se/konsstympling. The National Board of Health and Welfare continues to be responsible for disseminating information to relevant groups.

57. In December 2005, representatives of Sweden's Imam Council, the Coptic Orthodox Church, the Catholic Church and the Swedish Christian Council signed a document in which they clearly distanced themselves from female genital mutilation and expressed their support for the national plan.

Article 6

58. The right to life is protected inter alia under Article 2 of the European Convention, which has been incorporated into Swedish law. Capital punishment is prohibited under Chapter 2, Article 4 of the Instrument of Government and in Protocols 6 and 13 of the European Convention. Sweden has also ratified the second optional protocol to the International Covenant on Civil and Political Rights.

Article 7

59. Both Swedish citizens and foreign nationals within the Realm are protected against torture under Chapter 2, Article 5 of the Instrument of Government. Under Chapter 2, Article 22 of the Instrument of Government, it is not possible to restrict this protection. Torture is also prohibited in accordance with Article 3 of the European Convention, which has been incorporated into Swedish law. For further information, the Committee is referred to Sweden's fifth report to the Committee against Torture (CAT/C/SWE/5). The following can be mentioned to supplement that report.

An investigative body that is independent of the police and prosecution authorities

60. In December 2004 an inquiry chair was given the task of analysing the regulation, organisation and administrative routines for criminal charges brought against police employees and prosecutors. The remit included preparing a proposal for how an investigative body that is independent of the police and prosecution authorities might be designed and organised. The inquiry chair also had the task of examining the forms and submitting proposals for special compulsory investigation procedures for cases in which someone has died or been seriously injured in connection with an action by the police, but where there is no suspicion of a crime.

61. The inquiry chair reported on her assignment in January 2007. The inquiry chair concluded that the drawbacks of establishing a special authority for internal investigations outweigh the benefits. The report is currently being processed in the Government Offices.

Special policing tactics

62. The Göteborg Committee submitted its report (Official Government Report 2002:122) to the Minister of Justice in January 2002. The Committee's report and the criticism it levelled at policing methods employed at large gatherings of people led to the development of special policing tactics focusing on dialogue rather than the use of batons and riot shields.

63. The special policing tactics comprise several individual components, of which the training of personnel is the most central. The training includes topics such as mental preparation, communication, law, spotting danger and preventing injuries - without the use of shields and batons. Ethics run through the entire training process. In addition to training, the police will also use a number of special vehicles in these types of situation, one purpose being to give personnel greater protection against stone-throwing and other violent acts. Such vehicles have not been available previously, putting the police at considerable risk. As from January 2006, there are also 1,200 police officers, divided among the three metropolitan counties, who have been specially trained in the new policing tactics. These officers make up a national reinforcement organisation that can be deployed all over the country.

Human rights training in the Swedish police

64. In 2007, the National Police Board has been given the task of reporting the measures taken regarding human rights training since 2003 and giving a status report on how human rights training is continuing to be incorporated into police education and training.

65. The Government established an ethics council within the National Police Board in 2004. The task of the council is to shed light on the ethical aspects of policing activities. This may be a question of equipment and working methods in connection with the use of violence or fundamental issues where integrity is an important factor. The council may also help to draw more attention to ethical issues in general within the police force.

66. Ethics is a key part of both basic police training and many further in-service training programmes. Continuous work is also being done with ethical issues in other ways. Constant reflection over ethical questions is an important precondition for being able to improve the actions taken by the police in crisis, conflict and service situations. For this reason, the National Police Board established a working group in 2005 and tasked it to act as a support function to promote good ethics within the police. The working group is to develop proposals for how good ethics can be promoted strategically and in terms of methods. It is also to propose activities that stimulate a broader discussion of ethical issues within the police. Knowledge gained from previous initiatives in the field of ethics is being used and highlighted.

67. For further information regarding human rights issues in the police, the Committee is referred to Sweden's fifth report to the Committee against Torture (CAT/C/SWE/5, paragraphs 30, 32-35 and 37).

Article 8

68. Provisions relating to the prohibition of slavery and forced labour can be found in Article 4 of the European Convention, which has been incorporated into Swedish law.

Trafficking in human beings

69. For an account of Sweden's actions to prevent and combat trafficking, the Committee is referred to CEDAW/C/SWE/7 (paragraphs 142–164). The following additional information can be given.

70. In February 2006, an inquiry chair was appointed to review the 2004 penal legislation against trafficking in human beings. This remit was to evaluate the application of the legislation and to consider possible amendments to the penal provisions with the aim of giving even stronger protection against trafficking. Furthermore, the inquiry chair is to analyse Sweden's accession to the Council of Europe Convention on Action against Trafficking in Human Beings, as well as the legal amendments that may be required in the event of accession. The inquiry chair is also to analyse and determine whether the provisions of the Aliens Act (2005:716) relating to residence permits need to be supplemented in order to provide the protection needed in Sweden by someone actively taking part in the legal process as a witness or participating as an aggrieved party in cases relating to trafficking or similar crimes. Finally, the inquiry chair is to analyse whether the applicable legislation - from a criminal law perspective - affords satisfactory protection against child and forced marriages. The investigator's report is to be submitted by 31 October 2007.

71. In August 2006, a working group was set up to perform a survey of the occurrence of trafficking for labour exploitation, trade in human organs and other forms of exploitation in Sweden and to propose measures to prevent and combat such trafficking (CEDAW/C/SWE/7, paragraph 163). The working group's proposals are to include initiatives and measures both in Sweden and within the framework of Sweden's international cooperation.

72. On 1 October 2004, a provision was incorporated into the Aliens Act (2005:716) to allow temporary residence permits to be issued to the victims of or witnesses to e.g. trafficking in human beings (CEDAW/C/SWE/7 paragraph 158). According to the National Criminal Investigation Department's eighth report *Människohandel för sexuella ändamål 2005* (Trafficking for sexual purposes in 2005), 23 decisions were made during 2005 to grant temporary residence permits for persons providing evidence in cases relating to trafficking.

73. The training programme for newly appointed judges in 2006 contained sections on gender equality and trafficking in human beings. Furthermore, the National Courts Administration also organised a two-day seminar on trafficking intended for judges as well as prosecutors and lawyers.

74. In 2004 and 2005, the National Criminal Investigation Department surveyed trafficking in children in Sweden. This survey is reported in the Department's above-mentioned report on trafficking for sexual purposes (*Människohandel för sexuella ändamål 2005*). It can be noted that the material available on trafficking in children in Sweden is relatively limited.

75. In 2007, the National Police Board was given the task of reporting the results of the most important measures taken to combat trafficking, to the extent that these are not presented in the National Criminal Investigation Department's annual status report. The National Police Board Report is to provide details of the costs incurred for these activities.

76. A Nordic-Baltic pilot project, initiated and co-financed by Sweden, for the support, protection, safe return and rehabilitation of women who are the victims of trafficking for sexual purposes is currently being run by the European Women's Lobby (EWL), a non-governmental organisation. The project will continue until the end of 2009.

77. In 2003-2006, the county administrative boards of the northernmost counties in Norway, Sweden and Finland and of Murmansk County in Russia implemented an initiative combating prostitution and trafficking in women in the Barents Region in cooperation with the Gender Equality Unit at the Swedish Ministry of Industry, Employment and Communications.

78. In 2004-2006, a cooperation project to prevent prostitution and trafficking for sexual purposes was run by two voluntary organisations, the European Women's Lobby (EWL) and the Coalition against Trafficking in Women (CATW). The project was co-financed by Sweden and the United States.

79. In its appropriation directions for 2007, the National Board of Health and Welfare has been given an assignment that is to be reported by 15 June 2008 at the latest. The Board is to carry out an inventory of the methods and working practices used by the social services, health services and other actors (e.g. voluntary organisations and churches) in their work with people who have experience of prostitution and/or have been the victim of trafficking for sexual purposes. The inventory is to have an international perspective. Using the inventory as a starting-point, the Board is to propose how the methods and working practices can be evaluated to see how effective they are. The results of this work will then be disseminated to the social services and health services.

Article 9

80. Chapter 2, Articles 8-9 of the Instrument of Government contain provisions protecting citizens against the deprivation of personal liberty and provisions on the right of citizens to have their case examined before a court of law if they have been deprived of their liberty due to suspicion of a crime, for example.

81. Regarding certain rules and guarantees relating to a deprivation of personal liberty, the Committee is referred to the fifth report to the Committee (CCPR/C/SWE/2000/5 paragraphs 44-47, 50).

82. The following points can be made with regard to aliens held in detention. The Swedish Migration Board is responsible for aliens being held in detention under the Aliens Act (2005:716) and for the special detention facilities where detainees are held. The basic principles for when an asylum-seeker or a person served with a refusal-of-entry or expulsion order may be detained are regulated in the Aliens Act. Most detention orders are issued on the basis of "probable grounds for expulsion" or "detention for enforcement of an order". These orders may be appealed to the migration courts.

83. An adult alien may not be detained for investigation for more than 48 hours and for no longer than two weeks, unless there are exceptional grounds for a longer period. If a refusal-of-entry or expulsion order has been issued, the alien may, however, be detained for a

maximum of two months, unless there are exceptional grounds for a longer period. A child may not be detained for longer than 72 hours or, if there are exceptional grounds, for a further 72 hours.

84. Detention orders may be appealed separately and without limitation to a certain period of time. Detention orders issued by a police authority or the Swedish Migration Board may be appealed to a migration court. An order by a migration court may be appealed to the Migration Court of Appeal. A review permit is required when appealing an order by a migration court to the Migration Court of Appeal.

85. A detention or supervision order shall be re-examined at certain intervals. A decision that is not re-examined within the prescribed period expires. A detention or supervision order shall be set aside immediately if there are no longer any grounds for the order.

Article 10

Article 10, paragraph 1. New correctional treatment legislation

86. Certain amendments to the Act (1974:203) on correctional treatment in institutions came into force on 1 January 2007. The amendments provide for more individualised treatment of detainees aimed at achieving a better and more structured transition from life in a prison to a life outside. The transition shall be adapted to suit each detainee's needs in order to improve his or her chances of being able to cope in society after being released and without re-offending.

Electronic monitoring

87. As a supplement to paragraph 51 of the fifth report to the Committee (CCPR/C/SW/2000/5), where electronic monitoring is discussed, it can be mentioned that the scope for serving short prison sentences under intensive supervision (electronic monitoring) has been extended to include prison sentences of up to six months as a result of an amendment to the Intensive Supervision by Electronic Control Act (1994:451). This amendment has been in force since 1 April 2005.

Narcotics in Swedish prisons

88. As a supplement to paragraph 54 in the fifth report to the Committee (CCPR/C/SW/2000/5), it can be mentioned that SEK 100 million was earmarked in 2002-2004 to combat narcotics in Swedish prisons. Another SEK 120 million has been earmarked in 2005-2007 for this purpose. As a result of this funding, the number of treatment places to combat illicit drugs in Swedish prisons has more than doubled. These places are provided at seven special treatment institutions for drug addicts, two of which are for women. Furthermore, there are now four drug-free institutions for prisoners who have never come into contact with narcotics.

89. As part of action to further improve the treatment options for detainees, it is now possible for them, on their own initiative, to take blood, urine or breath tests if this is necessary in order to examine their drug consumption prior to a care or treatment initiative. The new legislation came into force on 1 July 2006 as the result of an amendment to the Act (1976:371) on the treatment of detained persons, etc.

Restrictions on those remanded in custody

90. The Remand Inquiry presented a report in March 2006. The report contained proposals for amendments to the Swedish Code of Judicial Procedure to the effect that the prosecutor, in connection with the detention hearing, has to request the permission of the court for every individual restriction he or she wishes to impose on the remandee (Official Government Report 2006:17). The public prosecutor also has to give reasons for why each restriction is needed, as long as this is not detrimental to the police investigation. The decision of the district court has to specify which restrictions the prosecutor may impose on the remandee and this decision may be appealed to the Court of Appeal. In the Inquiry's opinion, this procedure should lead to a more uniform and legally sound use of restrictions. The report has been circulated for comments and is currently being processed in the Ministry of Justice.

Security at remand centres and prisons

91. In 2006, the Swedish Prison and Probation Service was given the task of compiling a report on the extent of violence and threatening behaviour between detainees at prisons and remand centres. It was also instructed to report on the measures taken to prevent these types of incidents. According to the Prison and Probation Service report, a number of measures have been taken to prevent these incidents by e.g. improving intelligence work, improved risk and security assessments and training and guidance interventions for Prison and Probation Service staff. In the light of the report submitted, the Government will consider whether further measures need to be implemented.

Article 10, paragraph 2 (a)

92. The basis of Swedish correctional treatment legislation is that a person who not been convicted of a crime shall be kept apart from those who have been. A person who has been arrested, detained or remanded in custody is not put in prison but in a special detention facility or remand centre. The principle is that when there is an enforceable sentence the convicted person is to be transferred to a prison to serve his or her sentence. In the past, prison overcrowding has made it impossible to transfer every convicted prisoner immediately. The Swedish Prison and Probation Service has now received significantly increased resources and prison provision is currently being expanded substantially, which will make it easier to transfer convicted persons from remand centres to prisons. The fact that different legislation applies to convicted and unconvicted persons and that they are consequently treated differently is of considerable importance in this context.

Article 10, paragraph 2 (b)

93. For information on young offenders, the Committee is referred to the section on Article 14.4 below.

Article 10, paragraph 3

94. Sweden has a reservation with respect to Article 10, paragraph 3. This reservation against the requirement for keeping juvenile offenders segregated from adults is deemed to be justified since it may be more beneficial in certain instances for a young offender to be put together with

elders. An application of Article 10, paragraph 3 could lead to young offenders being put in central institutions far away from their families and the social services, which may have a negative impact on their well-being. The option of segregating a person under 18 within normal prisons may increase the risk of isolation since few people under that age receive custodial sentences. Sweden has instead chosen to put persons under 18 in institutions specially intended for the treatment of young offenders up to the age of about 25.

The penal system for young offenders

95. In order to further develop the penal system for young offenders so that it is more clearly focused on preventing them from reoffending, a number of amendments have been made to the Swedish Penal Code. Under these amendments, which came into force in January 2007, the requirements for the court to hand over a young offender to youth care have been tightened. A care sentence shall therefore be reserved for someone who has a special need for care or other measures aimed at ensuring the young person does not develop unfavourably. Furthermore, community service is being introduced as a new sentence for young offenders, especially those aged between 15 and 17. Community service for young offenders consists of unpaid work and other specially organised activities for a certain number of hours.

96. Community service for young offenders is a clear penalty with a pedagogical value. The intention is to replace high fines and, in some cases, the transfer of offenders to youth care and shorter custodial sentences.

Article 11

97. Under Article 1 of Protocol 4 of the European Convention, no one shall be imprisoned merely on the grounds of inability to fulfil a contractual obligation. As previously mentioned, the Convention has been incorporated into Swedish law.

Article 12

98. Under Chapter 2, Article 8 of the Instruction of Government, every citizen is guaranteed freedom of movement within the Realm and freedom to depart the Realm.

99. Article 2 of Additional Protocol 4 of the European Convention states that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence and everyone shall be free to leave any country including his own.

Freedom of movement for asylum-seekers

100. Asylum-seekers, both women and men, have the right to arrange their own accommodation in Sweden. It is common for individual asylum-seekers to live with close family, relatives or friends. Accommodation costs are not normally paid by the Swedish State. The only exception is if an individual finds a job that is for longer than three months and, in order to take the job, needs to move to another location where the Swedish Migration Board is unable to offer accommodation. In this case, the individual is entitled to compensation of SEK 350 per month for accommodation or SEK 850 if accompanied by their family.

101. If the individual cannot arrange his own accommodation, the Swedish Migration Board will offer and supply a place in accommodation it provides. The person is then referred to a location where the Swedish Migration Board has apartments at its disposal.

102. Sweden applies total freedom of movement to asylum-seekers and there are no general restrictions. This right is extended to both men and women. The only exception is if a person is detained or placed under supervision with the obligation to report to the police or Migration Board at specified times. This is regulated in Chapter 10 of the Aliens Act and may only be ordered if the criteria have been fulfilled. Here, the Committee is referred to paragraphs 81-84 above and to Sweden's fifth report to the Committee (CCPR/SWE/2000/5, paragraph 69).

Article 12, paragraph 4

103. Chapter 2, Article 7 of the Instrument of Government states that no citizen may be deported from or refused entry to the Realm.

Article 13

104. Information given in the fifth report to the Committee (CCPR/C/SWE/2000/5, paragraphs 67-72) is still applicable, with the following amendments:

105. Since 31 May 2006, Sweden has a new Aliens Act (2005:716). Decisions by the Swedish Migration Board on alien and citizen matters can now be appealed by the individual to the administrative courts. Furthermore the Migration Courts are the second instance and the Migration Court of Appeal is the final instance.

106. In the Aliens Act a refugee is defined as an alien who is outside the country of his or her nationality, because he or she feels a well-founded fear of persecution on grounds of race, nationality, religious or political belief or on the grounds of gender, sexual orientation or other membership of a particular social group, and is unable, or because of his or her fear is unwilling, to avail himself or herself of the protection of that country. Sweden has thus amended its legislation so that persecution on the basis of gender or sexual orientation can be considered grounds for refugee status.

107. A "person in need of protection" is defined under the Aliens Act as an alien who is outside the country of the his or her nationality, because he or she feels a well-founded fear of suffering the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, who needs protection because of external or internal armed conflict or, because of other severe conflicts in the country of origin, feels a well-founded fear of being subjected to serious abuses, or is unable to return to the country of origin because of an environmental disaster. With this amendment, persons who, because of other severe conflicts in the country of origin other than armed conflict, risk being subjected to serious abuses are now offered explicit protection under the law. This category was previously granted a residence permit on humanitarian grounds.

108. Security cases are cases concerning residence permits and other matters where the Security Service recommends that the alien's application for a permit be rejected. The new Aliens Act has also changed the way security cases and cases covered in the Act concerning special controls in

respect of aliens (1991:572) are dealt with. These cases shall be adjudicated by the Swedish Migration Board as the first instance. Migration Board decisions in expulsion cases may be appealed to the Government. Appeals shall be submitted to the Board who shall pass the case on to the Migration Court of Appeal as promptly as possible. The court shall hold an oral hearing and form an opinion on the case. This opinion and the relevant documentation shall then be passed on to the Government for a decision. If the court considers that there is an impediment to enforcement, its opinion with respect to any such impediment shall be binding on the Government.

109. The established requirements for effective legal instruments and examination in more than one instance can be said to have been met as a result of the new procedure. The fact that examination in more than one instance is now possible strengthens the legal rights of the individual. The impediments to enforcement, from which there are no exceptions, i.e. the risk of capital punishment, corporal punishment or torture or other inhumane or degrading treatment or punishment, are emphasised as a result of the Government being bound by the opinion of the Migration Court of Appeal with respect to any such impediment.

110. The Committee is referred for further information to Sweden's fifth report to the UN Committee against Torture (CAT/C/SWE/5, paragraphs 6-8).

Article 14

Article 14, paragraph 1

111. Under Chapter 1, Article 9 of the Instrument of Government, courts of law and other instances shall have regard in their work for the equality of all before the law and shall observe objectivity and impartiality.

112. The right to an oral hearing in criminal and civil cases is already regulated by Swedish law. As the result of several adjudications by the Supreme Administrative Court, the right to an oral hearing in administrative cases has been extended and clarified since the turn of the millennium.

Article 14, paragraph 2

113. Article 6.2 of the European Convention states that anyone accused of a crime shall be considered innocent until proven guilty according to the law. As indicated under Article 2.3, the European Convention has been incorporated into Swedish law.

114. Under the Act (1998:714) concerning damages for restriction of liberty and other coercive measures (see further under Article 14.6), compensation may not be refused or reduced merely on the grounds of suspicion of crime remaining without the issue of guilt having been clarified.

Article 14, paragraph 3 (a). Information to persons deprived of their liberty

115. In its appropriation directions for 2004 to the National Police Board, the Government instructed the Board, in cooperation with the Swedish Prosecution Service, to produce an information leaflet on the fundamental rights afforded to a person who is suspected of a crime and who has therefore been detained and deprived of his or her liberty. The information leaflet is of key importance in cases where a suspect is deprived of his or her liberty and is taken to a

police station for further investigation. It is mostly in these situations that a suspect has a particular interest in being able to protect his or her interests and where there is a considerable need to ensure that the detainee feels safe and secure.

116. When handing over the information leaflet, it may be necessary in many cases to provide supplementary oral information. The leaflet shall therefore be seen as an extra service to a detained crime suspect. Thus it shall not be seen as fulfilment of the statutory obligations to provide information as are, for example, laid down in the Code of Judicial Procedure or the Ordinance on Preliminary Investigations, nor as a replacement for these obligations. Work on translating and making the information leaflet accessible has been postponed in order to examine more closely the scope for harmonising its content and design with the ongoing work within the European Union in this area.

The right to use minority languages

117. As regards the special minority language legislation on the right to use Sami, Finnish and Meänkieli, the Committee is referred to Sweden's fifth report to the Committee (CCPR/C/SWE/2000/5 paragraph 79).

118. It should be mentioned that an inquiry chair has examined the scope for extending the current minority language legislation so that it is also applicable for Finnish in the Stockholm and Mälardal Region and for Sami in the traditional South Sami area. The inquiry's proposals are currently being processed in the Swedish Government Offices.

Article 14, paragraph 3 (b) and (d)

119. Regulations governing the suspect and his or her defence are set out in the Code of Judicial Procedure. A suspect always has the right to attend to his or her own legal proceedings. The suspect also has the right to be represented by a defence counsel. Such a defence counsel can either be private, normally appointed by the suspect, or public, commissioned by the court under the conditions specified below.

120. A suspect who has been arrested or detained always has the right to public defence counsel. Moreover, if requested by the suspect, a public defence counsel shall be appointed if the suspicion relates to a crime, for which the mandatory minimum penalty is a six-month prison sentence. In addition, a public defence counsel shall also be appointed if this is necessary with regard to the investigation, if the kind of penalty to be handed down is uncertain and there is reason to impose a penalty other than a fine or suspended sentence or a combination of such penalties. A counsel shall also be appointed if there are other exceptional reasons with regard to the suspect's personal circumstances or to the nature of the case.

121. The lawyer requested by the suspect is normally appointed as the public defence counsel. Exceptions can be made should the appointment of the requested defence counsel involve significantly increased costs or if there are other special grounds not to make such an appointment. The public defence counsel receives payment for his or her work from public funds.

122. If the accused is convicted of the crime, he or she shall reimburse the State for the defence costs. The sum that the defendant must pay may be adjusted or waived if appropriate in light of the defendant's criminality or his personal and financial circumstances.

123. The suspect must, however, himself pay for a private defence counsel if one has been engaged. If the defendant is acquitted, however, the State pays the defence costs provided that these have been reasonably justified to protect his rights.

124. An inquiry has proposed that the right to legal representation during preliminary investigations be extended so that everyone questioned during a preliminary investigation will have the right to representation by a person suited to the purpose (Official Government Report 2003:74). This proposal is currently being processed in the Ministry of Justice.

Article 14, paragraph 3 (c)

125. The Riksdag adopted a judicial procedure reform in 2005. The objective of the reform is to create a more modern judicial procedure for both criminal and civil cases that fulfils the requirements for legally certain, effective and appropriate administration. The reform, which has yet to enter into force, will result in better utilisation of modern technology through the use of videoconferencing and the documentation of interrogations using video technology. The use of video documentation will enable the regulations governing the taking of evidence in the Court of Appeal to be changed. Furthermore, it will be easier to adapt the administration of legal cases and matters depending on individual circumstances. As a result of the reform, the activities of the courts will be more efficiently run, due to shorter administration times and much less risk of cancellation of hearings. This means in turn that the well-founded demand from citizens to have their case examined within a reasonable time period can be fulfilled more easily.

Article 14, paragraph 3 (e)

126. The accused has the same right as the prosecutor to call witnesses and the same right to question his own as well as the prosecutor's witnesses (or have them questioned by his representative).

Article 14, paragraph 3 (f)

127. The Code of Judicial Procedure contains provisions for when interpreters are to be assigned in court. Under the provisions, interpreters shall be assigned for a party, witness and any other person to be heard by the court, if the person requests it or is otherwise deemed to be in need of interpretation help. Furthermore, the suspect's right to an interpreter is provided for under Article 6.3a of the European Convention.

128. Apart from Article 6.3a of the European Convention, there is no explicit provision governing the right to an interpreter during preliminary investigations in Swedish law. However, the rules that apply to main court hearings are applied analogously. In practice, this means that interpreters are provided for persons who request one, or who are in need of interpretation help.

129. For further information, the Committee is referred to Sweden's fifth report to the Committee (CCPR/C/SWE/2000/5 paragraphs 80-81), which describes the procedural regulations applicable when young offenders are to be heard.

Article 14, paragraph 3 (g)

130. A person suspected of a crime always has the right to decline to testify.

Article 14, paragraph 4

131. The Young Offenders (Special Provisions) Act (1964:167) has been amended. Under the amendments, a public defence counsel shall be appointed for a suspect who has not yet reached his 18th birthday unless it is obvious that he does not need one. This far-reaching right to public defence counsel was previously only applicable once charges had been brought. Furthermore, custodians shall be now called not only to the main hearing but also to police interrogations with the young person.

132. As from 1 January 2007, the scope of the regulations governing the time-limits for preliminary investigations against young people under the age of 18 has been expanded to cover all crimes for which the penalty can be prison. The previous regulations are described in the fifth report to the Committee (CCPR/C/SWE/2000/5, paragraph 81). The time limit will continue to be six weeks. A provision stating that persons under the age of 15 shall, in certain cases, have the right to legal representation during the criminal investigations has also been introduced.

133. The possibilities for the Social Welfare Committee to participate in legal proceedings have been improved. The Committee now has to be notified in cases where a person under the age of 18 is suspected of a crime, for which he or she may be sent to prison, and has to be notified of the time for the main court hearing in such cases.

Article 14, paragraph 5

134. A judgment in a criminal case may be appealed to one of the country's six courts of appeal. The court of appeal's judgment may in turn be appealed to the Supreme Court.

Article 14, paragraph 6

135. Provisions governing the payment of financial damages to a person who has been deprived of his liberty are set out in the Act (1998:714) concerning damages for the deprivation of liberty and other coercive measures. Under Section 2 of the Act, a person who has been deprived of his liberty for at least 24 hours running, on suspicion of committing a crime, has the right to compensation provided he or she is not convicted of the crime that led to the deprivation of liberty. Under Section 4, a person who has served a prison sentence is entitled to compensation if, for example, on appeal or after reopening the case, he or she is acquitted or sentenced to a lesser penalty. The compensation covers expenses, lost earnings, infringement of business activities and suffering. Compensation can be refused or reduced if the aggrieved party's own behaviour provoked the decision to deprive him or her of his or her liberty or if it is unreasonable to award compensation considering the circumstances.

Article 14, paragraph 7

136. A Swedish reservation regarding this paragraph has been considered necessary with reference to the possibility for requesting a reopening in accordance with the provisions in 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. This also applies to cases where such a procedure would be to the detriment of the accused.

Article 15

137. Under Chapter 2, Article 10 of the Instrument of Government, no penalty or penal sanction may be imposed for an act which was not subject to a penal sanction at the time it was committed. Nor may any penal sanction be imposed which is more severe than the sanction which was in force when the act was committed. Article 7 of the European Convention contains a similar provision.

Article 16

138. As mentioned in previous reports (CCPR/C/95/Add.4 paragraph 77), the right of everyone to recognition as a person before the law is a general principle of Swedish law.

Article 17

139. Under Chapter 1, Article 2 of the Instrument of Government, public institutions shall protect the private and family lives of private persons. Article 8 of the European Convention also refers to the right to respect for private and family life, home and correspondence.

140. As mentioned in previous reports (CCPR/C/SWE/2000/5 paragraphs 97 and 98), there is a provision in the Instrument of Government for the protection of personal integrity with regard to the registration of data using automatic data processing techniques.

141. A system of public representation in cases of covert telecommunications interception and covert camera monitoring was introduced on 1 April 2004. The public representative's task is to protect the integrity interests of the individual. The representative has access to all the background material used in the court's examination of the case and has the right to appeal the court's decision.

Article 18

142. Under Chapter 2, Article 1 of the Instrument of Government, every citizen is guaranteed freedom of religion. Under Chapter 2, Article 2 of the Instrument of Government, every citizen is also protected against coercion to divulge a religious opinion or to belong to a religious community. Under Chapter 2, Article 12 it is not possible to restrict these provisions.

143. Furthermore, there are provisions in Article 9 of the European Convention guaranteeing the right to freedom of thought, conscience and religion.

Article 19

144. Chapter 2, Article 1 of the Instrument of Government, as well as Article 10 of the European Convention, contain provisions protecting the right to freedom of expression.

145. Regarding work to combat racism and xenophobia, the Committee is referred to Articles 2 and 20.

Article 20

Article 20, paragraph 1

146. Sweden has registered a reservation against Article 20, paragraph 1 and this reservation is justified for three reasons. Firstly, the prohibition of propaganda for war implies a restriction in the freedoms of expression and opinion, which are regulated in Article 19 of the Covenant. Secondly, the effect of the provision on free public debate must be considered. Finally, there are difficulties in delimiting the punishable area.

Article 20, paragraph 2. Freedom of expression and the crime of agitation against a national or ethnic group

147. Freedom of expression in the media enjoys particularly strong protection in Sweden as a result of the constitutional provisions in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. More information on this can be found in Sweden's twelfth report to the Committee on the Elimination of Racial Discrimination (CERD/C/280/Add.4, paragraphs 25-30). The offence agitation against a national or ethnic group is included in the list of acts that can be punishable in media with constitutional protection. The penalty provisions for the protection of ethnic minorities therefore also apply, even if the crime is committed in media with constitutional protection, e.g. newspapers or television.

148. For information about criminal law provisions that prohibit agitation against a national or ethnic group and illegal discrimination, etc., the Committee is referred to Sweden's combined seventeenth and eighteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/18, paragraphs 13-15). As regards application of criminal law legislation against hate crimes, the Committee is referred to the same report (paragraphs 18-31).

Organisations that conduct racist activities

149. Under provisions in the Penal Code, organisations that conduct racist activities cannot do so without breaking the law. For example, stricter penalties were introduced in 2003 for the most serious cases of agitation against a national or ethnic group. These offences carry a prison sentence of a minimum of six months and a maximum of four years. This tougher scale of penalties is intended for acts like the extensive dissemination of racist material, such as the propaganda activities of a racist organisation. For further information, the Committee is referred to Sweden's combined seventeenth and eighteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/18, paragraphs 80-88).

Article 21

150. Provisions on the right to freedom of assembly and freedom of association are set out in Chapter 2, Article 1 of the Instrument of Government as well as in Article 11 of the European Convention, which has been incorporated into Swedish law.

151. In December 2005, the Riksdag adopted a special act (2005:900) prohibiting the wearing of masks in certain situations. A person participating in a public gathering in a public place in accordance with the Public Order Act (1993:1617), which constitutes a demonstration or is otherwise being held for discussion, expression of opinion or information as regards either public or private affairs, must not wholly or partially cover his or her face in a way that will impede identification, if a public order disturbance occurs at the scene or if there is an immediate danger that such a disturbance will occur. The same applies to a person participating in a gathering in a public place, which does not constitute a public gathering or official event in accordance with the Public Order Act, if the gathering disturbs the public order or constitutes an immediate danger of doing so. The penalty is a fine or a maximum six-month prison sentence. Minor offences are not to result in convictions. The prohibition does not apply to a person covering their face for religious reasons. The organiser of a public gathering, which is covered by the mask-wearing prohibition, is able to apply for permission for the participants in the gathering to wholly or partly cover their faces. Thus participants who have obtained such permission shall not be subject to the ban. The new act came into force on 1 January 2006.

Article 22

152. Provisions on the right to the freedom of assembly and the freedom of association are set out in Chapter 2, Article 1 of the Instrument of Government as well as in Article 11 of the European Convention, which has been incorporated into Swedish law. Freedom of association naturally includes membership of trade unions and employer organisations.

153. The Instrument of Government offers certain protection of the negative freedom of association. Such protection is also regulated in Article 11 of the European Convention, which has been incorporated into Swedish law.

154. Employees' and employers' rights to association are regulated in the Co-determination in the Workplace Act (1976:580). Under this Act, every employee and employer has the right to belong to an employee or employer organisation, to utilise his membership and to promote the organisation or the formation of such an organisation. This right of association shall be inviolable. Invalidity or damages are the likely legal consequences of violating the provisions of the Act. The provisions apply to both the private and public sector.

Article 23

Article 23, paragraphs 1-3

155. In order to prevent marriage at too young an age, the regulations in the Swedish Marriage Code (1987:230) relating to entry into marriage were amended in 2004. Under the amendments, no one may enter into marriage before a Swedish authority before the age of 18 without a special license. The conditions for obtaining such a license have been tightened. Furthermore, the possibilities of refusing to recognise a foreign marriage that has been entered into under duress or that would not have been permitted under Swedish law have been improved.

156. Under Swedish law, marriage may not be entered into without the consent of the spouses to be. Both the woman and the man shall be present at the marriage ceremony. When asked by the wedding officiant, they shall independently declare their consent to the marriage. The marriage ceremony is invalid if this procedure has not been followed.

157. Same-sex couples who wish to have full legal regulation of their relationship have been able to register their partnership since 1995. The partnership registration procedure corresponds to that followed during a civil marriage ceremony. A legally trained district court judge or person appointed by the county administrative board is authorised to officiate at the registration. Special “affiliation requirements” apply to partnership registration. The partnership may only be registered if at least one of the parties has been domiciled in Sweden for at least two years or at least one of the parties is a Swedish citizen domiciled in the country. In this context, citizens of Denmark, Iceland, the Netherlands or Norway are placed on an equal footing with Swedish citizens. Provisions on partnership are contained in the Registered Partnership Act (1994:1117). Basically, a registered partnership has the same legal effect as a marriage.

158. Swedish law contains no special penal provisions regarding marriage entered into under duress or with a person under the age of 18 (known as a “child marriage”). Anyone forcing someone else into marriage can however be convicted of other crimes, such as illegal coercion, under the Penal Code. As regards child and forced marriage, there may also be criminal liability under other provisions, such as the provisions on unlawful threat and trafficking in human beings. Provisions on sexual crimes may also be relevant.

159. In February 2006, the Government appointed an inquiry chair to analyse whether the current penal legislation offers satisfactory protection against child and forced marriage. If the criminal law provisions are deemed insufficient, the inquiry chair is to propose the necessary legal amendments.

Article 23, paragraph 4. Responsibility of spouses

160. Under the Swedish Marriage Code, spouses shall each contribute, according to his or her ability, to the maintenance needed to meet their joint and personal needs. They also have a similar obligation to contribute to the maintenance of their children. Both spouses have the right to have the marriage dissolved by divorce. The spouses have equal rights to their common property when the marriage is dissolved. They also have the same obligation as regards the care of their children.

The best interests of the child when deciding on custody, residence and rights of access

161. To supplement the information given under paragraph 104 of the fifth report to the Committee (CCPR/SWE/2000/5), it can be mentioned that the child perspective has been further strengthened in Swedish law as the result of amendments that came into force on 1 July 2006. Under the Swedish Children and Parents Code (1949:381), the best interests of the child shall be decisive for all decisions on custody, residence and rights of access. When assessing what is in the best interests of the child, courts and authorities shall take particular account of the risk of the child or someone else in the family being subjected to abuse or the child being abducted, unlawfully confined or harmed in some other way.

Article 24

Article 24, paragraph 1

162. Regarding the protection of children, the Committee is referred to Sweden's third report to the Committee on the Rights of the Child (CRC/C/125/Add.1, Chapters 4-6) and the fifth report to the Committee on Economic, Social and Cultural Rights (E/C.12/SWE/5, paragraphs 249-291).

The work of the police and prosecutors to help children

163. In its 2006 appropriation directions to the National Police Board, the Government has requested a special report on the measures taken to improve investigations in cases directly concerned with child abuse. The police shall also report how the procedures for taking care of children have been improved in that part of the legal process for which the police are responsible. This report shall include both child victims of crime and child perpetrators of crime. The Convention on the Rights of the Child shall receive special consideration in this respect.

164. To improve crime prevention work concerning children, several police authorities have introduced or improved the use of special working methods as regards children who have been subjected to or witnesses to domestic violence. These methods include the implementation of child impact analyses in connection with investigations where women have been subjected to domestic violence. Furthermore, several police authorities have implemented training courses to increase awareness among their staff for the situation of children in connection with intervention and investigation procedures in domestic violence cases. This ought to make it easier to detect crime victims at an earlier stage.

165. In addition, common training courses for the police and other authorities, as well as for county councils, municipalities and other partners, have been implemented. The objective of this training is to make the staff, who may come into contact with children subjected to or witnesses to violence, more aware of their obligations and the courses of action open to them.

166. Efforts to improve training in child abuse aspects are constantly being made both within basic police training and continuing in-service training. Individual police authorities also implement training in this subject to a varying degree.

167. In 2007, the National Police Board was given the task of implementing measures to ensure that all staff investigating cases involving children who have been the victims of crime, undergo specialist training. The report of the Board is to specify, in particular, how the quality of this training is assured, how the knowledge of those who have undergone the training is evaluated and how their skills are maintained over time. The report is to be submitted by 1 October 2007.

168. The Swedish Prosecution Service was reorganised at the end of 2004 and a special Development Centre for Violent and Sexual Crime was established in Göteborg. The Development Centre is constantly trying to improve quality as regards the specified categories of crime. Among other measures, the Centre has produced a handbook on how to handle child abuse cases and an overview of the case law on Sweden's new sexual crime legislation. At the end of 2006, a project on the evaluation of evidence in cases of sexual crime was initiated.

169. All investigations of violent and sexual crimes against children are allocated the highest priority by public prosecutors. The vast majority of family-related crimes against children are handled by specially appointed prosecutors or teams. The regular special training for prosecutors includes a course on violence against and sexual abuse of children.

Other measures for children who have been the victims of crime

170. In February 2005, the Government gave the Swedish Prosecution Service the task of establishing a "Children's House" (*Barnahus*), in cooperation with the National Police Board, the National Board of Health and Welfare and the National Board of Forensic Medicine. The Children's House is the name given to a unit where various agencies cooperate under the same roof in the investigation of children who are thought to be the victims of serious crime, e.g. sexual abuse and assault. The objective of the Children's House is to ensure that investigations carried out in connection with such criminal suspicions are adapted to the children. Another aim is to improve the quality of investigations. Pilot Children's Houses have been in operation in Stockholm, Göteborg, Malmö, Linköping, Umeå and Sundsvall since 2006. A final report on the project is to be submitted on 1 March 2008.

171. Special grounds for increasing the severity of a sentence were incorporated into the Swedish Penal Code on 1 July 2003. This was done to clarify and emphasise that crimes against closely related children should carry a more severe penalty, since by being subjected to such crime, the child risks losing his or her security. These grounds for increasing the severity of a sentence are not limited to crimes aimed directly at children but also include cases where a child has, for example, witnessed one parent being beaten by the other parent or by someone closely related to the child.

172. Legal amendments to the Social Services Act came into force on 15 November 2006. Under these amendments, children who have witnessed violence or other abuse perpetrated by or dealt out to a closely related adult are considered victims of crime. Under other amendments which came into force on the same date, a child who witnesses a crime that is perpetrated to harm the child's security and trust in relation to a closely related person shall be entitled to crime victim compensation from the Swedish State.

New legislation on sexual crimes

173. New legislation on sexual crimes came into force in April 2005 in order to highlight and strengthen the protection of children from being exposed to sexual violations. A new penal provision on child rape aimed at the most serious sexual crimes against children has been incorporated into the Swedish Penal Code. A person who has sexual intercourse with a child under the age of 15 or performs some other seriously abusive sexual act that is tantamount to sexual intercourse with such a child, even if no violence or threatening behaviour has been used, shall be convicted of rape. The penalty is a minimum of two years' and a maximum of six years' imprisonment or, if the crime is gross, imprisonment for a minimum of four and a maximum of ten years. If the circumstances of the crime are deemed less serious, the perpetrator shall instead be convicted of sexual exploitation of a child. The penalty is imprisonment for a maximum of four years.

174. A person performing sexual acts with a child other than those covered in the penal provisions on child rape and sexual exploitation of a child will be sentenced under the new penal provisions on sexual abuse of a child to imprisonment for a maximum of two years or, if the crime is gross, imprisonment for a minimum of six months and a maximum of six years.

175. A special provision to protect children against exploitation for sexual posing has been incorporated into the Penal Code. A person who promotes or exploits a child under the age of 15 to perform or take part in sexual posing, will be convicted of exploitation of a child for sexual posing and sentenced to a fine or a maximum prison term of two years. If the crime is considered gross, the penalty is a prison term of a minimum of six months and a maximum of six years. The prohibition of the purchase of sexual acts from children has been strengthened by the new legislation. For example, the maximum penalty for the crime has been increased.

176. Double criminality will no longer be a requirement in Sweden to sentence offenders for serious sexual crimes committed abroad against children under 18.

177. To further strengthen the child's right to redress, the statutory limitation period has also been extended for some sexual crimes against children so that it does not begin to run until the child turns or would have turned 18. The maximum penalty for the offence of gross child pornography has been increased from four to six years' imprisonment.

178. To combat child pornography more effectively and to strengthen the position of the child in child pornography cases, an inquiry chair was appointed in August 2005 to conduct a review of the legislation and to put forward proposals for how possible amendments should be formulated. The assignment is to be reported on 31 August 2007.

179. Adults and other criminally liable persons may try to contact children for sexual purposes, often on the Internet. Modern technology has made it much easier to contact children. The Government has given the National Council for Crime Prevention and the Office of the Prosecutor-General the task of charting and investigating the extent of this phenomenon. This task also includes investigating whether the current legislation is sufficient to protect children against this phenomenon and proposing any necessary legal amendments. The findings are to be presented in the spring of 2007.

Article 24, paragraph 2

180. Under Swedish law every child shall be given a name after birth.

Article 24, paragraph 3

181. A new Swedish Citizenship Act (2001:82) came into force on 1 July 2001. Under the new Act, a child with a father who is a Swedish citizen always obtains Swedish citizenship if the child is born in Sweden. This was previously not the case. Further, the new Act makes it easier for children with a foreign background to obtain Swedish citizenship.

Article 25

182. All Swedish citizens aged 18 or over on election day and who are currently or were previously resident in the country may vote in general elections and referendums. Citizens of all EU Member States, as well as Norway and Iceland, who are registered in Sweden and who are aged 18 or over on election day, are entitled to vote in municipal and county council elections. Foreign nationals from other countries must have been registered in Sweden for more than three consecutive years prior to the election day in order to be allowed to vote in municipal and county council elections.

183. The introduction of the 1998 Personal Vote Reform brought about a change in the electoral system giving the voter more opportunities to not only vote for a party but to also cast a personal vote for the candidate by whom he/she wishes to be represented. The option of a personal vote allows the voter to exercise more influence on the representation in decision-making assemblies.

Article 26

184. The Committee is referred to the section on Article 2 above in this respect.

Article 27

185. Chapter 1, Article 2 of the Instrument of Government states that opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.

186. With respect to national minorities, the Committee is referred to Sweden's fifth report to the Committee (CCPR/C/SWE/2000/5 paragraphs 129 and 130). Further steps to implement the protection of national minorities and minority languages have been taken since the fifth report. The following examples can be mentioned in addition to the information given under Article 14, paragraph 3 (a) above. The inquiry on the expansion of minority language legislation referred to under Article 14 above also covers the issue of the right to preschool and elderly care in the minority language. The Government holds annual consultation hearings with the national minority organisations in order to strengthen their influence in issues that relate to the national minorities. These organisations also receive financial support every year to help them finance their activities. A Delegation for Roma issues was also established in 2006. The Delegation's task is to be proactive at national level in work to improve the situation of the Roma.
