



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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4 December 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Sweden and welcome the constructive engagement of your Government during the 35th session of the UPR Working Group in January 2020.

As the final outcome report on the review of Sweden has been recently adopted by the Human Rights Council at its 45th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Sweden – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 117 delegations and the presentation made and responses provided by the delegation of Sweden. I have also considered the actions taken by the Government of Sweden to implement the 154 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the adoption of laws or legal amendments and strategies concerning the prevention and elimination of gender-based or domestic violence against women and the fight against trafficking in human beings. In this respect, I note with appreciation the establishment of the Swedish Gender Equality Agency in 2018 with the responsibility to develop new preventive measures and to coordinate national efforts in the above-mentioned areas. It is also worth noting the adoption and implementation of the National Plan to Combat Racism, Similar Forms of Hostility and Hate Crime.

I also welcome the adoption of a national strategy for human rights in 2016, reaffirming the Government's goal to ensure full respect of Sweden's international human rights obligations. I encourage Swedish authorities to continue effectively implementing the strategy along with other sectoral strategies and action plans in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institutions and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

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Her Excellency
Ms. Ann LINDE
Minister for Foreign Affairs
Sweden



I encourage Sweden to pursue efforts to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I recommend the use of the OHCHR practical guide on this topic, which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up actions is voluntary mid-term reporting. Therefore, I encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Sweden of submitting mid-term reports in 2012 and 2018 and wish to encourage the Government to do so again on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Sweden in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: Her Excellency
Ms. Åsa LINDHAGEN
Minister for Gender Equality
Sweden



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as well as the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organisation.
- Reviewing the justification of the reservations to articles 10, 14 and 20 of the International Covenant on Civil and Political Rights with the view to withdrawing them.

National human rights framework

- Establishing an independent national human rights institution invested with a broad human rights mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
- Expanding the mandate of the Equality Ombudsman to all forms of discrimination and allowing it to exercise jurisdiction over cases of discrimination by all government agencies, including the police, prosecutors and prison services.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Ensuring full enjoyment of the right to freedom from discrimination for everyone and strengthening the protection against all forms of discrimination, including by expanding the scope of protection against discrimination under domestic legislation.
- Ensuring effective enforcement of domestic legislation on hate crimes and hate speech and strengthening measures to combat acts of racism, xenophobia and other hate crimes, and hate speech, and to protect vulnerable groups from such crimes.
- Ensuring that police services do not resort to ethnic profiling.
- Criminalising the creation or the leadership of a group/organisation that promotes racism and the participation in its activities.

Development, the environment, and business and human rights

- Ensuring that Swedish-based companies integrate the Guiding Principles on Business and Human Rights into their operations, that all decisions on investments abroad respect and protect human rights, and that investors undertake a systematic and independent human rights impact assessment prior to making investment decisions.

B. Civil and political rights

Right to life, liberty and security of person

- Defining and criminalizing torture in domestic law, in full compliance with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensuring that acts amounting to torture are not subject to any statute of limitations in its law.
- Establishing a statutory time limit on the duration of pre-trial detention and ensuring that pre-trial detention constitutes an exceptional measure and that, in practice, priority is given to alternative measures to detention.
- Ensuring that the principles of the Convention of the Rights of the Child are considered and given due importance in the regulations and control of arms trade of Sweden.

Administration of justice, including impunity, and the rule of law

- Ensuring that all persons deprived of their liberty are afforded all the fundamental legal safeguards from the very outset of deprivation of liberty, particularly the right to have access to a lawyer, the right to a medical examination by an independent doctor, preferably of their own choice, and the right to notify a relative, in accordance with international standards.

Prohibition of all forms of slavery

- Continuing efforts to effectively combat trafficking in human beings, including trafficking for the purpose of labour exploitation, and to improve the identification of and assistance to the victims.
- Preventing trafficking in children and ensuring effective identification of child victims of trafficking with a view to providing them with appropriate protection and assistance, and ensuring that penalties for the sexual exploitation of children are commensurate with the gravity of such crimes.

Right to privacy and family life

- Strengthening safeguards against arbitrary interference with the right to privacy with regard to the sharing of raw data with other intelligence agencies, including by ensuring that all laws and policies regulating the intelligence-sharing of personal data are in full conformity with Sweden's obligations under the International Covenant on Civil and Political Rights.
- Regulating effectively practices relating to the removal of children from their families and ensuring that removal is always subject to thorough investigation, is in accordance with the best interests of the child and is used as a measure of last resort.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Eliminating the gender wage gap, by combatting vertical and horizontal segregation in employment and addressing differences in pay between men and women for the same work.



Right to an adequate standard of living

- Stepping up efforts in addressing poverty, while paying particular attention to groups exposed to continuing poverty, including the Roma, Swedish citizens of African descents, refugees and asylum seekers.
- Increasing the availability of affordable tenancies and allocating adequate resources to social housing so as to meet demand, particularly of those most in need as well as ending de facto segregation in housing affecting in particular Swedish citizens of African descents, Muslims and Roma.

D. Rights of specific persons or groups

Women

- Continuing efforts to combat gender-based or domestic violence against women and to eliminate all barriers preventing women from reporting gender-based or domestic violence to the police as well as reinforcing assistance and protection provided to the victims.

Children

- Ensuring effective protection in law and practice for children from all forms of violence and abuse, including by providing the child victims of abuse and violence access to rehabilitation services and mental health care.
- Eliminating sexual exploitation and abuse of children, including by strengthening preventive measures, bringing domestic legislation in line with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and making sexual exploitation punishable with sanctions commensurate to the gravity of the crime.
- Using alternative measures to custody and detention of children and ensuring that detention is used as a last resort, for the shortest possible period, and that it is reviewed by a judge on a regular basis with a view to its being terminated, as well as prohibiting the use of solitary confinement of children in all circumstances.

Persons with disabilities

- Adopting a human rights-based approach to disability and allocating adequate funding for personal assistance services and benefits for persons with disabilities.
- Improving equal access of persons with disabilities to employment, education, health care, justice and governmental services, without any discrimination.
- Guaranteeing inclusive education at all levels for all children with disabilities, including by ensuring that every child with disabilities is given the opportunity and the necessary assistance to reach the highest level of education possible given his or her individual capacities, and allocating sufficient support to ensure that schools are not confronted with organizational or financial constraints hampering fully inclusive education.



Minorities and indigenous peoples

- Ensuring the protection of the cultural and linguistic identity of minorities and the availability of teaching in and of minority languages.
- Combating discrimination against the Roma and ensuring members of the Roma equal access to education, employment, housing, health care and justice.
- Addressing obstacles to the full enjoyment of the Sami people's rights to use their ancestral lands and to maintain their traditional ways of living, including by increasing efforts to demarcate the traditional territory of the Sami people and changing the high burden of proof required to establish traditional Sami rights to land in court proceedings.
- Ensuring meaningful consultation with representatives of the Sami people in connection with extractive and development projects in areas traditionally inhabited by Sami and their free, prior and informed consent at all stages of the permit process.
- Stepping up efforts to preserve and revitalize Sami languages, including by strengthening programmes for education in Sami languages and ensuring that all municipalities in the Sami administrative areas provide integrated Sami teaching and have adequate number of teachers teaching in Sami and the Sami languages.
- Effectively implementing the United Nations Declaration on the Rights of Indigenous Peoples and facilitating the speedy adoption of the Nordic Sami Convention.

Migrants, refugees and asylum seekers

- Ensuring that policies and practices related to the return and expulsion of asylum seekers afford sufficient guarantees of respect for the principle of non-refoulement.
- Ensuring that the detention of migrants and asylum seekers is a measure of last resort, is implemented for the shortest period, is necessary and proportionate in light of the circumstances, and that alternatives to detention are resorted to in practice.
- Preventing the detention of children for immigration related purposes, irrespective of their status or that of their parents, and increasing the use of alternative measures to detention.
- Ensuring that the best interests of the child is a primary consideration in all decisions relating to their asylum and migration status and that such cases are prioritised to avoid long waiting periods, that each unaccompanied child is immediately appointed a guardian and fully provided with necessities, including necessary school materials, and that the guardianship system in all municipalities receives adequate training and resources.
- Easing the process of family reunification for refugees and other beneficiaries of international protection.



Stateless persons

- Incorporating the definition of a stateless person in article 1 of the Convention relating to the Status of Stateless Persons in domestic legislation to ensure consistent identification, determination and registration by the responsible authorities of a person as stateless, and ensuring that that all children born in the territory of Sweden acquire Swedish citizenship if they are otherwise stateless.