Questionnaire re. General Assembly resolution 68/268 – Swedish response

1. General comments on the implementation of General Assembly resolution 68/268

Sweden welcomes the continued attention payed to the strengthening of the UN treaty body system both by the United Nations Secretary-General and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Sweden takes this opportunity to express its gratitude for the efforts made by the Secretary-General, including submitting the first biennial report in 2016, as well as by the OHCHR in supporting the UN treaty body system.

The treaty body system constitutes a fundamental pillar of the international community’s work to promote, protect and fulfil all human rights. The treaty body system’s integrity and independence should be defended in all circumstances. The General Comments and Concluding Observations are not legally binding for States parties, but can assist in interpreting and/or clarifying international norms and standards as well as reviewing all States’ track record in terms of their international human rights obligations and commitments.

Sweden underlines the need for continued reform of the treaty body system to strengthen its role as a fundamental pillar of the international human rights protection system. The sustained implementation of General Assembly resolution 68/268 is therefore of paramount importance, since the treaty bodies face numerous challenges in order for them to function effectively. In this regard, Sweden is proud to have been main sponsor, together with the other Nordic countries[[1]](#footnote-1), of the General Assembly resolution 71/185 on the human rights treaty body system, placing emphasis on the need for continued efforts to strengthen this essential part of the United Nations.

Sweden believes that the continued process towards the 2020 review should be based on the observance of a number of key principles, in particular transparency and inclusivity of all relevant stakeholders. The review should aim at strengthening the protection of rights-holders and victims of human rights violations; preserving the integrity and the independence of the treaty bodies; as well as reinforcing the implementation of States’ obligations for the benefit of the rights-holders on the ground. All stakeholders – be it States, treaty bodies, OHCHR, national human rights institutions or civil society – should give due consideration to their respective role in this process.

As one of these stakeholders, Sweden remains committed to making full use of the opportunities presented by resolution 68/268 in order to strengthen its engagement with the treaty bodies and the fulfilment of its international human rights obligations. Recognizing that late and non-reporting by States parties can affect the effectiveness of the treaty body system, Sweden urges all States parties to abide by their reporting obligations for every respective treaty, including to submit their periodic reports in a timely manner.

Sweden welcomes the efforts made by the Chairs of the Treaty Bodies to mainstream the implementation of General Assembly resolution 68/268 across the system, including the efforts to streamline the Committees’ working methods. Sweden also notes with interest the new work streams launched by the Chairs for further harmonization, namely regarding follow-up on concluding observations and views, inquiry procedures, remedies and reprisals.

Despite achievements, however, the alignment of working methods is an area where more could be done in order to replicate good practices in a more systematic way. A case in point is the simplified reporting procedure. Sweden believes that the simplified reporting procedure could be implemented more systematically and not only be used on a pilot basis. The modalities of the simplified reporting procedure could also be mainstreamed across the different treaty bodies. While some treaty bodies offer this procedure with certain limitations, others do not set any conditions. Another one is the issue of harmonizing the calendars for all treaty bodies, which Sweden believes could make both the preparation of States Parties’ report and the review of States Parties more efficient.

With regards to the individual complaints procedure, the long processing time is a source for concern. With a view to prevent further backlog, Sweden would like to encourage the treaty bodies to make use of experiences from other international human rights bodies and courts, in making the administration of individual complaints more efficient and effective.

Finally, all intimidations and reprisals against individuals and groups cooperating with the treaty bodies are unacceptable. Continued efforts are needed in this regard, and Sweden therefore welcomes the Treaty Body Chairs’ strong interest to coordinate and cooperate with Assistant Secretary-General Andrew Gilmour in responding to intimidations and reprisals.

1. Information on action taken relating to provisions of General Assembly resolution 68/268 which are specifically addressed to States
2. *Efforts to strengthen national implementation of international human rights treaties*

In October 2016, the Government submitted a Communication to Parliament consisting of revised Strategy for national efforts on human rights. The Strategy outlines a number of assessments and commitments in connection to Sweden’s international human rights obligations. For example, the Government assess that the work with international convention monitoring ought to be improved, including broadened consultation with actors to include proposals for measures which are necessary in view of the outcome of a review process in one or many treaty bodies.

In working to ensure Sweden’s compliance with its international obligations, Sweden positions itself as transparent in relation to international monitoring bodies. It is also important that there is a clear system for the analysis of and position on the observations and recommendations emanating from the monitoring process. Such action on the part of Sweden is also a way of contributing to the authority of the monitoring body.

In light of this, the Government Offices of Sweden have strengthened their internal efforts with convention monitoring. The new procedures mean that the Government is working in a similar way with all of Sweden’s convention commitments, and that recommendations and observations from the various monitoring bodies are analysed and the need for remediation or action programmes is considered.

The Government has an agreement with the Swedish Association of Local Authorities and Regions (SALAR). According to this agreement, the Government Offices of Sweden is to consult with SALAR as required on Sweden’s reporting to international monitoring bodies and to keep SALAR informed about any analysis of observations and recommendations that relate to municipalities and county councils.

Additionally, the Government has developed working methods that entail holding routine open consultations with affected organisations prior to impending convention monitoring. More on this is to be found below.

Sweden would also like to take this opportunity to inform the OHCHR that in July 2017 the Government decided to submit a proposal to the Council on Legislation (Lagrådet) to incorporate the UN Convention on the Rights of the Child (CRC) into Swedish law. It is proposed that the act would enter into force on 1 January 2020. Preparation of a Government bill to be submitted to the parliament is now under way.

1. *The use of simplified reporting procedure*

With regards to operative paragraph 2 of General Assembly resolution 68/268, concerning the use of a simplified reporting procedure, Sweden would like to inform the OHCHR that it has accepted the use of such a procedure when being offered with that possibility, the latest example (end of 2017) being the request from the Committee on the Rights for Persons with Disabilities to use a simplified reporting procedure, which Sweden endorsed.

1. *More efficient and effective use of meetings of States parties*

With regards to operative paragraph 7 of General Assembly resolution 68/268, concerning the more efficient and effective use of the meetings of States parties, Sweden would like to inform the OHCHR that it has sponsored side-events inter alia in the margins of the meetings of States parties on matters urgent to the implementation of the relevant treaty. One example of this is a side-event on the prevention of violence against women with disabilities, organized in the margins of the meeting of States parties to the Convention on the Rights of Persons with Disabilities in 2012.

1. *Enhanced consultation with civil society*

There is a clear trend towards a growing number of countries adopting laws focused on limiting the space available to civil society in various ways, not least targeting organizations working in the field of human rights. Shrinking space for civil society makes groups of people that are already vulnerable twice as vulnerable, a prime example being women who face discrimination and attacks purely for being women and also for being representatives of civil society. That’s one of many reasons as to why the Swedish Government work tirelessly in its foreign policy to ensure that civil society can operate freely and without risk of being subjected to reprisals.

Civil society and civil society organizations have a key role in work to promote and protect human rights. Many civil society organizations actively monitor respect for human rights within public service activities. They also document and criticize violations of these rights, and act as representatives for individuals, groups and interests, both nationally and internationally in cases of such violations. Civil society and civil society organizations are also important for informing about human rights and raising awareness of human rights.

A well-functioning and open consultation between the Government and civil society organizations is key for the work of both parties in promoting and protecting human rights. For the Government, it is important to be able to make use of civil society’s skills and perspectives in a qualitative and efficient way. For the organizations, regular open consultation affords a way to obtain information about and to influence the Government’s efforts.

For these reasons, the Government Offices of Sweden has developed a model aimed at achieving deeper and more structured open consultation with civil society organizations.

This model, which is termed focused discussion (sakråd), is based on the six principles for civil society policy and the Council of Europe’s Code of Good Practice for Civil Participation in the Decision-Making Process. The motivation for inviting an organization to participate in focused discussion must be based on the organization’s factual knowledge and perspective. The selection of organizations is to be suited to the purpose of the focused discussion, and relevant actors may therefore vary for different parts of a focused discussion.

The focused discussion model aims to:

* improve the quality of the Government’s evidence base by deepening and broadening the Government’s knowledge and perspective on particular issues;
* facilitate and enhance the efficiency of acquiring knowledge and other communications on matters between the Government and civil society organizations; and
* better coordinate the Government ministries’ contacts with civil society organizations for greater consistency within the Government Offices of Sweden.
1. *The issue of electing experts to the treaty bodies*

In relation to operative paragraphs 10 and 13 of General Assembly resolution 68/268, Sweden is of the strong view that the elections of experts to the UN treaty bodies must be merit-based. It is however also essential that the treaty bodies have an equitable geographic distribution as well as a gender-balanced composition.

Therefore, when considering different candidates for the relevant treaty bodies, the candidates’ education and work experiences and knowledge are at the forefront. Most importantly, enhanced knowledge about international law, in particular international human rights law, is vital when considering the composition of all treaty bodies. Explicit experience from the judiciary should be viewed as an asset. The same goes when considering to explicitly endorse a specific candidature, albeit also relevant to consider other aspects such as gender and geographical distribution.

1. Denmark, Finland, Iceland and Norway [↑](#footnote-ref-1)