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Summary record of the 2613rd meeting

Held at Headquarters, New York, on Wednesday, 25 March 2009, at 3 p.m.

Chairperson: Mr. Iwasawa

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The meeting was called to order at 3.05 p.m.

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

Sixth periodic report of Sweden (continued)
(CCPR/C/SWE/6; CCPR/C/SWE/Q/6 and Add.1)

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

2. **The Chairperson** invited the delegation of Sweden to continue its replies to the oral questions put at the previous meeting by members of the Committee in connection with questions 1-16 on the list of issues (CCPR/C/SWE/Q/6).

3. **Mr. Ehrenkrona** (Sweden) said that it was for each State party to decide how it wished to implement the Covenant. Sweden did not believe it necessary to incorporate it into national law in the same way as it had done with the European Convention on Human Rights, after lively debate, in 1994. The Swedish courts relied more often on the jurisprudence of the European Court of Human Rights than directly on the text of the Covenant. That provided wider protection of human rights and was clearer, since there was substantial case law relating to the interpretation of the European Convention. The Covenant provided wider protection from discrimination; however, one of the additional Protocols to the Convention sought to broaden the scope of its non-discrimination clause. Sweden had not yet ratified that Protocol, as it was waiting to see how it would be interpreted by the European Court. In most cases, application of either the Covenant or the Convention resulted in the same practical outcomes. Sweden did not plan to incorporate the Covenant into national law at present.

4. Turning to the queries regarding terrorism, he said that the rulings by the European Court of Justice in the cases of *Kadi* and *Al Barakaat v. the Council of the European Union and Commission of the European Communities* were significant. The European Court of Justice had quashed the European Council ordinance on implementation of the decisions in those cases. The Commission had decided to prolong the listing of both *Kadi* and *Al Barakaat*, on the basis of information received from the United Nations Sanctions Committee. Both *Kadi* and *Al Barakaat* had therefore brought new cases to the European Court of First Instance to challenge that decision. Sweden was

awaiting the outcome of those cases. In dealing with them, the European Court of Justice had examined the substance of the provisions of the European Convention on Human Rights and found that article 6 had been violated. The problem was that in order to meet the requirements for a fair trial under article 6, in a case dealing with the right to property, facts and circumstances needed to be ascertained that justified the interference. In the cases of *Kadi* and *Al Barakaat*, the existence of those facts and circumstances was unclear. Sweden was well aware of what was at stake.

5. Turning to another terrorism-related query, he said that Sweden did not have a specific policy of screening asylum-seekers, but if the Migration Board suspected that an asylum-seeker had links to terrorism, it could report those suspicions to the Swedish Security Police who would then investigate.

6. **Ms. Kelt** (Sweden) said that, since April 2003, Sweden had a new law on criminal responsibility for terrorist offences, enacted following a framework decision agreed within the European Union. There was no comprehensive definition of what constituted a terrorist offence, but there was a catalogue of “normal” offences that, when carried out with the purpose of seriously intimidating a population or a group of a population or unduly compelling a public authority or an intergovernmental organization to an act or abstain from acting in a way which risked seriously destabilizing or destroying fundamental political or constitutional values, were considered to be terrorist offences. The normal penalty given for those offences was between 10 years and life imprisonment, which corresponded to the sentences for other serious offences. There were no specific procedures with regard to terrorist offences; suspects were treated in exactly the same way as persons suspected of other offences.

7. Turning to the issue of incitement to terrorism, she said that Sweden had legislation whereby someone who urged or attempted to entice someone else to commit a crime could be convicted of inciting rebellion. Such acts also infringed Sweden’s constitutional laws, so the Chancellor of Justice could prosecute those cases.

8. **Ms. Goldbeck-Löwe** (Sweden), addressing question 6 on the list of issues, said that the Government of Sweden had taken measures to address persistent gender inequalities in employment, which

included efforts to stimulate women's entrepreneurship, strengthen the right to full-time work and promote equal pay. In May 2006, a new set of national objectives for gender equality had been created. The overall objective was that women and men should have equal power to shape society and their own lives. It also had four subsidiary objectives: equal distribution of power and influence; economic equality between women and men; equal distribution of unpaid care and household work; and an end to men's violence against women. The Government was preparing a strategy to promote gender equality in the labour market, bringing together policies concerning social affairs, education, entrepreneurship and the labour market, which would be presented to Parliament soon.

9. **Ms. Ekman Alden** (Sweden), addressing the question on women and pensions, said that the issue had to be examined against the background of the Government of Sweden's general objective of increasing women's participation in the labour market and their opportunities to combine having a career with family life. It was general Government strategy to promote longer working, to reflect the changing demographics of society, and it was now possible for people to continue working after pensionable age until the age of 67, or even longer with the employer's agreement, in order to continue to contribute for a longer period.

10. **Ms. Goldbeck-Löwe** (Sweden) said that a report of the implementation of the action plan to tackle men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships adopted in November 2007 would be submitted to Parliament in 2010.

11. The women's shelter movement in Sweden dated back to the early 1980s. There were presently approximately 160 shelters under the auspices of two national organizations. Most of them were run by non-governmental organizations; only a handful were owned and run by municipalities.

12. Swedish County Administrative Boards estimated that in 2004, between 1,500 and 2,000 girls and young women had been exposed to violence and oppression in the name of honour, and 10 to 15 per cent of them had required sheltered accommodation. No statistics were available with regard to the practice of female genital mutilation.

13. **Ms. Tekin Befrits** (Sweden), responding to Ms. Wedgwood's question about recruitment to the police from minority groups, said that, in the course of their duties, police officers encountered people from a range of ethnic, cultural and linguistic backgrounds and therefore adapted their working methods to the needs of those people. They provided printed and online materials in the relevant languages and used interpreters, as well as employing officers proficient in the relevant languages. The police training academy welcomed applicants from minorities and other groups with non-Swedish ethnic backgrounds, and ran special information campaigns targeting those groups. In that way, the minorities could exert influence and the police could be more effective. In addition, referring to the question about Sami police officers, she said that the police authority in Norrbotten employed approximately 10 police officers from the national minority groups — Samis, Finns and Tornedalers — including some Samis who were reindeer herders in their spare time. The police authority tried to schedule their work so that the police matters in Sami villages were dealt with by Sami-speaking staff.

14. **Mr. Ehrenkrona** (Sweden) said that if illegal female immigrants had been victims of crime they were able to report it. However, since they were in the country illegally, there could be no guarantees that they would not be expelled by the police if they did so. If an illegal female immigrant needed protection she could turn to social services, which were obliged not to reveal information about her to the police unless she had committed a serious crime.

15. **Ms. Kelt** (Sweden) said that crimes of assault were a high priority for the police and the Government in Sweden, as stated clearly in the November 2007 action plan. Special medical teams assisted police in their investigations by examining women who had been sexually abused or assaulted. Photographs were taken and there was an increase in the use of videotaping both within and outside the courts. It was not yet possible to issue restraining orders before a crime had been committed, but the Government had set up a Stalking Inquiry which had recently submitted a proposal to change the law and replace restraining orders with non-contact orders, which would be easier for a person to obtain before they had been subjected to a crime, and to enlarge the applicable area for such orders. The Government was in the process of

considering the report. There was no fixed timetable but the issue was high on the agenda.

16. Sweden did not have statistics disaggregated by ethnic background and legal status.

17. Female genital mutilation had been criminalized in Sweden since 1982, regardless of whether consent was given, and carried the high penalty of 2-10 years in prison. Though it was easy to prove that the crime had been committed, it was hard to prove by whom, but the burden of proof had not been put on suspects to prove their innocence. However, family members and others could be held responsible for complicity in the matter if they incited or encouraged girls to submit to the procedure.

18. **Ms. Tekin Befrits** (Sweden) said that the Government of Sweden had taken a variety of measures to promote respect and understanding and to raise awareness of various human rights issues. In addition to the measures embodied in the nine-year school curriculum referred to in paragraph 82 of the written replies, in order to obtain a bachelor's or master's degree students must demonstrate knowledge of gender issues, the basic values of society and democracy, and how to prevent and counteract discrimination against and other degrading treatment of children. The Forum for Living History was a Government agency with a broad mandate aimed at promoting tolerance, democracy and human rights. It worked to support people who sought to raise awareness among young people of the importance of respecting the equal value of all, using lessons from history to help people reflect on issues such as tolerance, democracy and personal responsibility. It collaborated with other bodies at all levels, worked closely with schools, universities and local authorities, and published a series of books and pamphlets.

19. **Mr. Ehrenkrona** (Sweden) said that the Migration Board had not provided information that would show whether women migrants were aware that the rule under which they could obtain a residence permit only after living with a Swedish man for two years could be waived for women who had been abused.

20. **Ms. Kelt** (Sweden), responding to a question on witness protection programmes, said that the same commission that had examined the issue of non-contact orders had also looked at measures to protect victims and witnesses. There were currently 11,500 people

whose data was protected in Sweden, which could be done in one of four ways: under the Secrecy Act; by means of a security flag in the national population register; by allowing them to remain registered at an old address after having moved; or by a court of law granting them completely fictitious personal data. Witness protection was very difficult for victims, who lived in fear of being found and were sometimes forced to flee. The Commission had made proposals including the creation of links between victims and municipalities, using specially trained staff. The Commission had also highlighted the need for education and information, in order to achieve a change of attitude and fully support and protect vulnerable women and children.

21. Turning to the question of early marriage, she said that while there was no specific law in Sweden prohibiting underage marriage, a bill was planned for 2010 to the effect that a guardian who allowed a Swedish citizen or resident under the age of 16 to enter into a marriage that was valid in the country where the ceremony was performed could be imprisoned for up to two years for the offence of allowing child marriage.

22. **Ms. Ekman Alden** (Sweden) said that the Swedish Disability Federation report provided the only available statistics on violence against women with disabilities. The National Board of Health and Welfare had decided to investigate that largely neglected topic more extensively itself.

23. As indicated (written replies (CCPR/C/SWE/Q/6/Add.1) to the list of issues (CCPR/C/SWE/Q/6), para. 67), all service staff in institutions for the disabled were instructed to report any mistreatment of that particularly vulnerable group, and the municipalities passed such information on to the National Board of Health and Welfare so that the question could be tracked nationally. The Government was planning to provide broader training to institutional staff; and a bill amending the Social Services Act was being drafted, to legislate what constituted protective regimentation — especially necessary in the case of the mentally ill — as opposed to abusive coercion of institutionalized persons with disabilities. The overall objective of the Government's disability policy was to ensure the integration of the disabled into the community as active citizens, and special solutions must be considered simply a complement.

24. The Government was giving priority to implementing its cross-cutting National Action Plan for

Disability Policy in the light of the Convention on the Rights of Persons with Disabilities, which Sweden had just ratified. The Action Plan included strategies for providing access for the disabled to housing and other buildings, public transport and digital services, and ensured funding for the new activities. Disabled persons had the right to go to court to demand their entitlements from the municipalities. The Government had set up a training programme for municipal officials regarding their responsibility to supervise the provision of special services and the implementation of the regulations to meet the needs of the disabled. Projects were carried out in close conjunction with the municipalities and county councils, often combining services for the disabled and the elderly, and persons with disabilities were informed about the quality of assistance they could expect.

25. **Ms. Tekin Befrits** (Sweden) pointed out that failure to provide physical access for the disabled to buildings was regarded under the new Discrimination Act as a form of discrimination when it prevented access to higher education or employment. The Government had not included the full range of access to goods, services, housing, health care and medical care in that legislation because it felt that more time was required to determine precise rules for that crucial area that were also reasonable in terms of the cost.

26. **Mr. Ehrenkrona** (Sweden) observed that disabled persons had the same rights as any other citizen to file compensation claims in court.

27. Turning to the case of the two Egyptian citizens expelled from Sweden for security reasons, he said that those had not been instances of rendition but rather the outcome of a careful decision taken in good faith under the Aliens Act then in force, although it had subsequently proved to be problematic.

28. **Ms. Bratt** (Sweden) referring to the disposition of the cases of the two Egyptians, which had ultimately involved compensation for violation of Covenant rights, recalled the information provided in Mr. Ehrenkrona's opening statement at the previous meeting and in the written replies to the list of issues (paras. 8-10 and 107).

29. In order to prevent a recurrence of such improperly handled expulsions, under the new 2006 Aliens Act it was now the role of the Migration Board to adjudicate all asylum cases in the first instance, including security cases where the Security Services

had recommended rejection of residence permits. The decisions of the Board could be appealed to the Migration Court, which then transmitted its opinions to the Government; and the Government was bound by any opinion finding an impediment to enforcement of expulsion. The new requirement of examination by more than one instance had strengthened the legal rights of individual asylum-seekers.

30. The question of diplomatic assurances had been dealt with in the written replies (para. 107). Each expulsion order had to be considered on its own merits in order to ensure that it did not constitute refoulement. Given the absolute prohibition against torture in several provisions of the Aliens Act, asylum-seekers could not be returned to countries where they would be subject to the death penalty or to torture or cruel, inhuman or degrading treatment.

31. The common action plan set up by the Government to handle situations like that of the unaccompanied asylum-seeking Chinese children who had disappeared into Swedish society (written replies, para. 74) had proved very effective. The whole asylum process had been speeded up: any arriving children were taken care of immediately at the airport and provided with legal counsel, and decisions were reached within one to two days. Most such children were not asylum-seekers in the normal sense, for they presented no grounds for asylum and generally lacked identification papers, making it difficult to return them to China. Lately there had been a drop in the numbers of unaccompanied minors arriving — only three in 2008 and three in 2009. Also, a Chinese couple who in 2006 had smuggled 46 children into Sweden had been prosecuted and sentenced to two years in prison.

32. **Ms. Tekin Befrits** (Sweden) said that the mandate of the new Ombudsman against Discrimination (written replies, para. 11) was to implement the new anti-discrimination legislation; promote equal rights and opportunities; advise victims of discrimination about claiming their rights; educate, inform and hold discussions with other public or private agencies, organizations and individuals; follow international developments and maintain contacts with international organizations; conduct research; and propose legislative amendments or other measures to the Government.

33. **Ms. Goldbeck-Löwe** (Sweden) said that the Delegation for Human Rights was a temporary agency,

whose work would conclude when it submitted its final recommendations to the Government in 2010. Its functions were to support Government agencies, municipalities and city councils in their human rights work, develop strategies to increase a knowledge of human rights among target groups in the community, stimulate public discussion of human rights and make proposals as to how the Government's human rights work could best be supported in the future. Once the Delegation's work concluded in 2010 with its final recommendations to the Government, the establishment of an independent human rights institution in accordance with the Paris Principles could be discussed.

34. **Mr. Ehrenkrona** (Sweden), responding to the criticism that the Constitution was largely silent on women's rights, pointed out that chapter 2, article 16, of the Constitution both forbade unfavourable treatment under the law on the grounds of gender and allowed positive discrimination through legislation seeking to promote equality between women and men.

35. **Ms. Goldbeck-Löwe** (Sweden) said that 2008 Government statistics showed that women's pay was only 84 to 92 per cent of that of men. The Government was of course making a number of efforts to narrow the gap; for instance, the Mediation Institute was emphasizing the negotiation of wage-bargaining agreements that included a provision on equal pay for equal work, and in recent years the situation had been improving.

36. **Mr. Ternbo** (Sweden) said that there were two Sami representatives on the boundary committee. One of them was a member of the Sami Parliament, and the other was from the Swedish Sami Association.

37. **Ms. Ekman Alden** (Sweden) said that the use of electroshock therapy must be viewed from a broad perspective. It was just one measure used in the treatment of severe psychiatric disorders. There were several forms of psychiatric treatment which could be, and in fact were, also used as torture in various parts of the world. However, the issue of electroshock therapy must not be looked at in isolation. A patient's entire set of treatments should be assessed together.

38. Legislation in the field of health care, including psychiatry, provided for the right to file a report, possibly leading to investigation and a decision, if someone felt that injury had been caused or inappropriate actions taken.

39. The legislation covering compulsory mental care was considered dated, and recently the Government had created a commission to analyse the legislation and propose changes. The commission members included people with psychiatric disorders and users of psychiatric care, as well as providers and specialists.

40. Prison staff were trained to avoid and prevent violence among inmates. Other measures to reduce violence included anti-drug and anti-alcohol programmes in the prisons. Inmates were also provided with activities and opportunities to socialize, receive education and exercise. In extreme cases, isolation and other measures were used.

41. **The Chairperson** invited queries from the Committee on questions 17 to 29.

42. **Mr. Bhagwati** asked, with reference to question 17, whether it was correct that the State was required to provide a public defender in every case where the accused was not represented by a lawyer; whether the Government had a list of public defenders from which the accused would select a lawyer; whether the public defender was paid by the Government; and whether, if the accused was convicted, the costs of the public defender were borne by the accused and the State did not pay the cost; if so, it was rather strange that the outcome of the case determined who would pay the legal fees, especially as the defendant might be unable to pay.

43. **Ms. Kelt** (Sweden) said that an investigator tasked with looking into establishing a body to handle complaints against the police had concluded that since the body would be small, it would need to seek technical and other assistance from the police, which would compromise its independence and its functioning, and had suggested instead that an independent unit be established within the National Police Board. The Government and a majority of experts agreed with the investigator's conclusions. The National Police Board would present a proposal for such a body to the Government.

44. Regarding questions 26 and 27, more details would be appreciated regarding the role of the Minister of Agriculture, how the Sami and the two other indigenous peoples received legal assistance and how their rights were safeguarded.

45. **Mr. O'Flaherty** said that the first part of question 18 had not been fully answered. It was not

clear whether medical care for detainees was assured in practice and whether the current system was adequate. While consultations with general physicians were provided, as were consultations with psychiatrists, additional details would be appreciated on how and whether consultations with other specialists were made available to detainees. Some people who had been detained by the police had told the Committee Against Torture of cases when a doctor had genuinely been needed and yet access had been denied.

46. Several organizations of people with disabilities had expressed concern about lack of knowledge among police and prison personnel on how to treat people with various disabilities. A response to that remark would be welcome.

47. With respect to question 24, he wished to know whether intolerance of Jews, Muslims and homosexuals remained at disturbingly high levels among young people, as indicated by a survey done in Sweden in 2004. There was some doubt that the Living History Forum was adequate to the task of combating intolerance and that it had a sufficient mandate and resources. Even its name was a reference to the past. It was not clear that the response to new, contemporary forms of intolerance was sufficient.

48. Given the independence of the municipal authorities, the Committee would like to know how the State was mainstreaming combating intolerance across the public service and encouraging local and county governments to tackle racism and intolerance. With reference to question 25 and to improving the role of municipal authorities in dealing with Sami issues, the Advisory Committee on the Framework Convention for the Protection of National Minorities had stated in its Second Opinion on Sweden, adopted on 8 November 2007, that the central authorities had made efforts to involve local authorities more consistently in efforts to advance minority protection, but that regrettably, those efforts had provoked only limited interest among the local authorities. That was cause for concern, given the important role played by the local authorities in minority protection under the Constitution. He therefore requested further information in response to that question, not on the autonomy of the municipalities, but rather on how the central Government was working creatively with local authorities. The State could not invoke the independence of the local authorities to justify non-enforcement of the Covenant across its territory.

49. He also requested further information on the initiatives of the Sami Parliament to engage with the municipalities and on the success of those initiatives.

50. **Sir Nigel Rodley** wished to draw the State's attention to Communication No. 1472/2006, *Sayadi and Vinck v. Belgium*, which might provide some idea as to the thinking within the Committee about the criteria for interpreting Security Council resolutions in the area.

51. He requested confirmation that, during consideration of a case by the Migration Board, it was not possible for a person to be removed from the country for any reason, and asked if any more children had disappeared since the entry into force of the new action plan.

52. The reply to question 19 stated that from 2007 to 2008 there had been a reduction in the number of complaints against policemen in connection with major demonstrations. He requested specifics as to how many complaints there had been each year and what the actual reduction had been. Normally, statistics about complaints against the police would not be limited to what had occurred during major demonstrations. More information as to where the complaints were directed, how they were handled and what the outcomes there had been must be provided for the Committee to be able to conclude that an independent complaints procedure was not necessary. The information provided was insufficient to draw the conclusion that Sweden was exempt from the common rule that police were not generally the best monitors of their own misbehaviour. Moreover, he requested reassurance that the norms that the Swedish police were supposed to respect were indeed those of the United Nations Basic Principles on the Use of Force and Firearms.

53. **Ms. Majodina** asked how confidentiality was protected in migration court proceedings. In asylum cases, oral hearings were often held behind closed doors. Changes were being proposed to give the courts greater latitude to classify the identities of asylum-seekers. A Government inquiry had concluded that no applicant request for a closed hearing had ever been denied. However, according to Amnesty International, Swedish migration courts often did not maintain confidentiality, nor did they always accede to asylum-seekers' request for closed hearings. That raised concerns about safety, especially when rejection of applications led to deportation. Amnesty International

had requested that asylum-seekers be informed that confidentiality might not be respected in all proceedings, but the Migration Board had not responded to that request. She asked for the delegation's views.

54. There were reports that information used in expulsion decisions was not always available to the affected individuals, allegedly owing to the involvement of the Swedish Security Service. That raised the principle of equality of arms with regard to access to information and the opportunity to contest arguments by a party to the proceedings. She would like the delegation to explain the degree to which evidence was withheld from applicants on national security grounds and what changes could be effected in court proceedings to ensure protection of the right to equality of arms.

55. The proposed new legislation on signals intelligence in defence operations, which would provide broader covert surveillance powers and adversely affect the right to privacy under article 17, was cause for concern. The operations authorized under the law could constitute unlawful or arbitrary interference with privacy. The law also came on the heels of troubling allegations of abuse of surveillance mechanisms by a Government agency, based on leaked information by an employee of that agency stating that telephone conversations had been tapped for the past 15 years and that Internet traffic had been monitored for the past 8 years. If that information was accurate, such surveillance would constitute a direct violation of the Covenant.

56. The law had been approved by Parliament in 2008, but there was a Government initiative to reform the law before it went into effect. Details on steps taken to protect privacy and the right to freedom of expression for all, including persons of foreign origin, would be appreciated. More information on the scope and content of the proposed amendments would have been helpful. Any comments by the delegation on the possibility of access to ordinary courts by concerned persons to obtain binding orders requiring disclosure as to whether they had been or were subject to surveillance would also be welcome.

57. The State party had said that the new Act on Covert Bugging allowed for covert surveillance in preliminary investigations when an individual was reasonably suspected of committing or attempting to

commit an offence; she would be interested to know if, in the course of such surveillance the authorities heard a crime being planned, they allowed it to take place or took action to forestall it.

58. **Mr. Pérez Sanchez-Cerro** wondered whether, in the case of asylum-seekers suspected of terrorism, verification was carried out with the country of origin and whether, if those suspicions were confirmed, the individuals were detained, granted asylum or returned to their country of origin. He also wished to know whether Swedish non-governmental organizations had participated in drafting the report for Human Rights.

59. Finally, he wondered whether the Delegation referred to was the national human rights institution, in accordance with the Paris Principles, what its composition was and whether it would provide follow-up to the Committee's concluding observations and recommendations.

60. **Ms. Motoc** requested further information on how the Sami Parliament affected the Sami community at the local level, whether it made a difference on the ground and how it was perceived. Further, it would be helpful to know how the local and national authorities and the Sami Parliament shared responsibilities and how the Sami made use of the traditional rights they claimed, including land use, hunting rights and the right to natural resources.

61. **Ms. Kelt** (Sweden) said that, except in the case of persons accused of petty crime, the court appointed a public defence counsel to any suspect under arrest or detention who so requested. In certain special circumstances, a public defence counsel was appointed automatically. The court had a list of public defence counsels from which to choose. Public defence counsel was paid for by the State or, if convicted, the accused. Should the person convicted be unable to pay, as was generally the case, the State covered the cost regardless.

62. **Mr. Ternbo** (Sweden) said that the Ministry of Agriculture essentially played a coordinating role. The inter-ministerial working group on Sami issues sought to improve the effectiveness of the various ministries' work on Sami issues and to provide the related parliamentary working group with information and data relevant to its work. The special working group on Sami issues, established by the Government two years earlier and composed of members of parliament from all four political parties, was responsible for

considering the recommendations of the Boundary Delimitation Committee, the Hunting and Fishing Rights Inquiry and the Reindeer Breeding Policy Commission. Those recommendations and the working group's views on them would be addressed in the Sami bill due in March 2010. The Ministry of Agriculture was leading efforts to draft that bill.

63. The Sami had the same right to legal aid as other citizens. However, under the Legal Aid Act, legal aid was not granted to legal entities. Sami villages were considered legal entities. Sami rights were recognized in the Constitution, the Forestry Act and, to some extent, the Minerals Act and Reindeer Husbandry Act.

64. Effective cooperation between the central Government and municipal governments was extremely important and would be addressed in the upcoming bill. The principle underpinning all Swedish legislation was that opposing interests must be taken into account when considering permit applications for different kinds of projects. Reindeer husbandry was recognized as one such opposing interest. The individual authority considering the application was responsible for taking opposing interests into account. In the case of permit applications for infrastructure projects, all private parties affected by the project must be consulted. In the case of permit applications for geographical surveys, all Sami villages affected by the survey must be consulted. Logging permits were required only for large areas. In such cases, the forest company or private landowner must consult the Sami village or villages concerned on the size of the area to be logged and the best way to take reindeer husbandry into account. Reindeer husbandry areas were divided into year-round breeding land and winter grazing land. Currently, there was no obligation to consult in the case of the latter.

65. The Sami Parliament, established in 1993, was both a Government agency and a popularly elected body. It was composed of 31 members elected by the Swedish Sami. Elections were held every four years; the next elections were due in May 2009. All Sami registered on the Sami Parliament voting list were eligible to vote.

66. The Sami Parliament's highest decision-making body was the Plenary Assembly. Since the Plenary Assembly met only a few times a year, a seven-member Board was responsible for handling day-to-day business and making any necessary decisions. The

Sami Parliament's Secretariat, located in Kiruna (northern Sweden) but with local offices elsewhere, was responsible for organizing the Sami Parliament's day-to-day activities and preparing Board meetings.

67. The Sami Parliament was responsible, inter alia, for distributing State grants and other funding to the Sami, appointing the Sami school board, managing Sami language projects, participating in social planning, and monitoring compliance with Sami needs. Legislation adopted in 2006 had transferred a number of tasks relating to the administration of reindeer husbandry from the Swedish Board of Agriculture and the county administrative boards to the Sami Parliament. Today, the Sami Parliament was the central administrative authority for reindeer husbandry. The new system seemed to be working well.

68. **Ms. Kelt** (Sweden) said that detainees and prisoners enjoyed the same right to see a doctor as any other citizen did. Though the current system was generally considered adequate, much work was under way. There had been a number of serious incidents in recent years, particularly in remand prisons. The Prison and Probation Service had introduced a number of measures aimed at preventing prisoners from committing suicide and improving the medical attention and treatment they received. The Service had recently conducted an investigation into medical care at Sweden's 36 remand prisons. Its report, soon to be released, contained a number of suggestions aimed at better educating prison staff and improving the medical care available to prisoners. Though currently limited to remand prisons, the work would undoubtedly be extended to other prisons in due course.

69. **Ms. Ekman Alden** (Sweden) said that all Government agencies, including the police and the courts, were required to make their facilities and activities accessible to persons with disabilities. Support offered included sign-language interpreters, written information in special formats, and accessible environments for persons with difficulties in moving. She could not provide any statistics on the extent to which that requirement was met, but assured the Committee that such services were provided throughout Sweden. That said, a survey conducted in connection with the Convention on the Rights of Persons with Disabilities had found that more work was needed to ensure that all necessary support was provided and that persons with mental or intellectual impairments were also taken into account. The survey's

findings were currently being considered by the relevant authorities. Once the work was completed, the Government would have a clearer idea whether or not further action was needed.

70. **Ms. Tekin Befrits** (Sweden) said that the Living History Forum was the Government agency primarily responsible for raising schoolchildren's awareness about intolerance. The Forum's website contained several surveys, including in English, on Islamophobia, which some people considered a new form of intolerance. The Government's work on intolerance was not, however, confined to the Forum. In 2009 alone, it had provided almost SKr 11 million in funding to a slew of organizations that worked to combat racism and other forms of intolerance.

71. The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages overlapped in many ways. Sweden had ratified both. Members seeking further information on Sweden's national minorities should consult Sweden's latest report on the Charter, submitted in 2007. In February 2009, the Swedish Government and the Council of Europe had organized a seminar to assess the protection of national minorities in Sweden with regard to the recommendations contained in the 2007 Opinion of the Advisory Committee on the Framework Convention. Participants had included municipalities and NGOs. In addition, a bill on national minorities to be presented later that month should ensure more effective implementation of both the Framework Convention and the Charter.

72. **Ms. Bratt** (Sweden) said that very strict rules governed the suspension of the enforcement of an expulsion order. Under the Aliens Act, if an international body that was competent to examine complaints from individuals requested the suspension of the enforcement of a refusal of entry or expulsion order, a stay of enforcement would be ordered unless there were exceptional grounds for not doing so. It was extremely rare for a stay of enforcement not to be ordered in such cases.

73. With regard to the disappearance of unaccompanied asylum-seeking Chinese children from the Swedish Migration Board's special units for such children, she said that the number of asylum-seeking Chinese children entering Sweden had dropped significantly in recent years. In 2008, there had been five. Two had been deemed to be adults; the three

deemed to be children had disappeared. Thus far in 2009, there had been three. All of them had been deemed to be adults. Two had disappeared and one remained in Swedish reception facilities.

74. **Mr. Ehrenkrona** (Sweden) acknowledged the Committee's desire for Sweden to establish an independent authority responsible for examining complaints against police officers, but stressed that the Covenant contained no such obligation. It was for individual States to decide. Members seeking further information on the matter should consult the report of the Special Investigator appointed by the Government to analyse the system for investigating such complaints, which evaluated the various options in depth and explained how the conclusions contained in the report had been reached. While proper statistics on such complaints were hard to find, he could confirm that complaints against police officers were subjected to a preliminary investigation in exactly the same way as suspected crimes were. Needless to say, police officers from the same district as the officer against whom the complaint was being made were prohibited from taking part in that investigation.

75. **Ms. Kelt** (Sweden) said that complaints against police officers were handled by a special panel within the National Police Board. The panel, which was composed of the Director-General, members of the police force, two members of parliament and trade union representatives, was responsible for making decisions in cases of police misconduct. In 2005, the panel had received 104 cases and closed 109. In 2006, it had received 74 cases and closed 89. Of the cases closed in 2006, seven officers had been dismissed, seven had received a pay cut and 18 had been given a warning.

76. **Mr. Ehrenkrona** (Sweden) thanked the Committee for giving Sweden the opportunity to participate in its review, and proposed that in future the Committee should allocate two full days to the consideration of a State party's report: one for the introduction of the State party's report and members' questions, and the other for the delegation's replies.

77. **The Chairperson** said that the proposal had been noted and would be considered by the Bureau. He thanked the members of the delegation for their detailed responses and wished them a safe journey back to Sweden.

The meeting rose at 6.10 p.m.