

Written Communication

A National Human Rights Action Plan – A summary Skr.
2001/02:83

Foreword

At the UN World Conference on Human Rights that took place in Vienna in 1993, all states were recommended to consider drawing up national action plans in order to identify measures to improve the promotion and protection of human rights. Several states have followed this recommendation. The Swedish work started in May 2000 when an interdepartmental working group was appointed at the Ministry of Justice with the task of drawing up a proposal for a national action plan. Several informal reference groups (some 240 actors) were invited to take part in this work.

The Swedish Government decided to adopt the national action plan in January 2002 as a written communication to the Parliament (the Riksdag). The action plan is to span over a three-year period and applies to 2002-2004. The national action plan describes, *inter alia*, Sweden's responsibilities in this field, the long-term objectives of the Government and the role of various actors regarding work on human rights at the national level. It goes on to describe certain priority issues for further work in improving the promotion and protection of human rights, indicating how the Government intends to work with issues such as human rights education. Finally it discusses an information strategy, follow-up and evaluation mechanisms of the action plan.

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The 1993 Vienna World Conference on Human Rights was a milestone in human rights promotion. The Declaration and Action Plan which it adopted set the tone of the work which followed. Among other recommendations, the World Conference called on all States to consider drawing up national action plans for human rights. That recommendation reads:

“The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.”

This, then, is the background to the National Action Plan for Human Rights presented by the Government of Sweden.

The present English version of the National Action plan is a summary of the document (skr. 2001/02:83) which the Government has presented to the Riksdag (parliament). This summary, in other words, does not contain all the text and measures presented by the Government in the full Swedish text. But it does give, briefly, the new measures which the Government intends taking, as announced in the full text.

2 National Action Plan for Human Rights

2.1 Purpose of the National Action Plan etc.

<p>The Government's assessment: The Government's long-term endeavour is to secure full respect for human rights, greater knowledge and awareness of human rights and better co-ordination of work for the promotion of human rights.</p>

Underlying the drawing up of a National Action Plan for Human Rights is the concept of state responsibility for those rights being respected and provided for. This responsibility devolves primarily on the national government of every state, but national and local administrations also have a responsibility to discharge.

Through this National Action Plan for Human Rights the Government lays the foundations of a more concerted view of these matters in Sweden. The plan is to be implemented over a three-year period, 2002-2004. In December 2004, after the measures set forth in this action plan have been put into effect, the Government intends to start work on a second action plan. Experience of work relating to the first Action Plan will of course have a bearing on continuing work with reference to human rights.

The Action Plan has several purposes. Primarily, its aim is the promotion and protection of human rights. Another purpose is to heighten awareness of human rights issues. The third purpose is to

promote co-ordination of human rights activities, above all within the national administration. In order for these purposes to be attainable, the Action Plan has to be realistic and practical.

The fourth purpose of the Action Plan is to improve education on human rights. Accordingly, one section of the plan deals specifically with education and human rights.

The Action Plan is addressed to the Riksdag, but it is also intended for use in other sectors of society, e.g. as a form of information on Swedish commitments in this field and of the Government's view of human rights. It can also form a basis of discussion and instruction concerning human rights in other contexts.

It is also the intention for the action plan to be suitable for international distribution, as a presentation of experience to other countries for the drawing up of action plans.

2.2 What does "Human Rights" mean?

This section describes the content of the international conventions dealing with state responsibilities for human rights. Section 2.2.1 describes the character of those rights. Section 2.2.2 indicates that human rights are universal, indivisible, interdependent and interrelated while Section 2.2.3 gives an account of the ban on discrimination.

Section 2.2.4 describes the main conventions to which Sweden has acceded as part of its international co-operation within the United Nations, the International Labour Organisation (ILO), the Council of Europe and the EU, as also stated in App. 2.

3 Swedish activity for the promotion of human rights at international level

Concise description: Sweden is working to

- induce other states to respect human rights,
- make respect for human rights permeate the work of global and regional organisations,
- make the international norms of human rights more deeply rooted and more widely accepted, and
- improve the efficacy of mechanisms for ensuring that the norms agreed on are respected.

Within the framework of these objectives and the overriding objective of developing co-operation, which is to combat poverty, work relating to human rights is aimed at

- promoting respect for human rights in the partner country and facilitating their implementation, and
- reducing poverty still more effectively by including a rights perspective in development co-operation.

Section 3 describes Sweden's international activity with reference to human rights through the medium of its foreign and development co-operation policies.

In 1998 the Government presented two communications to the Riksdag on human rights. One of these deals with human rights in Swedish foreign policy (skr. 1997/98:89) and another deals with democracy and human rights in Sweden's development co-operation (skr. 1997/98:76). Written Communication 1997/98:89 is a concise presentation of the Government's human rights policy within Swedish foreign policy as a whole. In Written Communication 1997/98:76 the Government enlarges on the feasibility of strengthening support for sustainable democratic development and respect for human rights through the medium of international development co-operation.

4 Preparation of the task

4.1 Background

In May 2000, partly as a consequence of the 1993 UN World Conference on Human Rights in Vienna, an interdepartmental working group was set up within the Government Offices to draft a national Action Plan for human rights.

The task of the working group has been to chart and analyse ways in which Swedish national authorities today are working to improve the protection of human rights. The remit also included scrutinising the organisational aspects of the work already being done in the Government Offices with reference to human rights, and proposing any changes that might be necessary (see Section 8), as well as proposing measures whereby the UN Decade for Human Rights Education (1995-2004) can be observed in Sweden (see Section 9). It has also been incumbent on the working group to chart and clarify various models for drawing up a National Action Plan and, having done so, to select a working model that is viable for Sweden.

The working group has consulted a number of reference groups including, for example, representatives of various non-governmental organisations (NGO:s).

It should be emphasised that a National Action Plan for Human Rights needs to be adapted and framed according to the special needs existing in the country concerned. When work began in Sweden, the UN High Commissioner for Human Rights (UNHCHR) had yet to compile the handbook (Revised Draft – Handbook on national human rights plans of action), the final version of which will be published during 2002. The working model chosen, however, agrees with several of the proposals in the Revised Draft, added to which, information has been derived, and as much learned as possible, from the experience gained by other countries in the course of similar work. Sweden, however, has to a great extent devised its own working model, as will be made clear presently.

4.2.1 Human Rights in Sweden – A Baseline Study (Ds 2001:10)

The first stage in the process of drawing up a national action plan was to chart and analyse the work which is now being done by Swedish national authorities to improve the protection of human rights. This baseline study became a platform for ongoing work with the Action Plan.

The baseline study began in August 2000 and concluded in February 2001. The report *Mänskliga rättigheter i Sverige – en kartläggning* (Human Rights in Sweden – A Baseline Study, Ds 2001:10), was published in March 2001. The material on which it is based relates above all to Sweden's international commitment within the UN and the ILO, but also within the Council of Europe. Those commitments are based on conventions concerning human rights – political and civil, as well as economic, social and cultural.

Several of the questions addressed in the report have occupied the focus of attention when Sweden's international commitments have been scrutinised and come in for a certain amount of international criticism. They have also been highlighted by the various reference groups as questions which ought to be included in the future National Action Plan for Human Rights.

During the spring of 2001 the report was circulated to about 1,100 national authorities, embassies, municipalities, NGO:s etc.

4.2.2 The organisational aspects of work within the Government Offices relating to human rights

As part of the scrutiny of organisational aspects of current work within the Government Offices relating to human rights issues, two questionnaire surveys were conducted in a sample population of employees of the Government Offices. In addition, several handling officers of different kinds dealing with human rights issues were interviewed. These questions were discussed exclusively within the Government Offices, but suggestions concerning improvements were also received from several of the reference groups, e.g. suggestions concerning better ways of distributing human rights information from the Government Offices in the community at large.

4.2.3 Human rights education

The final stage of work on the Swedish Action Plan involved suggesting ways in which the UN Decade for Human Rights Education can be observed in Sweden. As work has proceeded, human rights education has also been highlighted as one of the most important topics needing to be addressed by a National Action Plan.

A National Action Plan for Human Rights affects the whole of Swedish society. The national and local administration have a responsibility for the protection of human rights, but there are a number of other agents with a very important part to play in the task of improving human rights safeguards in Sweden. One point of departure in drawing up the National Action Plan has therefore been for this work to proceed openly, with several of these other agents actively participating. With a view to involving other agents outside the Government Offices in work on the action plan, an invitation was sent out, in July 2000, to 120 different national authorities and other recipients, such as different ombudsmen, NGO:s and trade unions and researchers at higher education establishments. They were invited to take part in the drafting of a National Action Plan. Several different reference groups were set up. For the largest of these comprised about 70 NGO:s dealing with human rights, most of them included in the special Human Rights network of the United Nations Association of Sweden. The various reference groups were kept open, and new representatives were enabled to join them as work proceeded. Altogether some 240 different agents were given the opportunity of taking part in or commenting on work on the drawing up of a National Action Plan for Human Rights (see App. 3).

Several major meetings of different kinds, attended by some of the reference groups, took place during the autumn of 2000. On these occasions the reference groups had the opportunity of communicating, in writing or by word of mouth, their views on points to be observed in a National Action Plan. In December 2000 a draft version of the baseline study was circulated to the various reference groups for comment.

The way in which this work was conducted, with the assistance of the various reference groups, was highly important. From the very outset, the reference groups showed great interest and contributed many useful viewpoints. Many of the measures announced in the Action Plan emanate from the different reference groups.

5 Human rights in Sweden

5.1 Background

Human rights in Sweden are safeguarded above all by three of the four constitutional laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. Press freedom has been constitutionally protected ever since the 18th century and has the longest history of all civil and constitutional rights in Sweden.

The very first chapter of the Instrument of Government (RF) lays down that public power shall be exercised with respect for universal human equality and for the liberty and dignity of the individual. It further lays down that the Government in particular shall secure the right to work, housing and education and shall promote social welfare and security and

a good living environment (Chap. 1, Section 2, RF). The second chapter of the Instrument of Government contains provisions on basic rights and liberties, such as positive and negative opinion freedoms (Chap. 2, Sections 1-2, RF) and physical integrity (Chap. 2, Sections 4-6, RF). Chap. 2, Section 15 of RF lays down that a law or other statutory instrument may not imply that any citizen is disfavoured on account of belonging to a minority in terms of race, skin, colour or ethnic origin. Chap. 2, Section 16 of RF lays down that a law or other statutory instrument may not imply that any citizen is disfavoured on account of his or her sex, unless the provision is a part of efforts to achieve equality between men and women or concerns compulsory military service or some other comparable duty of service. Other constitutional provisions indicate the conditions under which interference with the right of economic activity is permissible, and the right of the Sami to engage in reindeer herding is also a subject of legislation (Chap. 2, Section 20, RF). Entitlement to free basic education in public sector schools is also constitutionally safeguarded (Chap. 2, Section 21, RF).

Chap. 2, Section 12 of RF contains provisions indicating the rights and liberties which may be restricted, in what form restrictions may be decided on and what general principles have to be observed in order for a restriction to be permissible.

Aliens are equated with Swedish citizens in several cases (Chap. 2, Section 22(1), RF), but an alien can be made a subject of special legislation, as is clear from the same provision (Chap. 2, Section 22(2), RF). That provision also makes clear that the "proportionality principle" of Chap. 2, Section 12 of RF is not applicable to intervention in the rights of aliens by authority of subsection 2.

The European Convention for the Protection of Human Rights and Fundamental Freedoms has had the status of Swedish law since 1995; see Act (1994:1219) concerning the European Convention for the Protection of Human Rights and Fundamental Freedoms. At the same time a provision was added to the Instrument of Government to the effect that no law or other statutory provision may be promulgated contrary to Sweden's commitments under the Convention (Chap. 2, Section 23, RF). Laws passed prior to the incorporation of the Convention should be interpreted in accordance with the Convention and existing case law. Subsequent legislation may not be promulgated contrary to the Convention or the available case law.

In addition to the constitutional provisions already mentioned, provisions at other levels also have a practical bearing on the rights and liberties of the individual. This is the case for the number and variety of laws and regulations governing, for example, health care, social services, criminal welfare, protection against different forms of discrimination, education and civil and criminal proceedings.

Several issues falling within the ambit of the European Union (EU) are supremely relevant to human rights. Asylum policy and equal opportunities (gender equality) policy are two such examples. When legislation emanating directly from EU institutions comes to be applied in Sweden, either through the transposition of a Directive or through a directly applicable Regulation, it is important that the human rights perspective should be included. This view is strengthened by the fact of

the European Council, in Nice in December 2000, having proclaimed the Charter of Fundamental Rights of the European Union. That Charter is a declaration of policy.

Sweden has signed and ratified most of the documents touching on human rights within the UN, the International Labour Organisation (ILO) and the Council of Europe, as shown in App. 2 of the Action Plan. The utmost importance is attached to the obligations. Signing and ratification are preceded by careful deliberations. It is through ratification, accompanied by the deposition or exchange of ratification instruments, that, in international law, Sweden incurs an obligation.

Sweden has several times been called upon by UN examining committees to take steps to make various conventions on human rights applicable in Swedish courts. This question was most recently raised in November 2001 by the UN Committee on Economic, Social and Cultural Rights. With reference to this, it can be said as follows. Sweden is a dualist state, which means that international agreements do not automatically become part of its national law. Treaties entered into by Sweden must in some way be incorporated with Swedish law in order to be valid for Swedish courts and national authorities. Two main methods employed for incorporating international agreements: Incorporation and transposition. Incorporation means the express indication in a law or other statutory instrument that the provisions of the Treaty are directly applicable in Sweden. The authentic text of the treaty, in one or more languages, then forms the basis of its implementation. Transposition means either that a text is translated into Swedish and then included in a Swedish enactment, or that the agreement is transformed into a Swedish statutory text. Transposition is the commonest method. Before Sweden ratifies a convention, Swedish legislation is thoroughly reviewed in order to see whether Swedish law accords with the convention. Where necessary, Swedish legislation has been amended so that the convention concerned can be ratified.

5.2 International commitments

Concise description:

- The Government is following up and intensifying the work in progress to facilitate ratification of various conventions on human rights.
- The Government is reviewing the extent to which further conventions/additional protocols to conventions on human rights can be signed.
- The Government is working to eliminate impediments to a possible ratification of the ILO Convention (No. 169) on the Rights of Indigenous and Tribal Peoples. This process will be described at greater length in the written communication on Sami policy which the Government intends presenting to the Riksdag.

Sweden has signed and ratified most of the conventions and additional protocols relating to human rights. It is vital that Sweden should continue to be numbered among the states signing and ratifying such conventions.

Accordingly, there is reason to follow up and intensify the work currently in progress within the Government Offices to facilitate signing/ratification. It should also be considered to what extent there is cause for Sweden to enter into any further commitment.

This section gives an account of newly ratified conventions and of work in progress for the ratification of various other conventions (the ILO Convention No. 169) on the Rights of Indigenous and Tribal Peoples and other conventions.

5.3 Review of reservations

Concise description: The Government is reviewing the reservations attached to various conventions and additional protocols and is considering the possibility of withdrawing them.

In certain connections, Sweden has seen fit to make reservations concerning one or other convention. This applies in cases where reservations are permitted, which they are not in the case of ILO Conventions. The Government's intention is for reservations to be withdrawn as soon as they no longer serve any purpose, and it is considering the extent to which existing reservations can be withdrawn. Reservations are currently noted for the following conventions/documents:

- The Convention relating to the Status of Refugees (Articles 8, 12(1), 17(2), 24(1)b, 24(3) and 25 regarding certain social questions).
- The International Covenant on Economic, Social and Cultural Rights (Article 7(d)).
- The International Covenant on Civil and Political Rights (Articles 10(3), 14(7) and 20(1)), Optional Protocol on Individual Right of Communication Concerning Alleged Violations of the Rights Set Forth in the Covenant (Article 5, paragraph 2) and
- Protocol No. 7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 7(2)).

In the case of the Council of Europe Social Charter, all provisions were carefully reviewed prior to Sweden's ratification of the revised text (see Ds 1997:65). Certain paragraphs of the Articles of the Charter were, for various reasons, judged unsuitable for ratification.

5.4 Follow-up of international criticism

Concise description: The Government is carefully following up the criticism levelled at Sweden regarding its human rights commitments.

Sweden's human rights obligations are scrutinised in several different international fora. Among other things, Sweden sometimes incurs criticism or other viewpoints as to ways in which it could improve its

realisation of a particular right or liberty. In certain cases criticism has been levelled against Sweden in the complaints procedures established within the UN for certain Conventions. Sweden has also been found guilty by the European Court of Human Rights of breaching the European Convention. When criticism is voiced or when judgement is passed against the state, the Government treats this with the utmost gravity. The Government carefully follows up criticism of Sweden regarding its human rights commitments. Concerning criticism levelled at Sweden with reference to the priority issues, see Section 7.

5.5 Human Rights information to the Riksdag

The Government's assessment: The Government intends returning to the Riksdag at regular intervals to report on work at national level with reference to human rights.

Reasons for the Government's assessment: The Riksdag should be informed concerning follow-up of this action plan and concerning the progress of human rights activities at national level. The Riksdag should also be informed of the criticism which Sweden sometimes incurs from the UN investigating committees and, for example, from the European Court of Human Rights. The Government therefore finds reason for returning to the Riksdag at regular intervals in future to report on work relating to human rights. Concerted information of this kind would also be capable of serving as a basis for discussion, debate and education in the community at large.

6 The role of different agents in connection with work relating to human rights

Responsibility for the non-violation of human rights devolves on the Government and on national and local authorities. It is not only the work of the Government to improve the promotion and protection of human rights that matters. Several other agents in society, both public and private, contribute through their work to the promotion and protection of human rights. Many agents have actively participated in the drawing up of this action plan, as described more closely in Section 4. Those highlighted in Section 6 are the Parliamentary Ombudsmen, the Courts, the National Administrative Authorities (ombudsmen reporting to the Government and other administrative authorities), municipalities and county councils, the labour market parties, business enterprises and NGO:s.

6.1 The Parliamentary Ombudsmen

The Office of the Parliamentary Ombudsmen (JO), set up as long ago as 1809, comes under the Riksdag and is part of its controlling power. The

Ombudsmen are elected by the Riksdag under Chap. 12, Section 6 of the Instrument of Government (RF), to supervise the implementation of laws and other statutory instruments. The Parliamentary Ombudsmen (Standing Instructions) Act (1986:765) defines the responsibilities and powers of the Ombudsmen. Section 3 of that Act especially requires the Ombudsmen in the course of their supervisory activities to ensure that courts and administrative authorities in the discharge of their duties observe the provisions of the Instrument of Government on objectivity and impartiality, and also that the fundamental rights and freedoms of citizens are not encroached on.

6.2 The Courts

The Government's assessment: The Government intends commissioning an investigator to chart cases in which Swedish courts have applied Chap. 2 of the Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms. This survey should also include an account of the Swedish cases coming before the European Court of Human Rights.

Reasons for the Government's assessment: Independent, autonomous and impartial courts are a basic prerequisite of effective democracy. This is made clear both by the Instrument of Government and by various international conventions. For example, Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention) requires the determination of civil rights, among other things, to take place before an independent and impartial tribunal established by law. On this point the Instrument of Government lays down that no authority, not even the Riksdag, may determine how a court is to judge the individual case or how it is otherwise to apply the law in a particular case. From this provision it follows that the courts are independent of Government and Riksdag in their judicial capacity but also in their administrative capacity insofar as this involves application of the law. The courts are the ultimate guarantee of the protection of rights as inscribed in the constitutional laws and ordinary legislation being respected. This is underscored by judges being a subject of special rules for the filling of appointments and, in principle, being appointed in perpetuity (Chap. 11, Sections 5 and 9, RF).

The right of judicial review is provided for in Chap. 11, Section 14 of RF. The addition of this provision to the Instrument of Government in 1980 had the effect of codifying the right of judicial review previously evolved by case law. Judicial review (otherwise termed legality adjudication) means that a court or other public agency finding, in its application of the law, that a provision is contrary to a provision of constitutional law or some other superior statutory instrument or that a statutory procedure has in some vital respect been disregarded in the making of the provision, may not apply that provision. If, however, the provision has been made by the Riksdag or Government, its

implementation may only be waived if the error is manifest. Under the Swedish system of judicial review it is not possible to request a court ruling solely on the question of a provision's constitutionality. To be tried by a court, this question must have arisen in connection with the application of the provision to a particular case.

The right of judicial review was most recently addressed by the Riksdag in Report 2000/01:KU11, rskr. 2000/01:200 of the Standing Committee on the Constitution. The Standing Committee found that the Government should be instructed to order an investigation of questions concerning the duty of courts or other public bodies, under Chap. 11, Section 14 of the Instrument of Government, to refrain from implementing a provision and concerning the exception to that duty, the "manifestation requirement". The Standing Committee stated that the manifestation requirement, among other things, should be elucidated, not least considering that the European Convention had been incorporated with Swedish law and that Sweden had become a member of the European Union (EU). This pronouncement by the Standing Committee was endorsed by the Riksdag and conveyed to the Government (rskr. 2000/01:200).

The European Convention has had the status of Swedish law since 1995. It does not rank as constitutional law, but under the Instrument of Government no law or other statutory instrument may be promulgated contrary to Sweden's commitments under the Convention (Chap. 2, Section 23, RF). The growing body of case law from the European Court of Human Rights has made the Convention a very important instrument.

Sweden's membership of the EU has among other things had the effect of making EC Regulations directly applicable in Sweden. Case law from the European Court of Justice has established that Directives can also be directly applicable in Sweden, on certain conditions.

International human rights law have become increasingly important in the judicial context, due above all to Sweden's EU membership and to the European Convention counting as law in Sweden. A close knowledge is therefore needed of such law and of the case law surrounding them. For this reason the Government will be observing the measures taken by the National Courts Administration for the further development of its human rights education activities, dealt with in Section 9.5. The Government believes that a useful purpose could also be served by a survey of the cases in which Swedish courts have made use of the European Convention since it became Swedish law and of the provision in Chap. 2 of the Instrument of Government. A survey of this kind could serve to show how commonly cases occur in which human rights are invoked and which are the most frequently asked questions. In addition, the survey could provide a systematic account of the Swedish cases coming before the European Court of Human Rights. The Government therefore intends appointing an investigator to carry out such a survey.

6.3.1 Ombudsmen reporting to the Government**Concise description:**

– During the spring of 2002 the Government intends proposing certain measures to strengthen the Office of the Children's Ombudsman and to improve its efficiency.

– The Government is drafting supplementary terms of reference for the 2001 Discrimination Commission, with a view to investigating the possibilities of general anti-discriminatory legislation covering all or most grounds for discrimination and sectors of society. The intention is for this remit also to include a review of the tasks and responsibilities of the Office of the Disability Ombudsman, the Equal Opportunities Ombudsman, the Office of the Ombudsman Against Discrimination Because of Sexual Orientation and the Office of the Ombudsman Against Ethnic Discrimination, as well as considering a co-ordination or amalgamation of some or all of these Offices.

Sweden has several Ombudsmen who are accountable to the Government and whose duties are related to human rights. Four of these – the Equal Opportunities Ombudsman (JämO), the Ombudsman Against Ethnic Discrimination (DO), the Disability Ombudsman (HO) and the Ombudsman Against Discrimination Because of Sexual Orientation (HomO) – are tasked with counteracting discrimination based on various grounds. The fifth Ombudsman, the Office of the Children's Ombudsman (BO), has the task of monitoring issues relating to the rights and interests of children and young persons. The Ombudsmen have different mandates and different tasks to perform. All of them, however, have operational spheres with a vital bearing on the protection of human rights and an important part to play in the promotion of such rights in a national perspective.

JämO's main task is to ensure that the Equal Opportunities Act (1991:433) is complied with. The purpose of that Act is to promote the equal rights of women and men with regard to employment, conditions of service and other working conditions, and opportunities of development at work.

DO is required under the Act (1999:131) establishing the Office of the Ombudsman Against Ethnic Discrimination to work for the prevention of ethnic discrimination at work or in other sectors of society. DO shall also help to make it possible, through counselling and by other means, for persons subjected to ethnic discrimination to assert their rights.

HO is required, under the Act (1994:749) establishing the Office of the Disability Ombudsman, to monitor issues relating to the rights and interests of persons with functional impairment. Among other things HO has to monitor compliance with the Persons with Functional Impairment (Prohibition of Discrimination at Work) Act (1999:132).

HomO has the task of ensuring that the Discrimination at Work (on Account of Sexual Orientation, Prohibition) Act (1999:133) is complied with. This Office is also tasked with individual counselling and support, with recommending to the Government legislative changes and other

measures which can counteract discrimination on account of sexual orientation, and observing developments at international level.

BO differs from the other ombudsmen in that it is not tasked with counteracting discrimination. Instead the Act establishing the Office of the Children's Ombudsman (1993:335) requires BO to monitor issues pertaining to the rights and interests of children and young persons. In particular BO shall observe the compatibility of laws and regulations and their application with Sweden's commitments under the UN Convention on the rights of the child.

In December 2000 the Government resolved to appoint a special investigator to propose means of implementing two specific EC Directives in Sweden, namely Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The Commission has adopted the name of the 2001 Discrimination Commission. In the National Action Plan Against Racism, Homophobia and Discrimination (skr. 2000/01:59), resolved on in February 2001, the Government has declared its intention of instructing this Commission, through supplementary terms of reference, also to investigate the possibilities of general legislation against discrimination covering all or most grounds for discrimination and sectors of society. The intention is for the remit also to include a review of the tasks and responsibilities of HO, JämO, HomO and DO and for consideration to be given to the co-ordination or amalgamation of some or all of these Offices. Drafting work on such supplementary terms of reference is currently in progress within the Government Offices.

6.3.2 Other Administrative Authorities

The Government's assessment: For national authorities with special human rights responsibilities, the Government will be considering further measures to draw their attention to their responsibilities, e.g. through provisions in their standing instructions or through the inclusion of feedback reporting requirements in their appropriation warrants.

Reasons for the Government's assessment: The national and local administrations have a responsibility for the respect and accommodation of human rights. Many public authorities are responsible for substance being given to certain rights through various national rules. The rights and liberties of individual persons can be given clear practical expression when authorities intervene, as for example when the Swedish Migration Board decides to take an alien into custody or a prosecutor decides to have a person detained.

The Government intends taking further measures to increase the human rights competence of national authorities and to clarify their role and responsibilities. International criticism levelled against Sweden in any form must be carefully followed up at national authority level. To

clarify the responsibilities of national authorities where human rights are concerned, the Government contemplates taking further measures to draw the attention of national authorities with special human rights responsibilities to those responsibilities. This can be done, for example, through provisions in their standing instructions, through the inclusion in appropriation warrants of feedback reporting requirements concerning human rights, or by observing the question of human rights in the annual target and performance dialogues with the national authorities.

The importance of education and information are considered more closely in Section 9. It is also important that national authorities should be apprised of the international documents affecting their activities. The distribution and translation of different documents will be dealt with more closely in Section 10.

6.4 Municipalities and county councils

Concise description: The municipalities and county councils have an important part to play in the realisation of human rights. Their practical handling of a number of questions is of importance and can in certain cases be crucial to Sweden's ability as a state to measure up to its obligations in several fields.

Many of the rights and liberties which Sweden has committed itself to guaranteeing are realised through the work done at municipal (local government) level. The municipality or county council is the mandator for several different activities of importance for economic, social and cultural rights. Part of the education system is municipal and several different social rights are extended to the individual on the basis of decisions taken by the municipality or county council. Many decisions are made by officials to whom authority has been delegated.

The municipalities and county councils have an important part to play in the realisation of human rights. Their practical handling of a number of questions is of importance and can in certain cases be crucial to Sweden's ability as a state to measure up to its obligations in several fields. The municipalities and county councils therefore have an important role and a great responsibility in order for Sweden to be capable of measuring up to the demands entailed by international conventions.

Various factors can influence the prospects of these agents measuring up to what is required of them.

One influential factor is knowledge of and familiarity with the content of human rights conventions. Another may be the extent to which the individual can have an opportunity of getting local government decisions corrected, amended or cancelled. A possibility of this kind exists through the right of legality adjudication under Chap. 10 of the Local Government Act (1991:900). In addition, many local government decisions can be appealed in an administrative tribunal by administrative decision. These faculties help to achieve nationally uniform precedent. In this way the individual has a possibility of obtaining the same protection

for his rights, by whatever municipality or county council the decision was made. Skr. 2001/02:83

In addition there is national supervision of local government and rules of quality assurance and quality development which can also influence the ability of municipalities and county councils to measure up to what is required of them. These rules include stipulations concerning routines and systems for dealing with complaints within social services, health care and activities coming under the Support and Service (Certain Persons with Functional Impairment) Act (1993:387).

The Government intends pursuing improved human rights education opportunities for officials and elected representatives in municipalities and county councils throughout the country, as described in Section 9.8.

6.5 The labour market parties

Concise description: Both employers and union organisations, as central agents in the life of the community, have an important role to play in the promotion and protection of various human rights.

Both employers and union organisations, as central agents in the life of the community, have an important role to play in the promotion and protection of various human rights.

This is especially clear as regards efforts to combat discrimination. The union organisations are entitled to bring discrimination proceedings in the Labour Court. Responsibility for taking active measures in various respects devolves on employers under the Equal Opportunities Act (1991:433) and the Ethnic Discrimination at Work (Measures Against) Act (1999:130). It is therefore essential for the appropriate standard of knowledge in this field to be secured on the part of both union organisations and employers.

A number of different initiatives have been taken in recent years by organisations of employers and employees, either conjointly or separately, against discrimination, racism and nazism and for diversity. In 1998, for example, the labour market parties at central level established the Council for Diversity in Working Life.

Much of the Council's time hitherto has been devoted to building up its own knowledge and exploring eligible fields for joint initiatives by the parties. The additional knowledge acquired has been fed back by the parties into activities within their respective organisations. One recurrent and important element of Council meetings is the pooling of experience on current developments within the various organisations and sectors regarding initiatives and activities in the diversity context.

6.6 The social role of enterprise

Concise description: The Government is deepening its dialogue with representatives of Swedish enterprise regarding the discussion of human rights.

Business undertakings, as producers of goods and services, can have an important role to play in the protection of human rights. Several different Swedish enterprises are world leaders in their various fields, with the result that their actions both nationally and internationally can have a great deal of impact.

The Government's expectations concerning the social responsibility of Swedish undertakings worldwide is expressed in the guidelines laid down by the Organisation for Economic Co-operation (OECD) for multinational enterprises and the UN Global Compact. On the basis of those recommendations, the Government has invited Swedish businesses to enter into co-operation regarding social responsibility in the broad sense (the environment, working conditions, corruption etc.). Like the other OECD countries, the Government has pledged itself to follow up, everywhere in the world, Swedish cases where Swedish undertakings do not comply with the OECD guidelines. Anyone can raise cases of this kind by getting in touch with the Government's national contact point.

The Government notes with gratification the increasing interest shown by business undertakings to view their activities in a social context where respect for human rights, not least, plays an important part, and it is deepening its dialogue with representatives of Swedish business enterprise. More and more undertakings are drawing up various codes of conduct or the equivalent for their activities. It is also common for business undertakings to co-operate with NGO:s, such as Amnesty International, for example.

6.7 NGO:s

Concise description

- Valuable work is being done by the NGO:s to promote and strengthen human rights, both nationally and internationally. By virtue of their independence, the NGO:s have a special function to perform.
- The Government intends commissioning an exploratory study of ways in which legislation in different fields affects NGO:s.
- The Government intends appointing a special investigator to investigate and analyse matters relating to premises for public meetings.
- The Government intends holding recurrent Popular Movement Forum meetings for a dialogue between the Government and its administrative authorities on the one hand and, on the other, representatives of voluntary organisations.

Valuable work is being done by the NGO:s to promote and strengthen human rights, both nationally and internationally. The NGO:s supplement other work which is being done, and they have a good knowledge of the status and content of human rights.

By virtue of their independence, the NGO:s have a special function to perform. They can contribute towards a necessary debate on human rights. They can also – and this is a prime task for many of them – play a critical and pressurising role on matters relating to human rights.

The Government values the intensification of its dialogue with the NGO:s. It intends providing further support to promote their opportunities of providing human rights education (see Sections 9.7 and 9.9). In recent years, certain organisations have written parallel reports to various monitoring committees. Through these parallel reports the individual organisation conveys its picture of Sweden's compliance with the conventions. Their reports are of considerable moment in the debate on human rights.

The Government intends resolving that a special investigator shall chart the impact of legislation in different fields on NGO:s (see Government Bill Prop. 2001/02:80). The intention is to provide a coherent picture and assessment of the legal conditions applying to such associations.

The Government intends resolving to appoint a special investigator to investigate and analyse questions concerning premises for public meetings. One of the investigator's tasks will be to examine the importance of premises for public meetings to the local community, especially as regards residential participation in the life of the community and in political processes. As part of this inquiry, the investigator shall endeavour to assess the importance of such public premises for the exercise by residents of their constitutional freedoms of assembly, expression and association.

The Government intends holding recurrent Popular Movement Forum meetings for a dialogue between the Government and its administrative authorities on the one hand and, on the other, representatives of voluntary organisations, in which both traditional organisations and small, new and unconventional bodies will be given the opportunity of taking part (see Government Bill Prop. 2001/02:80). The Government sees an advantage in human rights issues also being highlighted in these connections.

7 Certain priority issues

Section 7 describes certain questions to which the Government intends giving priority during the next three years in its ongoing work with reference to human rights. Several of these have been addressed in the survey presented in the report *Mänskliga rättigheter i Sverige – en kartläggning* (Human Rights in Sweden – A Baseline Study, Ds 2001:10). The Government attaches great importance to having a holistic perspective on questions relating to human rights. The emphasis must therefore be on the indivisibility and universality of human rights. The fields enumerated below as certain priority issues have for the most part been highlighted in connections where Sweden's obligations have been examined in international fora. If so, this is made clear below. The section also includes other fields which the Government sees to be in need of reinforcement.

Concise description

– The Government's aim with migration policy is to provide protection against persecution and torture by safeguarding the right of asylum in Sweden and internationally, to maintain controlled immigration and to augment the harmonisation of refugee and immigration policies in the EU. The aim is for these activities to be characterised by the rule of law, humanity and respect for the human rights of the individual.

– In its Budget Bill for 2002 the Government has earmarked funding both for the Swedish Migration Board and for the Aliens Appeals Board to shorten their handling times.

The right to seek asylum is laid down in Article 14 of the UN Universal Declaration of Human Rights. In the field of refugee law there is the UN Convention Relating to the Status of Refugees. This was supplemented in 1967 by the New York Protocol, in which the ratifying states undertake to apply the main Convention without any geographic limitation and without restriction to events occurring before 1st January 1951.

Swedish migration policy impinges on several fields. Above all it comprises refugee policy, immigration policy and repatriation policy. Foreign policy, security policy, trade policy and development co-operation policy are also affected. A consensus between migration, development co-operation and security policies in relation to poor countries can, for example, in the long run result in fewer people being forced to leave their countries of origin. Successful security policy can also lead in the long term to stable regions in the world as regards peace and security, which will mean smaller numbers of refugees. It is urgently necessary to establish a consensus between migration and development issues. Thus the aim of the Government's migration policy is for migration to and from our country to take place in an orderly manner, for the right of asylum in Sweden and internationally to be safeguarded, for controlled immigration to be maintained and for the harmonisation of refugee and immigration policies in the European Union (EU) to be increased.

To shorten the existing handling times of the Swedish Migration Board and the Aliens Appeals Board, the Government has proposed in its Budget Bill for 2002 (Prop. 2001/02:1), that the administrative funding allocations to these authorities be increased by a total of MSEK 55.

The Government's assessment: In its target and performance dialogue with the Swedish Migration Board and the Aliens Appeals Board, the Government intends actively monitoring the way in which these authorities measure up to visions and operational targets with a view to making the human rights perspective permeate guidelines of handling and decision-making procedure.

Reasons for the Government's assessment: Article 3 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment lays down that no one may be expelled, returned or extradited if they are in danger of being subjected to torture. Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention), forbidding torture, inhuman or degrading treatment or punishment, also provides, through the case law established by the European Court of Human Rights, safeguards against expulsion, return or extradition if a person risks being subjected to torture or suchlike treatment in keeping with the wording of the article.

Since the end of the 1980s a number of complaints against Sweden have been filed with the European Commission in Strasbourg by aliens who have been refused residence permits. On 1st November 1998 the Commission and the then European Court of Human Rights were replaced by a new court with full-time members. Since then, complaints have been addressed directly to the European Court of Human Rights. In complaints against Sweden, it is often submitted that the alien, if he or she is repatriated, will be subjected to torture. The Swedish Aliens Act (1989:529) includes an absolute prohibition against refusing entry to or expelling a person who risks capital punishment, corporal punishment or torture or being subjected to other inhuman or degrading treatment or punishment. A person risking such treatment shall be granted a residence permit in this country as being in need of protection.

Cases in which torture is invoked are often hard to investigate and involve complicated questions of valuation of proof. For example, it can be difficult for somebody who has been tortured to give an objective account of what he or she has been through. Not infrequently, the evidence pleaded in the case is in another country.

The UN Committee against Torture (CAT) has criticised Sweden in eight cases. The European Court of Human Rights has not yet found against Sweden in any case concerning Article 3 of the European Convention. One precondition for the UN Committee against Torture being able to hear complaints from individual persons is that the state concerned must have accepted the individual right of complaint. Many of the states which are parties to the Torture Convention have not done so. The European Court of Human Rights, on the other hand, is competent to try complaints from individuals against all states which are parties to the European Convention. In several countries with an advanced legal system and a legally secure asylum process, growing numbers of cases are being referred to these international monitoring bodies. This is above

all true of cases referred to the UN Committee against Torture. This can be seen as a natural consequence of opportunities for legally pursuing a matter with the support of active legal representatives are greater in these countries. Other countries which have, or have had, individual cases before the Committee include, for example, France, Switzerland and Canada.

The Government takes a serious view of the criticism levelled against Sweden by the Committee and attaches great importance to the right of individuals to complain to international monitoring bodies. Every case in which criticism has been made of Sweden is carefully analysed, and routines for the handling of assessment of asylum cases where torture may have occurred are being improved in various ways. Sweden always complies with decisions by the European Court of Human Rights and the UN Committee against Torture. There has been no refusal of entry in cases where Sweden has been criticised.

The Swedish Migration Board and the Aliens Appeals Board are already actively working with in-house training, seminars and other measures for devoting attention to cases where the risk of torture is invoked. The vision of the Swedish Migration Board includes safeguarding human rights and standing for humanity and respect, the rule of law and commitment. In its target and performance dialogue with the Swedish Migration Board and the Aliens Appeals Board, the Government intends actively monitoring the way in which these authorities measure up to visions and operational targets with a view to making the human rights perspective permeate guidelines of handling and decision-making procedure.

The refugee concept

<p>The Government's assessment: The Government welcomes the European Commission's proposed Directive including gender-related persecution in the Convention refugee concept. The Government will propose that Swedish legislation be adapted to the outcome of the Council negotiations.</p>

Reasons for the Government's assessment: The Convention Relating to the Status of Refugees defines a refugee as a person with a well-founded fear of being persecuted in the country of his nationality for reasons of race, nationality, membership of a political social group or religious or political convictions. During the autumn of 2001 the European Commission presented a draft document to the effect that a well-founded fear of persecution for reasons of sex will be proposed as a ground for refugee status under the same Convention. Under current Swedish legislation, such persons may remain in Sweden as being otherwise in need of protection. The Government welcomes the European Commission's proposed Directive including gender-related persecution in the Convention refugee concept. The Government will propose that Swedish legislation be adapted to the outcome of the Council negotiations.

The Aliens Act indicates qualifications for entitlement to asylum in Sweden. Persons granted asylum here on the grounds indicated in the Convention Relating to the Status of Refugees are sometimes referred to as Convention refugees. Persons in danger of torture, capital punishment or other inhuman or degrading treatment are referred to as being otherwise in need of protection. This category also includes persons with a well-founded fear of persecution by reason of sex or homosexuality.

The persons in need of protection who, in collaboration with the UNHCR, are transferred to Sweden for resettlement include both those with reasons based on the Convention Relating to the Status of Refugees and those with other reasons. As from 1997, those selected for resettlement are not automatically counted as Convention refugees. Most persons obtaining protection in Sweden do so on grounds other than the Convention. In 2001 residence permits were granted to 307 persons as Convention refugees and to 811 persons as being otherwise in need of protection. Also that year, some 5,700 persons were granted residence permits for humanitarian reasons.

Greater legal security in asylum cases

The Government is anxious for persons seeking asylum in Sweden to obtain legally secure examination of their grounds for asylum, and it attaches great importance to the legitimacy of and confidence in the asylum process. For a long time now, work has been in progress in the Government Offices concerning the possible structure of a reform of appeal procedure in aliens cases.

In keeping with the statement by the Standing Committee on Social Insurance in its report on the Budget Bill (bet. 2001/01:SfU2), the Government intends being able to present a proposed new scheme of tribunals and procedure for aliens and citizenship cases during 2002.

7.2 Protection against discrimination and certain other related matters

7.2.1 General

The prohibition of discrimination is common to all instruments addressing human rights. For example, Article 1 of the UN Universal Declaration of Human Rights lays down that all human beings are born free and equal in dignity and rights. Under Article 2, everyone is entitled to the rights set forth in the Declaration, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. A prohibition of discrimination on these grounds is also contained in Article 26 of the UN Covenant on Civil and Political Rights and in Article 2(2) of the UN Covenant on Economic, Social and Cultural Rights.

Article 14 of the European Convention lays down that the enjoyment of the rights which it sets forth shall be secured without discrimination

on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. An additional Protocol No. 12 to the Convention, containing an independent prohibition of discrimination, was adopted recently. This Protocol has not been signed by Sweden.

The prohibition of discrimination in the UN Universal Declaration, the two UN Covenants and the European Convention also applies to discrimination on grounds of sexual orientation (see Section 7.2.6). The EC-law also provides provisions whereby discrimination is prohibited. Under Article 12 of the EC Treaty, all discrimination on grounds of nationality within the scope of the Treaty shall be prohibited. Furthermore, Article 13 of the EC Treaty empowers the Council, within the scope of the powers conferred on the Community by the Treaty, to take suitable measures in order to combat discrimination on grounds of sex, race, ethnic origin, religion or conviction, functional impairment, age or sexual orientation.

Anti-discrimination work has to be conducted in various ways. Measures aimed at preventing and counteracting discrimination are fundamental in a democracy, but they have to be supplemented by measures of other kinds, because work to combat discrimination can never succeed in the long term without everyone in our country actually having equal opportunities and capacity to participate in the life of the community on equal terms. Measures of this kind are undertaken, for example, within the framework of equal opportunities policy, integration policy and disability policy.

7.2.2 Certain new initiatives

Concise description:

- In the autumn of 2001 the Government resolved to introduce a Bill on equal treatment in higher education.
- The Government intends resolving on supplementary terms of reference for the 2001 Discrimination Commission, to investigate the possibilities of general legislation against discrimination covering all or most grounds for discrimination and sectors of society.

Equal treatment of students in higher education

In order to strengthen safeguards for students against discrimination, the Government resolved on 27th September 2001 to introduce a Bill containing proposals for a new Students in Higher Education (Equal Treatment) Act (Prop. 2001/02:27).

Among other things, the proposed legislation forbids discrimination on grounds of gender, ethnic identity, sexual orientation and functional impairment and makes any higher education establishment not complying with the Act liable in constructive damages for the affront to which a student or applicant was thereby subjected.

In February 2001 the 1999 Constitution Commission submitted its interim report *Vissa grundlagsfrågor* (Certain Constitutional Questions, SOU 2001:19). One proposal contained in the report is for the provision concerning objectives in Chap. 1, Section 2 of the Instrument of Government (RF) to be supplemented and reinforced with a new provision to the effect that the community shall work to enable all persons to achieve participation and equality in society and that the community shall counteract discrimination on grounds of sex, colour, national or ethnic origin, linguistic or religious identity, functional impairment, sexual orientation, age or any other circumstance relating to the individual as a person.

Wider protection against discrimination

In December 2000 the Government resolved on terms of reference for a special investigator tasked with submitting proposals for the implementation in Swedish law of the two EC Directives against discrimination. This Commission is entitled the 2001 Discrimination Commission (Dir. 2000:106). The investigator is due to report back not later than 1st February 2002, except as regards the provisions concerning discrimination on grounds of age, a report on which is to be submitted not later than 1st July 2002. In the National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination (the National Action Plan Against Racism etc.) (skr. 2000/01:59), the Government declared its intention of issuing the Commission with supplementary terms of reference, requiring it to investigate the possibilities of general anti-discrimination legislation covering all or most grounds for discrimination and sectors of societies in the National Action Plan Against Racism etc., the Government indicated strong reasons for equal legislative treatment of all grounds for discrimination. The supplementary terms of reference will also, among other things, include the question of amalgamating some or all of the Ombudsmen reporting to the Government, and also the question of whether special provisions should be introduced on reverse ("positive") discrimination. It is expected that the supplementary terms of reference will be resolved on by the Government early in 2002. The Government's intention is for the Commission, simultaneously with the widening of its remit, to be reconstituted as a parliamentary committee.

This section also deals with the Diversity Project, the Community Initiative Equal and the EU Action Programme Against Discrimination (2001-2006).

Concise description

– The Government's objective for Swedish equal opportunities policy is for women and men to have the same opportunities, rights and obligations in all walks of life.

– The question of whether the county administrative boards should be given supervisory responsibility concerning the rules of the Equal Opportunities Act (1991:433) on active measures is currently being studied within the Government Offices. So too are the proposals made by the Council on Equal Opportunities Issues with reference to transport and IT.

– The proposals by the Sexual Offences Committee for new provisions on sexual offences are currently being processed.

– Statistics Sweden (SCB) has been instructed by the Government to carry out a time use study which will provide information on the allocation of tasks in the home.

– Funding has been allocated for 31 professorships and 73 post-doctoral fellowships for the under-represented sex.

The right of women not to be subjected to discrimination is addressed above all in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Sweden was one of the first countries to ratify this Convention, which entered into force in 1981. An optional Protocol, in force in December 2000, enables complaints to be lodged by individuals. Sweden has not yet ratified the optional Protocol, but work on its ratification has begun and it is expected that a proposal can be introduced during 2002.

Commenting in July 2001 on the fourth and fifth Swedish reports on measures taken to give effect to CEDAW, the UN Committee on the Elimination of Discrimination Against Women expressed concern that the wage gap between women and men, in both the private and public sectors, had not narrowed during the past ten years. The Committee also expressed concern with the existence of gender-based segregation at all levels of the educational system, and over the continuing prevalence of violence against women, despite the considerable efforts made to combat it. In particular the Committee drew the Government's attention to the violence inflicted on women with disabilities and on migrant and minority women. The Committee expressed concern that the new legislation criminalizing the purchase of sexual services might have increased the incidence of clandestine prostitution, thereby making prostitutes more vulnerable, and over Sweden having become a recipient country for trafficking of women. Finally it expressed concern over the continuing discrimination against immigrant, refugee and minority women in Sweden, including in education and employment, and about discrimination against Sami and Roma women.

During Sweden's Presidency of the EU, equality of women and men was a priority issue. Among other things, courses, conference and seminars were arranged, as well as presentations of research reports and theses, exhibitions and EU projects.

The Government's aim is for the equal opportunities aspect to permeate all parts of governmental policy. The overarching aim of Swedish equal opportunities policy is for women and men to have the same opportunities, rights and obligations in all essential walks of life. This aim is stated in the declaration of Government policy. Equal opportunities promotion shall be a part of regular policy-making and government. Each ministry is responsible for the follow-up and evaluation of equal opportunities promotion. The Equal Opportunities Unit reporting to the Minister for Gender Equality Affairs, has a coordinating, advisory and accelerating role in relation to the ministries.

This section also deals with the labour market and working life, transport and IT, violence to women, sexual offences and prostitution, statistics, and education and research.

7.2.4 Racism, xenophobia and ethnic discrimination etc.

Concise description

– The Government's integration policy aim is equal rights, obligations and opportunities for all, regardless of ethnic and cultural background, a common society founded on diversity, and social development characterised by mutual respect and tolerance, with all persons participating and jointly responsible, whatever their background.

– The Government has presented the written communication A National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination (skr. 2000/01:59) to the Riksdag.

– In 1999 the Government instructed all national authorities directly accountable to it to draw up action plans for the promotion of ethnic diversity among their employees.

– In its Bill Racial Agitation etc. (Prop. 2001/02:59) the Government has among other things proposed introducing a special scale of penalties for aggravated cases of racial agitation and expanding the scope of the provisions on racial agitation so as also to include agitation alluding to sexual orientation.

– The Government is giving priority to ongoing efforts to overcome social and ethnic bias in higher education recruitment.

– A special investigator has been appointed to describe and analyse the distribution of power and influence in an integration policy perspective.

– Anti-racist work has been reinforced and MSEK 10 per annum budgeted for these activities.

– An experimental scheme of local and regional anti-discrimination officers is to be inaugurated during 2002.

– A working group has drafted proposals for the conduct, development and funding of continuing work to support persons wishing to withdraw from racist and suchlike groups.

The foremost international instrument for counteracting ethnic discrimination is the UN International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

The Committee on the Elimination of Racial Discrimination, commenting on Sweden's thirteenth and fourteenth reports from August 2000, has singled out a number of fields in which it feels the Government should take further steps to meet its commitments under the CERD. (1) The Committee encouraged the Government to continue its efforts to prevent and punish racist neo-nazi violence, especially among young persons. (2) Better statistics were called for concerning the ethnic structure of the population. (3) The Committee expressed concern about increasing de facto residential segregation and recommended that the Government take steps to address such segregation. (4) The Committee recommended that racist organisations be prohibited and penalised. (5) The Government should also increase its efforts to facilitate occupational integration. (6) Finally the Committee expressed concern over the increasing incidence of racial discrimination in restaurants, other public places and with regard to access to services.

In its report in November 2001, the Committee on Economic, Social and Cultural Rights expressed concern among other things over the growing number of complaints about ethnic discrimination at work.

Swedish integration policy is aimed at achieving a fair, equal society in which use is made of the competence of the population, regardless of sex, ethnic identity or cultural background. The aim of integration policy is equal rights, obligations and opportunities for all, regardless of ethnic and cultural background, a common society founded on diversity, and social development characterised by mutual respect and tolerance, with all persons participating and jointly responsible, whatever their background.

The ethnic and cultural diversity existing in Sweden shall be made the starting point for the framing of general policy. Diversity shall be reflected both in the way in which policy is framed and in its implementation.

Integration policy work shall in particular be aimed at:

- Facilitating individual livelihood and participation.
- Safeguarding fundamental democratic values and promoting the rights and opportunities of women and men.
- Preventing and counteracting discrimination, xenophobia and racism.

The Government intends to present a follow-up of integration policy in a special written communication to the Riksdag during the spring of 2002. This section deals with the National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination, criminal behaviour involving racist and suchlike elements, the crime of unlawful discrimination, racist organisations, the labour market and working life, ethnic diversity in education, greater participation, reinforcement of anti-racist activity, an experimental scheme of local/regional anti-discrimination activities, and support for persons wishing to leave racist and suchlike groups. A closer account is given below of the National Action Plan Against Racism etc.

On 8th February 2001 the Government transmitted to the Riksdag a Written Communication entitled (in Swedish) The National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination (skr. 2000/01:59).

In this written communication the Government gives an account among other things of previous efforts against racism, xenophobia, homophobia and discrimination and also of Sweden's international commitments and current legislation in this field. The communication also contains an account of current development and reform activities, the responsibilities, tasks and activities of national authorities, and the work at local level. A concluding section presents a National Action Plan for continuing work.

The plan presents good examples of how work can be conducted at local level and of how the Government is in various ways facilitating and promoting work by NGO:s and young persons to combat racism, xenophobia, homophobia and discrimination. The Action Plan also contains a number of initiatives.

One of those initiatives is the supplementary terms of reference planned for the Commission on implementation of the EC Discrimination Directive; see Section 7.2.2. Another initiative concerns anti-discrimination clauses in connection with procurement. In addition, the Government intends to initiate an inquiry into the possibilities of combining governmental supportive measures with stipulations relating to non-discrimination.

The National Action Plan also includes a number of remits to various strategic authorities, e.g. judicial authorities, the National Agency for Education and the National Labour Market Board. The National Integration Office has been instructed to build up a national knowledge bank concerning work against racism, xenophobia and ethnic discrimination, and to develop advisory and supportive activities for municipalities needing support in their task of combating racism and xenophobia. The National Integration Office has further been instructed, together with the Ombudsman Against Ethnic Discrimination (DO), to undertake information and educational initiatives to make persons in key positions more knowledgeable concerning the underlying mechanisms of ethnic discrimination and the rules applying in this field.

7.2.5 Discrimination on grounds of functional impairment

<p>Concise description: The Government's aim is to continue its work in accordance with the action plan on policy for the disabled, as regards measures to counteract discrimination of persons with functional impairment and to enable persons with functional impairment to participate in the life of the community.</p>

It follows from the principle of the universality of human rights that persons with functional impairments of different kinds shall be able,

whatever their age, to exercise their rights and liberties on the same terms as other members of the population. Those rights apply to all persons without distinction (c.f. Articles 1 and 2 of the UN Universal Declaration of Human Rights). This is also the principle underlying the UN Standard Rules on the equalisation of opportunities for persons with disabilities, adopted in December 1993. The Government endorses the content of the Standard Rules and, since they were adopted, has worked to strengthen the rights and opportunities of persons with functional impairment to participate on equal terms in the life of the community.

Neither Article 26 of the UN Covenant on Civil and Political Rights, Article 2(2) of the UN Covenant on Economic, Social and Cultural Rights nor Article 14 of the European Convention expressly mention functional impairment among the grounds for discrimination referred to, but the grounds in each of these articles are not exhaustive, and other grounds for discrimination can therefore also be included within the scope of the Articles. The one internationally legally binding instrument expressly mentioning functional impairment as a ground for discrimination is Article 2 of the UN Convention on the Rights of the Child (UNCRC). It should also be mentioned that Article 15 of the UN Standard Rules makes clear that states shall protect persons with functional impairment from discrimination. In addition, the Third Committee of the UN General Assembly has passed a Resolution which represents a step forward in work on a special convention aimed at promoting and protecting the rights of persons with functional impairment.

Measures to combat discrimination are not sufficient to enable persons with functional impairment to participate in the life of the community. The Government's work to make society also accessible to persons with functional impairment is set forth in the Action Plan From Patient to Citizen – a national Action Plan for disability policy (Prop. 1999/2000:79), a more detailed description of which will be found in Section 7.3.

The 1999 Discrimination Commission (Ju 1999:10) has among other things been instructed to study possible forms of a prohibition of discrimination against persons with functional impairment. The Government's intention is for this Commission's report to form the basis of ongoing work for the 2000 Discrimination Commission to investigate the possibilities of general legislation on discrimination.

Concise description

– The Government intends continuing its efforts for registered partners who, under national law, have the same rights and obligations towards each other as husband and wife, to be equated with husband and wife in the official regulations governing conditions of service for the employees of EU institutions.

– In its Bill Racial Agitation etc. (Prop. 2001/02:59), the Government has proposed that agitation alluding to sexual orientation be made a criminal offence.

– The Government contemplates instructing the 2001 Discrimination Commission to investigate the need for introducing a special safeguard against discrimination of transgender persons and how such a safeguard is to be constructed.

Article 26 of the UN International Covenant on Civil and Political Rights does not expressly refer to sexual orientation as a ground for discrimination, but the UN Committee for Human Rights has established that Article 26 also includes bisexual and homosexual persons (see *Toonen v. Australia*, Communication No. 488/1992, 04/04/94, CCPR/C/50/D/488/1992). This also applies to Article 2(2) of the UN Covenant on Economic, Social and Cultural Rights, since the grounds for discrimination there are not exhaustively enumerated.

Sexual orientation is not expressly indicated as a ground for discrimination in Article 14 of the European Convention, in which the ban on discrimination is limited to the rights and freedoms guaranteed in the Convention and the additional protocols. It is, however, clear from the case law of the European Court of Human Rights that this Article – combined with other Articles in the Convention – has been deemed applicable when a person suffers discrimination on account of sexual orientation, since the grounds for discrimination are not exhaustive (see, for example *Salgueiro da Silva Mouta v. Portugal*, Judgement of 21 December 1999, Reports of Judgements and Decisions 1999-IX). In Recommendation 1474 (2000) from the Parliamentary Assembly to the Committee of Ministers of the Council of Europe, the Committee of Ministers is among other things recommended to introduce sexual orientation to the grounds for discrimination prohibited by the European Convention on Human Rights.

A great deal of the work done by the Government to counteract homophobia and discrimination on grounds of sexual orientation is set forth in the Action Plan Against Racism etc. The measures referred to include a Commission to the National Council for Crime Prevention to observe the measures taken by the judicial system to deal with crime involving elements of racism, xenophobia or homophobia and unlawful discrimination.

The Government's assessment: The Government welcomes the draft Directive from the European Commission providing for persecution on grounds of sexual orientation to be included in the Convention Refugee Concept. The Government will be proposing that Swedish legislation be brought into line with the outcome of the Council's negotiations.

Reasons for the Government's assessment: The Aliens Act has included since 1997 a provision whereby an alien is in need of protection if he or she, on account of homosexuality, is unwilling, due to a well-founded fear of persecution, to return to his or her country of nationality or some other country (Chap. 3, Section 3). In the course of debate this rule had its application to homosexual Iranians seeking asylum in Sweden has been criticised, for example, by the Ombudsman Against Discrimination Because of Sexual Orientation (HomO).

The 1951 Convention Relating to the Status of Refugees defines a refugee as a person with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. The Convention does not expressly mention persons persecuted on account of their gender or sexual orientation among the groups which can be granted refugee status, and so it has been unclear whether such persons can be included in the refugee concept, e.g. as belonging to a certain social group. International legal development, however, has moved in favour of including persons persecuted on account of their sexual orientation or gender in the refugee concept. In the autumn of 2001 the European Commission presented a proposal to the effect that a well-founded fear of persecution for reasons of sexual orientation – sexuality, for example – shall constitute a ground for refugee status under the Convention Relating to the Status of Refugees. Under current Swedish law and in keeping with established practice, such persons have been allowed to remain in Sweden as persons otherwise in need of protection.

The Government has instructed the Swedish Migration Board to give an account of established practice and to lay down guidelines for cases in which persecution for reasons of sexual orientation is invoked. This remit is to be undertaken in consultation with the Aliens Appeals Board. The Government welcomes the draft Directive from the European Commission providing for persecution on grounds of sexual orientation to be included in the Convention Refugee Concept. The Government will be proposing that Swedish legislation be brought into line with the outcome of the Council's negotiations.

This section also deals with discrimination of homosexual and bisexual persons, and crimes against homosexual and bisexual and transgender persons.

Concise description

– The Government's disability policy aim is to even out the differences in living conditions between persons with functional impairment and the rest of the population.

– A special investigator has proposed new rules to counteract contempt of court as regards the enforcement of judgements requiring measures under the Support and Service (Certain Persons with Functional Impairment) Act (1993:387) and the Social Services Act (1980:620). The proposals are currently being processed within the Government Offices.

– The Government Bill 2001/02:80 Democracy for the New Century proposes a number of measures to facilitate the acceptance and discharge of elective political appointments by citizens with functional impairment.

The Action Plan for Disability Policy – Government Bill Prop. 1999/2000:79, From Patient to Citizen – indicates that disability policy should permeate all fields of activity and sectors of society. The Government's disability policy aim is a common society founded on diversity, the construction of social life in such a way that persons with functional impairment will become fully participant in the life of the community, and equality of living conditions for girls and boys, women and men with functional impairment. Persons with functional impairment are still often regarded solely as objects of care. The national disability policy highlights the civic perspective instead. The Government Bill underscores the importance of persons with functional impairment being regarded as citizens having the same rights and obligations as other citizens.

Greater accessibility is an important democratic issue. Amendments were made to the Planning and Building Act (1987:10) in the spring of 2001 to improve the accessibility of existing premises to which the general public are granted admission and of public places. The National Authorities (Responsibility for Implementation of Disability Policy) Ordinance (2001:526) requires national authorities to work for the achievement of full social participation and equal living conditions for persons with functional impairment. It is the duty of national authorities to make their own activities, premises and information accessible to persons with functional impairment.

In addition, the Government intends making a number of authorities at central level specially responsible for the achievement of the national aims of disability policy within their respective sectorial fields. In addition, a review is planned of fields where no rules exist concerning accessibility to persons with functional impairment.

Since knowledge has to a great extent been lacking concerning both the importance of accessibility to persons with functional impairment and methods of achieving accessibility, the Government has set up a national accessibility centre. This centre is to impel developments, partly through accumulation of knowledge and through counselling. The centre is located at the Office of the Disability Ombudsman.

The Government will continue its work in accordance with the action plan. An account of the work done is to be presented to the Riksdag during 2002. Reports on subsequent work will then be presented every three years. This section also deals with certain social and economic rights and with social participation and equality.

7.4 The rights of the child

7.4.1 General

Concise description:

- The Government's child policy aim is for children and young persons to grow up in a good, secure conditions.
- The Government intends to continuously verify that legislative changes based on the UN Convention on the Rights of the Child have the intended effect.
- The Government intends presenting a Written Communication on children to the Riksdag in the spring of 2002.

The most important international document governing the rights of the child is the UN Convention on the Rights of the Child (UNCRC), which was adopted in 1989. This Convention defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is obtained earlier. The Convention sets forth civil, political, economic, social and cultural rights. Sweden was among the first countries to ratify the Convention and did so without reservation. Sweden has signed both the Optional Protocols of the UNCRC, referring to the involvement of children in armed conflict and to the sale of children, child prostitution and child pornography. The Protocol on children in armed conflicts comes into force on 12th February 2002 (three months after it has been ratified by ten states). Within the Government Offices, consideration is currently being given to the changes which will have to be made so as to enable Sweden to ratify both protocols.

Ever since the UNCRC was ratified by Sweden in 1990, a succession of different measures have been taken to improve knowledge concerning the Convention and to bring Swedish law into line with its requirements. The Government has framed a strategy for giving effect to the Convention at all levels of society, and this was approved by the Riksdag in 1999 (Prop. 1997/98:182, bet. 1998/99:SoU6, rskr. 1998/99:171).

The Government regards it as a matter of particular urgency that children (without suffering discrimination) should be able to exercise their human rights on equal terms. The child's right to basic welfare shall be guaranteed in whatever part of the country the child is living and independently of the child's parents.

With the UNCRC as the point of departure, children's issues have come to be seen in recent years as an overarching policy field in their own right. This means that measures to put the best interests of the child first shall permeate all parts of the Government's policy and all social activities affecting children. The Government's policy in this field is based on the national strategy to give effect to the UNCRC.

The strategy is based on the four basic principles of the Convention, which are to govern the interpretation of the other articles but which are also significant in their own right:

- Protection from discrimination (Article 2).
- The best interests of the child a primary consideration (Article 3).
- The right to life and development (Article 6).
- The right to an opportunity to be heard (Article 12).

The safeguarding of the rights of the child calls for a combination of measures: legislation, effective steering instruments, opinion formation and education. Both courts, public authorities, municipalities and county councils shall take account of the rights laid down in the UNCRC.

The national strategy is based on the proposals put forward by the Children's Committee in its report *The Child's Best Interests the Primary Consideration* (SOU 1997:116). The Children's Committee had been instructed to carry out a broad review of the congruence of Swedish legislation and case law with the provisions and intentions of the UNCRC. The Committee finds Swedish legislation to be essentially in agreement with commitments under the UNCRC, but it points to the vital importance of the provisions actually being applied and the Convention being implemented at all levels of society, both central, regional and local. The report of the Children's Committee is a valuable document on the interpretation of Sweden's commitments under the UNCRC, and, since it was presented, has played an important part in keeping children's affairs under consideration in the ongoing work of drafting legislation within the Government Offices.

The Government regards the UNCRC as an important instrument for safeguarding the rights and interests of children and young persons. Disseminating knowledge and awareness of the Convention is at present the most important means of giving effect to the Convention in Sweden. The Convention must primarily reach decision-makers whose activities affect children's everyday lives, adults working with children, and children and young persons themselves.

The national strategy contains the following items:

- The UNCRC shall be an active instrument and shall permeate all decision-making within the Government Offices which affects children.
- The child perspective shall to an appropriate extent be included in the terms of reference of Government Commissions.

- The UNCRC should in various ways be included in training programmes for the professional categories destined to work with children.
- National government employees whose work has consequences for children and young persons should be offered in-service training so as to be able to strengthen their competence with regard to children and their knowledge of the UNCRC.
- Municipalities and county councils should establish a system enabling them to monitor realisation of the best interests of the child in local government activity.
- Child impact analyses shall be undertaken in connection with national government decisions affecting children.
- Children's and young persons' influence on and participation in social and traffic planning shall be developed.
- The activities and organisation of the Children's Ombudsman shall be reviewed, the aim being to strengthen the Ombudsman's role in giving effect to the UNCRC in Sweden.
- Statistical data concerning children shall be developed.

Continuing focus

In the autumn of 2000 the Government transmitted to the Riksdag a written communication on child policy, based on the UNCRC (skr. 1999/2000:137). That communication paints a broad picture of the situation for children in Sweden today and of the structural policy in the children's sphere. It shows that increasing attention has come to focus on children's issues and that the Government is actively pursuing the co-ordination and development of policy for children. The communication announces a number of measures aimed at improving the situation for children in Sweden. The Government intends transmitting written communications to the Riksdag at regular intervals. The next communication will be transmitted in the spring of 2002.

The main emphasis of the Government's policy for children in the years ahead will be on improvements for households with children, greater resources for schools, medical care and care of children with special needs, attention and support for children at risk, greater opportunity for children and young persons to exert influence, and the continued implementation and follow-up of the Government's strategy for work relating to the UNCRC. Questions of methods for incorporating a child perspective in all sectors of society affecting children ("mainstreaming") will continue to receive governmental priority.

7.4.2 Some concrete examples

In keeping with Sweden's undertaking in the UNCRC, the Government submitted its second national report to the UN Committee for the Rights of the Child in September 1997. The Committee returned with 16 viewpoints on Sweden's compliance with the Convention. This section presents a selection of the Committee's viewpoints, calling upon the

Government to take action. The questions concern municipal compliance with the Convention, child marriages, hidden children, access to pre-school activity and school child caring services, and protection of children from sexual exploitation. Skr. 2001/02:83

7.5 Rights of older persons

Concise description: The Government's policy aim for older persons is for older persons to be able to lead active lives, exert influence in society and on their own everyday conditions, grow old in security and with their independence preserved, be treated with respect and have access to good caring services.

There are few special human rights relating exclusively to older persons. On the principle of the universality of human rights it follows that those rights apply to all persons and, importantly, older persons shall be able to exercise their rights and liberties on the same terms as other people. In 1991 the 46th session of the UN General Assembly adopted a Declaration (No. 46/91) containing Principles for Older Persons. That declaration lays down 18 principles for guidance in the framing of national programmes.

In the spring of 1998 the Government introduced the Bill National Action Plan for Policy for Older Persons (Prop. 1997/98:113) in the Riksdag. In that Bill the Government proposed national targets and some 20 measures for achieving them. The proposed national targets for policy for older persons were approved by the Riksdag in June 1998. The targets were based on the United Nations Principles for Older Persons.

As regards human rights and older persons, it is above all two fields that have received attention in recent years. One of them is discrimination on grounds of age, e.g. at work and in caring services. The other is questions relating to the ability of certain older persons to assert their social and economic rights, e.g. older persons with dementia disorders. This section also gives an account of discrimination of older persons on grounds of age, together with investigations currently in progress.

Concise description

– The Government's housing policy aim is for all persons to be enabled to live in good homes at reasonable cost and in a stimulating environment within ecologically sustainable limits. The dwelling environment shall contribute towards equal and dignified living conditions and shall in particular promote the healthy development of children and young persons. Ecological sustainability shall be the basis of activities relating to planning and building.

– The Government has reserved MSEK 30 for measures to combat homelessness between 2002 and 2004.

– The Government has introduced Bill 2001/02:58 in the Riksdag, containing new legislation on public housing utilities. Among other things the Bill includes a definition of public housing utilities and the requirements for retaining such status.

Article 25(1) of the UN Universal Declaration of Human Rights lays down that everyone has the right to a certain standard of living which includes the right to adequate housing. This right is reiterated in the UN Covenant on Economic, Social and Cultural Rights, Article 11(1) of which lays down that everyone is entitled to an adequate standard of living, including adequate housing.

The UN Committee on the Elimination of All Forms of Racial Discrimination, commenting on the Swedish report from August 2000 on measures taken to give effect to the Convention of the same name, called upon the state to take action against the residential segregation actually occurring in Sweden.

The Government's housing policy is aimed at achieving a housing market which will be available to all citizens, both economically and according to their needs and preferences. This means that there must be a sufficient supply of good homes at reasonable cost in a judiciously balanced mix of tenures and in places where there is demand for them. The Government's task is to see to it that legislation and economic conditions are in place for achieving this, while responsibility for practical implementation devolves on the municipalities. This section also deals with the following issues: housing supply, homelessness and segregation.

Concise description

– The aim of minorities policy is to provide protection for national minorities, to strengthen their opportunities of influence and to support the historical minority languages so as to keep them alive. In order for this to be possible, a number of measures are needed, at both national and regional levels.

– Minorities policy should continue to be developed in accordance with the intentions expressed in the Government's Minorities Policy Bill (Prop. 1998/99:143).

– The Government has instructed the Norrbotten County Administrative Board to investigate the consequences of a possible widening of the geographical zone under the Sami Language (Right to Use in Dealings with Administrative Authorities and Courts of Law) Act (1999:1175). The aim is for the Act also to be applied in a number of municipalities outside the south Sami region.

– In its Budget Bill for 2002, the Government has proposed that MSEK 7 be allocated to the National Council for Cultural Affairs for a new grant aimed at promoting the language and culture of the national minorities.

– The Government intends commissioning a review of the supportive arrangements available to the minority organisations.

– The question of the best way for co-operation with Roma organisations to be structured is currently being studied within the Government Offices.

Article 27 of the UN Covenant on Civil and Political Rights gives a closer description of the human rights of minorities. The Article indicates that their rights shall be protected especially as regards the right of enjoying their culture, exercising their religion and using their own language.

In August 2000 the UN Committee for the Elimination of All Forms of Racial Discrimination, commenting on Sweden's thirteenth and fourteenth reports, expressed concern, among other things, over the situation of Roma people in Sweden as regards their right of social participation. The Committee recommended the Government to supply more information concerning their situation as regards education, employment and housing in its next report, especially regarding women and children.

In November 2001 the UN Committee for Economic, Social and Cultural Rights called upon the Government to take further measures to promote the teaching of minority and immigrant languages.

At European level there is the Council of Europe Framework Convention for the Protection of National Minorities (the Framework Convention). Sweden ratified this Convention without reservation in February 2000, and for Sweden's part it entered into force on 1st June 2000. Simultaneously, and with effect from the same date, Sweden ratified the European Charter for Regional or Minority Languages (the Minority Languages Charter) without reservation. In most cases indigenous populations are also to be regarded as national minorities.

Sweden has a long historical tradition of ethnic and cultural diversity. Several of the groups which for a long time have constituted minorities in Sweden have actively safeguarded their own cultural language in such a way that both remain a living part of Swedish society. They have their own religion, language or culture and desire to preserve their identity.

Minorities policy is a new policy field, created in 2000. It resulted from a Riksdag Resolution in the autumn of 1999 on measures for the national minorities and on the focus of a minorities policy (Prop. 1998/99:143, bet. 1999/2000:KU6, rskr. 1999/2000:69). The national minorities are Sami, Swedish Finns, Tornedalians, Roma and Jews, and the languages covered by minorities policy are Sami (all forms), Finnish, Meänkieli, Romani Chib (all forms) and Yiddish. Of these, Sami, Finnish and Meänkieli are “regional languages” as referred to in the Minority Languages Charter.

In connection with the resolution on a minorities policy, Sweden ratified the Framework Convention and the Minorities Language Charter. The provisions of those conventions have formed a basis for Swedish policy in this field.

The aim of minorities policy is to afford protection for the national minorities, to strengthen their opportunities of influence and to support the historical minority languages so that they will be kept alive. In order for this to be possible, a number of measures are required at both national and regional levels. In its Budget Bill for 2002, the Government has taken the view that minorities policy should continue to develop in keeping with the intentions expressed in the Minorities Policy Bill.

This section also deals with the following issues: legislation on the right to use Sami, Finnish and Meänkieli in dealings with public authorities and courts of law, education, cultural activity, the media, influence for the national minorities and the situation of the Roma.

Concise description

- The aim of Sami policy is a living Sami culture based on an ecologically sustainable reindeer husbandry and other Sami economic activities, and also increased Sami self-determination.
- The Government intends proposing measures to clarify the organisation of the Sameting (Sami parliament) and to regulate its working procedures more clearly.
- The Government will be opening negotiations with Norway for a new Reindeer Pasture Convention.
- A Nordic group of experts is to be appointed to draft a Nordic Sami Convention.
- The Government intends introducing proposals for a new reindeer husbandry policy.
- The Government intends to appoint a Frontier Commission to identify boundaries of the reindeer-herding zone.
- The Government has amended the curricula for compulsory school, pre-school education and out-of-school centres and also that of voluntary school, so as to include knowledge of the Sami culture, religion and language.
- In its Budget Bill for 2002, the Government has proposed that MSEK 14 be allocated between 2002 and 2004 for the information drive, addressed to the entire national population, which began in 2001, concerning the culture and history of the Sami.

Background

The origins of Sweden's Sami population are not altogether clear, but historical research suggests that the Sami culture originated some 2,000 years ago, through an amalgamation of several trapping cultures then existing in the Arctic region. Since then the Sami have continued living and working in these regions, which today form parts of Sweden, Finland, Norway and Russia. Thus the Sami have a long, continuous historical connection with the regions where they live, and this connection dates back beyond the formation of the national state. The Sami, therefore, are to be regarded as an indigenous population in Sweden, and international law entitles them to demand special cultural treatment. In 1977 the Riksdag declared that the Sami, as an indigenous population in Sweden, occupied a special position (Prop. 1976/77:80, bet. 1976/77:KrU43, rskr. 1976/77:289). In most connections an indigenous population is also to be regarded as a minority, with all the rights this implies. An indigenous population is descended from ethnic groups which lived in the country or in a geographic region to which the country belongs at the time of conquest or colonisation or when the present state boundaries were fixed and which have retained part or all of their own social, economic, cultural and political institutions. Through their special relationship to land and water, an indigenous people are in need of other rights than minorities in general, self-determination above all, in order to develop their identity and culture. The rules of international law for indigenous populations go further than those for

other minorities. This is true above all concerning the relation of the indigenous populations to land and water and their self-determination. Sweden has acceded to several international conventions of direct importance to ethnic minorities and indigenous populations, conventions which, accordingly, apply to the Sami. The most important international rules are:

- The UN International Covenant on Civil and Political Rights, especially Article 27.
- The UN Convention on Biological Diversity, Article 8, on traditional knowledge.
- The ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries.
- The Council of Europe Charter for Regional or Minority Languages.
- The Council of Europe Framework Convention for the Protection of National Minorities.

ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries has not been ratified by Sweden.

The UN Committee for the Elimination of All Forms of Racial Discrimination stated in August 2000, among other things, that the right of the Sami to use their language should be extended to the area which the Sami define as theirs. It was concerned at Sami land rights and fishing rights being threatened by the privatisation of traditional Sami lands. The Committee recommended the Government to introduce legislation recognising traditional Sami land rights and reflecting the centrality of reindeer husbandry to their way of life. The Government was further recommended to ratify ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries.

In November 2001 the UN Committee for Economic, Social and Cultural Rights, commenting on Sweden's obligations under the Covenant of the same name, expressed among other things its concern over the unclear conditions still prevailing with regard to the land rights of the Sami. It regretted that ILO Convention No. (169) Concerning Indigenous and Tribal Peoples had still not been ratified.

This section also deals with the following questions: the Sameting (Sami Parliament), reindeer husbandry, cultural activity, an information drive concerning the Sami and Sami culture, and the Indigenous Peoples Delegation.

7.9 Custodial measures etc.

A safeguard exists against arbitrary deprivation of liberty (see Article 9 of the UN Universal Declaration of Human Rights, Article 9 of the UN Covenant on Civil and Political Rights and Article 5(1) of the European Convention), applying to every person who is deprived of their liberty. Anyone who is arrested on suspicion of a crime is entitled to be informed, at the time of his arrest, of the reasons for his arrest (see Article 9(2) of the UN Covenant on Civil and Political Rights and Article 5(2) of the European Convention), but also – and this applies to every

person deprived of their liberty – to have the lawfulness of their detention decided speedily by a court and their release ordered if the detention is not lawful (see Article 5(4) of the European Convention). Finally there is the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (see Article 10(1) of the UN Covenant on Civil and Political Rights), which also applies to every person deprived of their liberty.

The individual has several rights while deprived of liberty, regardless of the reasons for the deprivation. Among other things, the individual is entitled not to be subjected to treatment contrary to Article 3 of the European Convention. That Article prohibits torture or inhuman or degrading treatment or punishment. (See also Article 5 of the UN Universal Declaration of Human Rights, Article 7 of the UN Covenant on Civil and Political Rights, Article 16 of the Torture Convention and the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). The right of not being subjected to treatment contrary to Article 3 of the European Convention also applies when the individual person comes into contact with the police.

The UN Committee Against Torture, examining the Swedish report from 1997, noted that the term “torture” is not defined in Swedish law. The Committee took the view that prisoners were kept isolate for long periods of time while remanded in custody pending trial and while in prison. It was concerned at the use by the police of excessive violence in certain cases and at the way in which the police sometimes treated persons detained by them. Finally the Committee expressed concern at the way in which the police in a number of cases had handled their dogs in connection with demonstrations.

In Sweden, for example, Chap. 2, Section 5 of the Instrument of Government (RF) safeguards every citizen from corporal punishment, from torture and from medical treatment for the purpose of exacting or preventing statements. Chap. 2, Section 8 of RF safeguards every citizen against deprivation of liberty by public authorities, and Chap. 2, Section 9 of RF entitles persons deprived of liberty to judicial process without unreasonable delay.

Administrative deprivations of liberty

Concise description: Rules on administrative deprivation of liberty are contained, for example, in the Communicable Diseases Act (1988:1472). In a future Bill, the Government intends considering, for example, how prevention of communicable diseases should be organised and what rights and obligations the individual should have in matters concerning the prevention of communicable diseases.

Rules on administrative deprivation of liberty are contained, for example, in the Substance Abusers (Care in Certain Cases) Act (1988:870), the Communicable Diseases Act (1988:1472), the Care of Young Persons (Special Provisions) Act (1990:52) and the Compulsory

Psychiatric Care Act (1991:1128). All these enactments include safeguards against arbitrary deprivation of liberty.

The Government is planning to introduce a Bill providing for new legislation on communicable diseases, based on the proposals presented by the Communicable Diseases Committee in its report *Smittskydd, samhälle och individ* (Communicable Disease Prevention, Society and the Individual, SOU 1999:51). That report attaches great importance to questions relating to the legal security of the individual. The Committee stresses that the prevention of communicable diseases must be based on a humanist approach. In its Bill, the Government intends considering, for example, how prevention of communicable diseases should be organised and what rights and obligations the individual should have in matters concerning the prevention of communicable diseases.

Deprivation of liberty on suspicion of crime

Concise description: Legislative amendments aimed at improving and articulating rules of criminal procedure for persons deprived of liberty are currently being drafted within the Government Offices.

The Committee set up in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has visited Sweden three times, most recently in 1998. Its tasks include visiting places where persons deprived of their liberty are placed – prisons, remand centres and police stations – to investigate how such persons are treated. Risks of abuse are also observed. After each visit the Committee compiles a report containing recommendations for improvement. In its reports following visits to Sweden the Committee has drawn attention to certain shortcomings of Swedish legislation. One recurrent question has been the Swedish rules imposing restrictions on a remanded person's contacts with the outside world. Those rules were last amended with effect from 1st January 1999 (Prop. 1997/98:104), in which connection the Committee's viewpoints were taken into account. The Committee has also among other things criticised the Swedish rules concerning the right of a person deprived of liberty to inform his next-of-kin, to be represented by defending counsel and to have access to a particular physician. Recommendations have been made as to how the rules should be altered and also concerning information to persons deprived of liberty concerning their rights.

The work of the Committee amounts to a useful scrutiny of the way in which persons deprived of liberty are treated, and its viewpoint are an important foundation for the Government's efforts to continuously improve the Swedish regulations. Legislative amendments have been passed, based on the Committee's recommendations and aimed at improving and articulating rules of criminal procedure for persons deprived of liberty.

Deprivation of liberty is a measure often taken when a person suspected of a criminal offence is to be extradited to another state in order to stand trial. The question of being able to extradite persons quickly and efficiently has been raised especially following the terrorist

attacks in the USA on 11th September 2001. Within the EU, intensive work proceeded during the autumn on a framework resolution concerning a European arrest warrant. That instrument is based on a judicial authority in a Member State issuing a warrant for arrest. When the wanted person is found in another state, he or she shall be arrested and promptly delivered to the first mentioned state on the basis of the arrest warrant.

For the effective combating of cross-border crime, it is important to have legal instruments which are equal to these efforts. This, of course, may not be achieved at the expense of states' duties to respect human rights. The work of different international fora must always be based on this fundamental standpoint.

Use of force by the police

Concise description

– The Government has resolved to appoint a Committee to review the regular supervision of the police and prosecution service, so as to ensure that the best possible provision is made for civic demands for democratic control (Ju 2000:15).

– The Government has resolved to appoint a special investigator to carry out a concerted, comprehensive examination of the procedure followed in the criminal investigation relating to the death of Osmo Vallo (Ju 2000:14).

– The Government has resolved to appoint a Committee to review the ability of the police to forestall and combat serious disruptions of public order (Ju 2001:08).

The police have a key role to play in fighting crime and promoting justice and security. It is the task of the police to maintain public order and security and to provide the general public with protection and other assistance. For this reason, the police are of central importance in a democracy.

The preconditions for the use of force by the police are defined by law. Excessive violence or humiliating treatment in connection with intervention may not occur. The Police Act (1984:387) and the Remanded and Detainees (Treatment) Act (1976:371) indicate in closer detail the circumstances in which coercion or force can be resorted to and under what circumstances a person may be handcuffed.

The methods employed by the police in their internal investigations must not leave scope for suspicion of the investigative procedure having been affected by irrelevant factors or being conducted on anything by a strictly objective basis. Accordingly, the Police Ordinance (1998:1558) contains special provisions indicating how complaints against police employees are to be dealt with. Normally, for example, a complaint of this kind shall be referred immediately to a prosecutor.

The Government has resolved to appoint a Committee to review the regular supervision of the police and prosecution service, so as to ensure that the best possible provision is made for civic demands for democratic control (Ju 2000:15). An important part of this remit will be to consider

whether there is cause for setting up an independent body tasked with supervising the criminal investigation activities of the police and the prosecution service. This section also describes measures taken against the background of the so-called Osmo Vallo case and the disturbances during the European Council meeting in Göteborg (Gothenburg) on 14th-16th June 2001.

7.10 The right to trial and other matters relating to the courts

Concise description

– The Government is keeping a close watch on developments regarding the stipulations concerning the right to trial contained by EC law and in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

– The Government is working to achieve a judicial system which will measure up even better than at present to the requirement, set forth for example in the European Convention for the Protection of Human Rights and Fundamental Freedoms, of trial within a reasonable time.

The right to trial

Several international documents, among them Article 10 of the UN Universal Declaration of Human Rights, make provision concerning the right of trial with reference to rights and obligations and in connection with criminal charges.

European law also contains rules on the right to trial. Under Article 6 of the European Convention, everyone is entitled, in the determination of his civil rights and obligations or of any criminal charge against him, to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. In EC law, the stipulations concerning a judicial hearing are not contained in a single enactment but are to be found in various parts of EC primary law, in EC Regulations and in EC Directives. EC law also includes a right of trial which has evolved through European Court of Justice (ECJ) precedent and ties in with Article 6 of the European Convention. ECJ case law makes the European Convention a part of Community law.

At the time of its ratification, in 1952, of the European Convention, Sweden was considered to meet the requirements of Article 6 of the Convention concerning the right of trial by a good margin. Since then, however, most recently in 1993, Sweden has several times been found by the European Court for Human Rights to have defaulted on its obligations under this Article regarding the right of trial.

The Legality Assessment (Certain Administrative Decisions) Act (1988:205), otherwise known as the Legality Assessment Act, was passed to ensure that Swedish law matched Sweden's commitments under Article 6 of the European Convention in the matter of civil rights and obligations. The Legality Assessment Act, which was originally a temporary enactment, means, briefly, that certain decisions by the

Government or an administrative authority can be examined by a court of law if they affect any matter referred to in Chap. 8, Sections 2 and 3 of the Instrument of Government (RF).

In addition, the tendency for a long time now has been for administrative decisions to be increasingly subjected to examination by an administrative tribunal and not just by an administrative authority or the Government.

In addition, the previously unwritten rule whereby decisions by national authorities were appealed to the next authority higher up has been dropped through the provision of Section 22A of the Administrative Procedure Act (1986:223), whereby administrative decisions – unless otherwise indicated by law or statutory instrument – are appealed in a common administrative court. Through this provision of the Administrative Procedure Act, reference is also made to a competent court of law in cases where legal remedy exists under European law and no such right has been foreseen.

The Government will of course continue to keep a close watch on international developments in this field and will propose any changes that are needed.

In this connection it can be briefly mentioned that decisions have been taken within the UN and the EU to freeze assets connected with terrorism. International law makes UN Security Council Resolutions on the freezing of assets binding on Sweden. Those Resolutions are implemented at EU level mainly through the adoption of common standpoints and through EC Regulations, the latter of which are directly applicable as Swedish law. The Resolutions and the EC Regulations do not specifically address the question of legal remedy for persons whose assets have been frozen. Even so it may be possible for these persons to take the matter to court.

Other questions relating to the courts

For some years now an extensive process of reform has been under way within the judicial system. This work is mainly described in the following areas: the internal and outward organisation of the courts, procedural questions and refinement of the duties of the courts and their personnel.

The process of reform is being based on the demands which citizens are entitled to make for rapidity, quality and service in judicial and legal activities, but also with due regard for the special role of the courts in society.

In a written communication to the Riksdag, Reform of the Judicial System – an Action Plan (skr. 1999/2000:106), the Government has indicated how the reform process is being conducted and by what principles and changes it is to be guided. Subsequently, in a written communication to the Riksdag entitled Reform of the Judicial System – information and follow-up of the Action Plan (skr. 2000/01:112), the Government has informed the Riksdag of the progress of the reform of the judicial system. The Riksdag has in all essential respects endorsed the Government's Action Plan and follow-up of the same (bet.

1999/2000:JuU 22, rskr. 1999/2000:255, 2000/01:JuU 29, rskr. Skr. 2001/02:83
2000/01:283).

In its follow-up of the Action Plan, the Government has stated that the reforming process should be based on a civic perspective and a holistic view of the activities concerned. The civic perspective means that the focus of attention must always be on the benefit to the individual citizen of the changes and reforms contemplated. The holistic view means among other things that the consequences for all national authorities of the reforms and changes contemplated are to be taken into account. The impediments of an administrative, organisational and legal nature to rapid, efficient and legally secure proceedings within the judicial system should be identified and, so far as is possible and desirable, eliminated.

7.11 Freedom of expression

Concise description: The Government has commissioned an investigation of ways in which freedom of expression and the right to publish information at non-public workplaces can be strengthened. This question is currently being studied within the Ministry of Justice.

Protection of freedom of expression is manifested in several different international documents (Article 19 of the UN Universal Declaration of Human Rights, Article 19 of the UN Covenant on Civil and Political Rights and Article 10 of the European Convention). In Sweden, provisions on freedom of expression are contained in Chap. 2, Section 1 of RF. Freedom of expression in different media has been accorded special protection in the Freedom of the Press Act (TF) and the Fundamental Law on Freedom of Expression (YGL).

Freedom of expression, as manifested through TF and YGL, is accompanied by universal freedom to publish information. Freedom to publish information means, for example, that a person employed in a public authority is permitted to divulge certain secret information by word of mouth for the purpose of publication and that the authority may not enquire who the information was divulged by. As a result of the increasing incorporation or privatisation of local and national government activity, the true scope of this right (and, accordingly, the possibility of public insight) has come to be increasingly circumscribed. The Government has therefore commissioned an investigation of ways in which freedom of expression and the right to publish information at non-public workplaces can be strengthened. (Freedom of expression for private sector employees, Ds 2001:9). This question is currently being studied within the Ministry of Justice.

7.12 Freedom of religion

Under Article 18 of the UN Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or

private, to manifest their religion or belief in teaching, practice, worship and observance. Freedom of religion is also protected through Article 18 of the UN Covenant on civil and political rights and through Article 9 of the European Convention.

In Sweden provisions on freedom of religion are contained in Chap. 2 section 1 and 2 of RF.

The fact of Sweden's constitutional freedom of religion being absolute does not, however, prevent the exercise of religious freedom being limited by the general rules governing people's actions in society. This means, for example, that a punishable act cannot be protected on account of being religiously motivated. Nor is discrimination permitted by virtue of being religiously founded, and the duty of care incumbent on parents cannot be set aside for religious reasons. On the other hand, the safeguard for freedom of religion does rule out provisions expressly aimed at a particular religious observance or manifestly intended to counteract a certain religious persuasion.

The exercise of freedom of religion can sometimes entail encroachment on other people's rights and freedoms. This is illustrated by the discussion preceding the Act (2001:499) relating to the circumcision of boys. During that discussion it was, for example, asserted in various quarters that circumcision was in some connections contrary to the rights of the child. From another quarter it was argued that the question of circumcision concerned the parents' freedom of religion. The Government found that regulation of the circumcision of boys was a permissible restriction of freedom of religion under the European Convention and otherwise compatible with freedom of religion under the Instrument of Government and with other fundamental rights and freedoms. Another example which can be quoted concerns the rights of women under CEDAW. Those rights can also collide with the enjoyment of freedom of religion.

There is nothing unusual about the possibility of different rights and freedoms colliding with each other. On the contrary, their enjoyment can often entail effects on the rights or interests of others. In several cases, such conflicts of interest are directly provided for in the Convention article relating to a certain right, through the manner in which interference is permitted. In other connections the conflict of interests is resolved through national law.

The question of protection of animals and freedom of religion is a debated one. Several representatives of Judaism and Islam are dissatisfied with the Swedish legislation on kosher and halal slaughtering. In the appropriation warrant to the Swedish Board of Agricultural for the 1998 fiscal year, the Board was instructed to carry out an annual evaluation of various ritual slaughter methods in order to find one which is not contrary to Swedish provisions on the protection of animals during slaughter but which is acceptable to those parties whose religious observance requires among other things the practice of ritual slaughter. This evaluation is to be undertaken in consultation with the Ombudsman Against Ethnic Discrimination (DO), the Central Jewish Council, the Islamic Cultural Centre Union in Sweden, the United Islamic Congregations in Sweden, the Swedish Moslem Federation, the Shia Moslem Congregation in Jakobsberg and the Dialogue Group.

In 1999 the Democracy Commission presented a debate publication entitled (in Swedish) Slaughtering a Sheep in God's Name – Religious Freedom and Democracy (SOU 1999:9). That publication has provided a basis for reflections on freedom of religion and Swedish democracy. It has also encouraged the ongoing debate concerning the development of popular government in Sweden. Its content, however, has not been specifically processed within the Government Offices.

8 Human rights activities within the Government Offices

The Government's assessment: An inter-ministerial working group for human rights will be set up within the Government Offices.

Reasons for the Government's assessment: The inter-departmental working group set up in May 2000 has among other things been tasked with examining the organisational aspects of current work within the Government Offices concerning human rights issues, and with proposing any necessary changes.

The working group found among other things that the organisation within the Government Offices needs to be strengthened and its co-ordination improved. The Government endorses this view. Human rights must be constantly highlighted and monitored, and the Government therefore attaches importance to strengthening the organisation of the Government Offices with a view to ensuring that respect for human rights is maintained in all parts of the national administration. An inter-ministerial working group for Human Rights will therefore be set up within the Government Offices.

The members of this inter-ministerial working group will serve as contact persons in their several ministries on matters relating to human rights. The task of the working group will be to co-ordinate activities in this field on a more general plan, but it is not in any way to take over responsibility for human rights issues otherwise devolving on the various ministries in the course of their regular activities. The working group is to be regarded as an adjunct and support in this connection.

9 Human Rights education

9.1 General

The Government's assessment: Knowledge concerning human rights needs to be improved. It is especially important that knowledge should be disseminated concerning economic, social and cultural rights.

In the General Assembly's Resolution 49/184 of 23rd December 1994 (UN Doc. A/51/506/Add. 1 – see Annex I), the United Nations has

proclaimed the ten-year period between 1995 and 2004 as the United Nations Decade for Human Rights Education. States have been called upon during this decade to prepare and implement national plans for human rights education. The purpose of a National Action Plan for human rights education shall, according to the United Nations, be among other things to promote respect for and protection of all human rights by providing human rights education for all members of society.

Reasons for the Government's assessment: Human rights education is a way of preventing human rights from being violated. Knowledge makes people more aware of their rights. It is important that human rights should be given a more conspicuous position on the political agenda. It is also important that human rights education should not only convey factual knowledge but provide scope, for example, for analysis, reflection and discussion concerning the way in which rights are interlinked.

Knowledge of human rights is needed in many sectors of Swedish society. The Government therefore attaches importance to strengthening knowledge of human rights within for example national authorities. The new national authority, Forum for Living History, which the Government intends setting up with effect from 2003, will among other things have a part to play in certain initiatives presented in this Action Plan.

A number of authorities and organisations in Sweden today are already actively concerned with human rights education, and the Swedish education system offers several opportunities for studies in this field. The UNESCO Executive Board, for example, has pressed the issue of human rights education in Sweden, and for the past three years this has been a top priority field with the Swedish Commission for UNESCO, resulting among other things in the production of human rights education material. Very important work is also being done by the NGO:s where this education is concerned. The Government would like to see the educational initiatives announced in the National Action Plan proceeding in partnership with other agents, such as the non-governmental organisations, wherever possible.

The Government finds that human rights education needs to be improved and to be allotted wider scope in Swedish society. By tradition, economic, social and cultural rights have received less attention than civil and political rights. In its recommendation, made in November 2000 on the basis of Sweden's fourth report, the United Nations Committee on Economic, Social and Cultural Rights encourages Sweden to raise awareness about human rights, in particular economic, social and cultural rights, among state officials and the judiciary. Partly with this background in mind, it is important that the authorities dealing with issues affecting such rights should have the opportunity of education in this subject.

Mindful of the UN Resolution Concerning a Decade for Human Rights Education, the Government will in this section be presenting various measures to observe the Decade.

In this section an account is given of certain of the measures which the Government has taken or intends taking with reference to human rights education, especially in the education system, for certain specified national authorities and social insurance offices, courts of law and the

total defence system. Various subsections deal specifically with the Forum for Living History, municipalities and county councils and non-governmental organisations. Skr. 2001/02:83

9.2 Pre-school education, schools and adult education

9.2.1 Background

The democratic social assignment is one of the education system's prime tasks. As has already been observed, there is a strong and natural but complex link between democracy and human rights. Questions concerning democracy and human rights must be constantly observed in all branches of activity within the education system. Broad and constantly updated knowledge of these matters is needed in order to strengthen the basic values underpinning our democracy.

Human rights primarily concern relations between the state and the individual. The human rights of the individual are to be guaranteed by the state, not by other individuals, but the state has a duty to prevent individuals violating the rights of other individuals, and it can also be held accountable if it fails to intervene or otherwise prevent violations. It goes without saying, however, that human rights education is intended to teach all persons to respect each other and not to subject each other to humiliating treatment.

Pre-school education, schools, out-of-school centres and adult education have considerable potential for inculcating among children, young persons and adults an understanding of the principles of democracy and respect for other people. Efforts to counteract and prevent discrimination, racism xenophobia and violence are important tasks for the education system. This means conveying a knowledge of Sweden's commitments and the meaning of democracy and human rights, and also translating that knowledge into practical action. Thus the mere transmission of knowledge concerning basic democratic values and human rights is not enough. In addition, teaching must be conducted on a democratic basis and must prepare pupils and students for active participation in the life of the community.

The values on which the UN Universal Declaration of Human Rights is founded are the principles of universal human equality of dignity and rights. This is especially highlighted in the steering documents for the education system. The curricula for the compulsory school system, the pre-school class and the out-of-school centre, and also for non-compulsory schools, begin with a chapter laying down that activities shall build on democratic foundations and shall be framed in keeping with basic democratic values. The curricula are based on the Education Act (1985:1100). All three of them begin with a section dealing with the basic values, mission and tasks of the various forms of activity. The wording of the curricula is based on fundamental principles concerning human rights and democracy. All persons active in schools shall therefore promote respect for every person's individual worth and respect for our common environment. The task of schools is to communicate, articulate and establish the basic values on which the life of our society is

founded. Those values comprise the sanctity of human life, the liberty and integrity of the individual, the equal dignity of all human beings, the equality of women and men and solidarity with the weak and disadvantaged. All persons shall be treated on equal terms and with respect. All types of victimisation and other humiliating treatment shall therefore be actively combated, and xenophobia and intolerance shall be counteracted by means of knowledge, open discussion and active initiatives.

The curricula also contain goals and guidelines concerning the pupils' responsibilities and influence. The foundations of children's understanding of the nature of democratic thinking are laid in pre-school education. All pupils shall be included in the democratic principles of being able to exert influence, assuming responsibility and being a participant. The pupils' educational and social development presupposes their assumption of progressively greater responsibility for their own work and the school environment. The curricula make the head teacher specially responsible for school staff being apprised of international agreements which Sweden has pledged itself to observe in education.

The compulsory school syllabus for social subjects lays down that Swedish law, fundamental rights and freedoms and international agreements on human rights, such as the UN Universal Declaration of Human Rights and the UN Convention on the Rights of the Child, shall be observed and shall form a basis of reflection concerning membership of a national and international community.

Great changes were made to the education system during the 1990s. Responsibility for schools was decentralised through a radical reapportionment of responsibilities between national and local government. The individual school became a goal-reference, performance-driven activity. School mandators (mostly municipalities) are responsible for the achievement of the goals defined by the Government and Riksdag. They have extensive liberty to decide how school activities are to be structured and organised. Every municipality is required to draw up an education plan for schools, indicating the measures which the municipality intends taking in pursuit of the goals defined for schools and how results are to be evaluated.

Concise description

- The Government attaches great importance to opportunity and space being provided for competence development on the subject of human rights.
- The Government's initiatives in the basic values context are continuing and, for the period between July 2000 and June 2003, for example, include a MSEK 12 scheme for supporting and deepening school activities with reference to basic values.
- As part of the educational co-operation occurring under the aegis of the Nordic Council of Ministers, the Government is participating in a project on basic values and democracy and also concerning victimisation and violence.
- In July 2001 the Government reserved MSEK 9.2 for the development of courses for serving and trainee teachers on the Holocaust and contemporary history.

This section deals with the following issues: basic values and school responsibilities, time for reflection, a national centre for basic values and the Nordic Council of Ministers. An account is also given of the Basic Values project, the revised compulsory and upper secondary school syllabi, the long-term plan of the National Agency for Education for work relating to basic values, and scrutiny of history teaching in schools. Finally the section deals with competence development, pre-school education, continuing basic values work within the Ministry of Education, assignments to the National Agency for Education concerning racism, ethnic discrimination, sexual harassment, homophobia and gender-related victimisation, an anti-victimisation campaign, legislative issues, curricular review, a review of upper secondary schooling, and an augmented dialogue with municipalities for the purpose of development and evaluation and scrutiny.

9.3 Higher education

9.3.1 Background

In this section the Government presents its views on a number of matters relating to higher education and the role of research in relation to human rights.

It is important that higher education establishments should continue to assume responsibility for transmitting knowledge in the field of human rights. It is also important that knowledge concerning human rights and their implementation should be disseminated in the community. Higher education often sets standards for society at large. The values and attitude occurring in the education sector are those which will prevail in policy-making parts of the society of tomorrow, and higher education and research therefore have an important task to perform in securing the survival of human rights and a democratic development of society in general.

Higher education plays an important part in the development of democracy and for understanding of and respect for human rights. In successive proposals the Government has endeavoured to strengthen democracy by giving persons active in higher education the right of participation in the development of education and research.

9.3.2 Measures for the promotion of democracy and human rights

Concise description

- The Government has given special funding support to courses on human rights and democracy at the Stockholm Theological College.
- The Government has resolved to introduce a new speciality for the Master's degree, a "broad-based Master's degree", as part of the degree structure enacted through the Higher Education Ordinance (1993:100) and other statutory instruments.
- Several different universities and colleges provide human rights education, e.g. the Raoul Wallenberg Institute at the Faculty of Law, Lund University, the Universities of Göteborg (Gothenburg), Linköping and Uppsala, and Kalmar University College.

The Government's assessment

- The new focus defined for the Master's degree in the Degree Ordinance should make it easier for higher education establishments also to provide in-depth continuation courses in interdisciplinary subjects, e.g. human rights.
- The Government intends supporting a summer school on human rights and democracy within the framework of the Öresund University.
- The Government intends supporting in-service and further education for certain occupational categories on the subject of human rights.
- The Government wishes to encourage higher education establishments to analyse the need for and feasibility of building up a network on human rights research. The structure of both network and co-operation should be worked out by the parties themselves.

Reasons for the Government's assessment: A total of 80,000 student equivalents was added to the higher education system between 1997 and 2001. As a result, increasing numbers of people have gained access to higher education and the social and ethnic mix of the student population has changed accordingly. Utilising this new diversity among students and their perspective so as to achieve a growth of cultural and social understanding in society presents an exciting challenge to seats of learning in Sweden. In 1999 the Government appointed a Commission to investigate ways in which diversity could be increased and promoted at higher education establishments in Sweden. A number of proposals on the subject, presented in the Government's Bill *Den öppna högskolan* (The Open Higher Education System, Prop. 2001/02:15), were based

partly on the report by this Commission, entitled (in Swedish) Diversity in Higher Education (SOU 2000:47).

Another important Government Bill, entitled (in Swedish) Student Participation and Qualitative Development in Higher Education (Prop. 1999/2000:28), is based on students being obvious partners for co-operation and has given them greater formal influence over their studies.

In addition, the National Agency for Higher Education, which is the supervisory authority for universities and colleges in Sweden, has carried out scrutinies of all seats of learning in the country, partly in a diversity and equal opportunities perspective.

The Government has provided special support for courses on human rights and democracy at the Stockholm Theological College.

At the New Year 1998 a special investigator was appointed to investigate and make proposals concerning higher education in democracy and human rights (U 97/4105/A 12th January 1998). Among other things, this remit included an evaluation of the democracy and human rights education which had been conducted at the Stockholm Theological College with special funding support during 1997. The remit also involved a general inventory of democracy and human rights education at the national universities and colleges and investigation of the need for more systematic and integrated education in this field. The remit, completed in the spring of 1998, resulted in the departmental memorandum *Mänskliga rättigheter – många skyldigheter* (Human Rights – Many People's Obligations, Ds 1998:46).

The Higher Education Act (1992:1434) lays down that all education shall rest on scientific or artistic foundations and on proven experience. The Act further stipulates that equality between women and men shall always be observed and promoted in higher education activity, and that higher education establishments in the course of their activities shall also promote understanding for other countries and international relations.

Undergraduate study programmes present a wide spectrum in terms, for example, of duration, form, content and objectives. The 1977 Higher Education Reform implied a far-reaching decentralisation, e.g. as regards funding systems and local discretion in the use of available resources. The 1993 Higher Education Reform resulted, among other things, in universities and colleges acquiring greater liberty to decide on the organisation of studies, the range of study programmes, student admissions, departmental organisation and the deployment of resources for undergraduate studies. Every higher education establishment has to decide for itself which study programmes to offer and how these are to be designed within the framework of the goals and guidelines laid down by the Government and Riksdag. The Higher Education Ordinance (1993:100) indicates which degrees may be taken in basic higher education and what requirements must be met for each of them. Activities are guided by generally worded objectives. Consequently the higher education establishments themselves have to decide whether and how they wish to integrate human rights issues with teaching and research.

This section gives an account of study content, study programmes leading to employment in the public sector, the UN Convention on the

9.4 Certain specialised authorities and social insurance offices

The Government's assessment

– The Government intends commissioning a number of national authorities and social insurance offices to provide human rights education for their personnel. This education is above all to focus on human rights information retrieval.

– The Government intends instructing the Office of the Prosecutor-General, the Swedish National Economic Crimes Bureau, the National Police Board, the National Prison and Probation Administration and the National Board of Forensic Medicine to reinforce the human rights education which they provide for their personnel. This education is above all to focus on human rights information retrieval.

– The Government intends to instruct the National Rescue Services Board, the Swedish Coast Guard and the Swedish Customs Service to take account of human rights issues in their teaching.

– The Government intends instructing the Swedish Migration Board and the Aliens Appeals Board to investigate and report to the Government on measures taken with regard to personnel training concerning precedents laid down by the European Court of Human Rights and the UN Committee Against Torture and the Conventions on which the decisions are based.

– The Government intends instructing the National Council for Quality and Development to devise human rights education programmes for persons in leading positions within national authorities.

–The Government intends arranging various series of human rights seminars for the employees of the Government Offices between 2002 and 2004.

Reasons for the Government's assessment: Chap. 1, Section 2 of the Instrument of Government requires public power to be exercised with respect for the equal dignity of all human beings and for the liberty and dignity of the individual. Knowledge of the nature of human rights and of the equal dignity of all human beings is particularly important for persons in positions of authority. Several national authorities today are already engaged in human rights education on a greater or lesser scale, while in other authorities such education is lacking. The Government particularly wishes to highlight the importance of human rights education being made available to employees in the public service.

Economic, social and cultural rights have by tradition received less attention than civil and political rights. The Government therefore considers it important that the authorities dealing with matters where economic, social and cultural rights are affected should be given the opportunity of improving knowledge of these rights among their personnel.

Human rights education is especially important for certain national authorities. During the period between 2002 and 2004, the attention of these authorities will be particularly drawn to human rights issues. A number of key authorities have already been identified, and the Government will be specially tasking them with improving the standard of knowledge among their personnel. The education is to be adapted to the activity of the authority concerned. Existing human rights education is to be evaluated if necessary. Several of the reference groups have highlighted the possibilities of distance teaching of human rights and information retrieval on the Internet as important educational sectors.

The Government intends, for example, in its appropriation warrants for 2002, to instruct a number of national authorities and social insurance offices to provide human rights education for their personnel. This education is above all to focus on human rights information retrieval. Information retrieval can, for example, refer to ways of using the Internet as a means of finding information. The authorities involved are the National Board for Youth Affairs, the National Social Insurance Board, the Medical Responsibility Board, the National Institute of Public Health, the National Board for Intercountry Adoptions, the National Agency for Education, the Sami School Board, the Sami Parliament and the National Board of Housing, Building and Planning, together with all social insurance offices. In addition, the National Board of Health and Welfare has been instructed to define its role as the sectorial authority responsible for disability policy, to give an account of the way in which the child perspective and consideration of the best interests of the child have been taken into account, and also to show what steps have been taken to give effect to the action plan for gender issues.

Another important target group for education comprises the administration of justice. In its appropriation warrants for 2002, for example, the Government intends instructing the Office of the Prosecutor-General, the Swedish National Economic Crimes Bureau, the National Police Board, the National Prison and Probation Administration and the National Board of Forensic Medicine to reinforce the human rights education which they provide for their personnel. This education is above all to focus on human rights information retrieval. Existing human rights education is to be evaluated if necessary.

The Government will also be instructing the National Rescue Services Board, the Swedish Coast Guard and the Swedish Customs Service to take human rights issues into account in their teaching.

The National Migration Board and the Aliens Appeals Board are authorities which decide individual asylum cases under the Aliens Act. One of the foundations of the activities of these authorities is respect for the human rights of applicants and maintenance of efficiency and the rule of law in their handling and decision-making procedures. Both authorities are extensively active in their provision of training and their publication of handbooks and written guides to this end. The Government therefore intends giving these authorities the task of investigating and reporting to the Government on measures taken with regard to personnel training concerning precedents laid down by the European Court of Human Rights and the UN Committee Against Torture and the Conventions on which the decisions are based, so that the

Conventions will be made familiar and their practical implementation by individual handling officers facilitated. Skr. 2001/02:83

Another important target group comprises persons in leading positions within national authorities. The National Council for Quality and Development is a national authority tasked with supporting and encouraging the work of quality development and competence supply within the national administration. The structure and focus of activities are defined in close collaboration with the recipients, the Government Offices and national authorities. The Council promotes the establishment of the administrative culture and safeguards the values today characterising the Swedish government service, such as democracy, transparency, the rule of law and efficiency. The Government intends instructing the National Council for Quality and Development to devise human rights education programmes for persons in leading positions within national authorities.

Studies of the organisational aspects of human rights work within the Government Offices have shown that here too there is room for improvement where knowledge of human rights is concerned. The questionnaire surveys conducted by the Secretariat of the working group during the spring of 2001 revealed both a need and a great demand for education programmes. The Government therefore intends arranging human rights education programmes for the personnel of the Government Offices. Future programmes will be both specialised and of a more general nature. Target groups of particular importance comprise politicians, senior executives within the Government Offices and the handling officers tasked with writing and compiling the various Swedish reports to the United Nations, for example.

9.5 Courts of law

<p>The Government's assessment: The Government will be monitoring the initiatives taken by the National Courts Administration for the further development of its human rights education activities.</p>
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Reasons for the Government's assessment: Knowledge of human rights is of importance in the administration of justice and elsewhere. Human rights instruction is to a varying extent included by faculties of law in undergraduate law studies. Several faculties raise human rights issues in connection with teaching, e.g. in international law, procedural law and penal law.

The incorporation of the European Convention in Swedish law augmented the need on the part of Swedish courts for education concerning the Convention's provisions. A number and variety of training programmes in this field have in fact been carried out within the judicial system. The focus on this education has primarily been on implementation of the European Convention, but various UN Conventions and the Charter of Fundamental Rights of the European Union have also been included in further training. Special one-day seminars on human rights have been arranged continuously. Human rights are included in the recurrent training undergone by judges and

room is also made for them at various judicial seminars focusing on penal law, procedural law, custodial cases, the Care of Young Persons (Special Provisions) Act, the Care of Alcoholics, Drug Abusers and Abusers of Volatile Solvents (Certain Cases) Act, etc. Human rights today are a natural component of the educational activity provided by the National Courts Administration. Meetings of the judicial authorities have highlighted the possibilities of distance teaching concerning human rights and of information retrieval on the Internet as particularly important fields for instruction. The Government will be monitoring the initiatives taken by the National Courts Administration for the further development of its human rights education activities.

9.6 The total defence administration

The Government's assessment: In its dialogue with the total defence authorities concerned, the Government intends observing the work they undertake with a view to publicising and more strongly safeguarding certain particular rights and freedoms.

Reasons for the Government's assessment: Under the Total Defence and Heightened Preparedness Act (1992:1403), the total defence establishment is the activity needed in order to prepare Sweden for war. In a situation of maximum preparedness, the total defence establishment comprises all public activities which are then to be conducted. The total defence establishment comprises military activities (military defence) and civil activities (civil defence). The Total Defence International Law Ordinance (1990:12) defines the international law responsibilities of national authorities accountable to the Government. This enactment, however, only refers to humanitarian law, and not to human rights.

In this section an account is given of the Swedish Armed Forces, the National Defence College and the Swedish Agency for Civil Emergency Planning.

The Government's assessment

– The Government intends commissioning the production of material on human rights which can be used in the education system. In this material attention is to be given to the international law aspects. In addition, a survey is to be undertaken of areas where educational material on human rights is in need of supplementation, coupled with a review of the possibilities of producing this material.

– The Government intends commissioning an investigation of the feasibility of producing interactive educational material on human rights.

– The Government intends supporting NGO:s so as to enable them to improve the possibilities of providing their personnel and members with further training on human rights.

– The Government intends helping to facilitate the provision of meeting points where different groups in society can discuss matters relating to human rights.

– The Government finds that an information strategy needs to be devised for disseminating knowledge of human rights.

Reasons for the Government's assessment

In the autumn of 1997 the Government initiated an extensive information campaign on the subject of the Holocaust. This initiative, conducted as a project within the Government Offices, was dubbed Living History. Its purpose was to disseminate knowledge and information about the Holocaust and, with the Holocaust as its starting point, to create a broad-based discussion of such issues as democracy, tolerance, compassion and human equality. The information drive included the book "...tell ye your children...", which has now been published in eight languages and with a print run of about one million.

Inspired by the successes of the Living History project, the Government commissioned a number of national cultural institutions in January 1998 to report on the feasibility of creating a permanent exhibition about the Holocaust at one of Sweden's museums. The report submitted by the authorities in September 1998 constituted a first step in the contemplation of a permanent forum based on the Holocaust. Thus in September 1999 the Government appointed a committee to investigate the establishment of a permanent Forum for Living History (Ku 1999:09, dir. 1999:75).

The Government intends setting up a new authority, the Forum for Living History, in 2003. Its task will be to promote work with, discussion of and reflection on democracy, tolerance and human rights in the contemporary world, taking the Holocaust as its starting point. The purpose of these activities will be to strengthen people's determination to actively promote universal equality of human dignity.

The Forum for Living History should be located in Stockholm but should operate nationwide in partnership with other cultural institutions, schools, universities and colleges, popular education organisations and

other popular movements. Children and young persons attending compulsory and upper secondary school, together with teachers and other adults in the immediate surroundings of children and young persons, are especially important target groups for the Forum's activity.

The intention is for people's historical awareness to be deepened through the communication of history, e.g. in the form of exhibitions and artistic manifestations, and through education, lectures and debate.

The Forum for Living History will have a broadly defined mandate closely in line with the underlying intentions of this Action Plan. The Government intends to appoint an organising committee to design the Forum's activities in greater detail. The proposals contained in the Action Plan will be taken into account where relevant. This section presents measures which the Government intends taking.

Material on human rights

The UN proposal for the content of a Plan of Action for the United Nations Decade for Human Rights Education refers to the need for producing educational material. To inventory the need for new educational material, the Secretariat of the inter-departmental working group commissioned the Raoul Wallenberg Institute in the spring of 2001 to carry out a survey of educational material on human rights. The Institute reported back on this remit at the end of June 2001.

The survey has shown that there is a considerable quantity of material, addressed to various recipients. Among other things the survey report summarises the educational material used by various national authorities, NGO:s, universities, schools etc. in their teaching activities at present. The emphasis is on the material which has been or is used in the Swedish education system, e.g. pre-school education, compulsory schools, upper secondary schools and, to some extent, higher education. The survey as a whole is confined to material compiled from 1997 onwards. It also contains some information about teaching material compiled or used by various organisations, such as the UN, the EU, the OSCE and the Council of Europe. The survey also includes teaching material compiled or used by Swedish NGO:s.

In addition, the survey focuses on teaching material dealing with human rights in general and with particular fields, e.g. racism, children's rights and discrimination. The Basic Values project is also included. The survey reveals that human rights educational material for pre-school education and for junior and middle schools is in fairly limited supply. Certain material exists for the senior grades of compulsory school and for upper secondary school. There is also a certain amount of human rights study material for teachers. Less material is available, however, on the subject of discrimination in general and minority rights. Nor is there much teaching material available in other languages or adapted to the needs of persons with functional impairment.

One problem indicated by the survey is that the existing teaching and reference material have not been gathered together anywhere. This makes it difficult for teachers and schools to acquire a comprehensive view of the available supply. In other words, there is a great need for a

conspectus of existing human rights education material to be compiled and made available to schools. The Forum for Living History will play an important part where human rights education is concerned. The Government intends commissioning the production of material on human rights which can be used in the education system. In this material attention is to be given to the international law aspects. In addition, a survey is to be undertaken of areas where educational material on human rights is in need of supplementation, coupled with a review of the possibilities of producing this material.

Further groups in special need of human rights education will be defined during 2003 and 2004.

Several reference groups have drawn attention to the importance of compiling interactive educational material about human rights.

NGO:s

Many NGO:s today are already extensively involved in human rights education. This commitment on their part helps to increase understanding and commitment in Swedish society where human rights are concerned. Certain organisations in recent years have written what are termed parallel reports. Discussions in connection with these parallel reports are contributing towards a debate on human rights in society. Human rights education is also important. The Government therefore intends supporting the NGO:s in their efforts to disseminate knowledge of human rights, by promoting their opportunities for giving further training to their personnel and their members.

In this connection the Government wishes to draw attention to the importance of wider co-operation between national and local authorities on the one hand and NGO:s on the other where human rights education is concerned; see also Sections 6.7 and 9.9.

Seminars and outgoing activities

One important stage of an information strategy is the arrangement of meetings at which scope can be provided for human rights issues. The Government intends to facilitate the creation of meeting points, e.g. for NGO:s, national authorities and municipalities.

Important work for human rights can also be done through cultural initiatives. The task of the Forum for Living History will be to promote discussion of issues relating to democracy, tolerance and human rights. Taking the Holocaust as its starting point, the Forum will be able to contribute to this process, e.g. through exhibitions and artistic activity and through education, seminars and debate.

Information strategy

In order for the Action Plan and the various measures announced in it to achieve the widest possible distribution in society, an information strategy needs to be devised. Education and information are important tools for safeguarding human rights. The Forum for Living History will

be actively concerning itself with these matters. One important part of the strategy is to investigate the feasibility of compiling information material about human rights, e.g. for the public service. An information strategy must also take into account ways of enabling persons with functional impairment to make use of the material; see Section 10.

9.8 Municipalities and county councils

The Government's assessment: The Government intends working during an introductory phase to ensure that human rights education is offered to employees and politicians in municipalities and county councils. The Government will be opening a discussion with the Swedish Association of Local Authorities and the Federation of Swedish County Councils concerning the more detailed design of this education and its funding, and also concerning ways in which these organisations can contribute towards the conduct of the education.

Reason for the Government's assessment: As has already been made clear, it is the responsibility of the state to ensure that human rights are respected and provided for. This responsibility devolves primarily on the Government, but also on national and local authorities.

Municipalities and county councils have a special responsibility where economic and social rights are concerned. This being so, it is important for them that knowledge of this responsibility and of the content of other rights should be disseminated, not least considering that knowledge of the various conventions can in itself be deficient. This, however, does not betoken a lack of knowledge concerning the values on which the Conventions are based. Nor does it mean that these questions are not a subject of discussion among local politicians and officials. Discussions do of course take place within municipalities and county councils, with reference to their activities as such. In addition, a host of local initiatives have been taken, for example in the form of municipal ombudsmen, user councils, policy documents and various action plans. It must also be noted in this connection that municipalities and county councils have a very high level of awareness concerning the basic values enshrined in certain of the Conventions, one such example being the UNCRC and its basic values concerning the best interests of the child. The important decisions affecting children and young persons are made at local level, above all in municipalities, but also by county councils. This applies, for example, to questions of child care, schooling, social services, health care, housing and leisure. Many municipalities and county councils are already aware of the importance of a child and youth perspective in their decision-making, and some of them have systems in place for articulating the child perspective in various connections.

The Swedish Association of Local Authorities and the Federation of Swedish County Councils have stated that, in order for further progress to be made, it is important that future discussions should be based on activities and their content, not on the Conventions viewed in isolation.

As work on the Action Plan proceeded, it became evident that a closer inquiry was needed into the way in which human rights were addressed

by local (municipal) authorities, and in the spring of 2000 the Stockholm Theological College was commissioned to carry out a survey of municipal activities for the promotion of human rights. The survey report shows that, while some municipalities have made a good deal of headway in particular fields, the overall need for education on the subject remains considerable.

The education system is an important target group for human rights education. Meeting points need to be created where representatives of the education system will have an opportunity of meeting other agents with a specific knowledge of various human rights issues, e.g. the Ombudsman authorities and NGO:s. The Government therefore intends working during an introductory phase to ensure that human rights education is offered to employees and politicians in municipalities and county councils. The Government will be opening a discussion with the Swedish Association of Local Authorities and the Federation of Swedish County Councils concerning the more detailed design of this education and its funding, and also concerning ways in which these organisations can contribute towards the conduct of the education. These education programmes shall be framed with reference to the various local government activities.

9.9 NGO:s

Concise description: During the spring of 2002 the Government will be giving NGO:s and others the opportunity of receiving grants towards activities promoting participation in democratic processes.

The Government's project Time for Democracy is a long-term development process for Swedish popular government. This development work will continue until the end of 2002. The overriding aim of the project is to augment civic awareness of and participation in the various political decision-making processes, and especially in elections. The development work comprises several activities, partly in support of democratic development. For the promotion of awareness of and participation in the political decision-making processes, the Government has on three occasions since 2000 awarded funding support for democratic development under the Swedish Popular Government (State Project Grants for Development Work) Ordinance (2000:648). This part of the project has elicited a great response from the general public. On the three occasions when applications were invited, support was requested by some 1,000 municipalities and NGO:s, of which only 130 municipalities, youth organisations, foundations, immigrant organisations, popular education organisations etc. could be awarded grants. Several of the projects for which grants were awarded are indirectly aimed at promoting human rights. Support has been given to a total of some 25 projects aimed, partly or wholly, at drawing attention, for example, to human rights education.

The Government's assessment: The Government intends awarding grants for the Human Rights Days in 2002.

Reason for the Government's assessment: Many different conferences and seminars on human rights have been conducted by several authorities, organisations, universities and colleges. The first "MR" (Human Rights) Days in Stockholm, for example, were arranged in November 2000, with more than 700 persons taking part in the various seminars and another 400 attending the open arrangements. In November 2001 the Government Offices received an application concerning funding support for the Human Rights Days in November 2002. The Government attaches importance to the arrangement of such meeting points as the Human Rights Days and intends making further grants towards this arrangement.

10 Information strategy for disseminating knowledge of human rights

10.1 General aspects of the information strategy

The Government's assessment

- The Government intends commissioning an information strategy to disseminate knowledge of human rights.
- The Government intends commissioning a special website on human rights.
- The Government intends having the Action Plan distributed to municipalities, certain national authorities, NGO:s etc.
- The Government intends having a summary of the content of the Action Plan translated into English and into the recognised minority languages.
- The Government intends making a summary of the content of the Action Plan available as a cassette recording.

Reason for the Government's assessment: Through this first Action Plan for human rights, the Government is laying the foundations of a more concerted approach to the treatment of human rights issues at national level.

The international conventions on human rights have been an important foundation for work on a national Action Plan. Disseminating knowledge of the content of these conventions is a commitment which every state has entered into, for example, under Article 42 of the UN Convention on the Rights of the Child and Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination.

It is important that a cogent strategy should be worked out for disseminating knowledge of human rights. Among other things the strategy should aim at informing the general public of what is meant by human rights and what agents in Swedish society are actively concerned with them. The Forum for Living History will be actively working on these issues. The Government would like to see the various agents who

have helped to draft the Action Plan playing an active part in the work of devising an information strategy. Skr. 2001/02:83

NGO:s are already engaged in extensive information work to disseminate knowledge of human rights in Sweden. They also have their own channels of information. These organisations, consequently, are playing an important part in the process of improving public knowledge of human rights.

As work has proceeded, attention has been drawn to the great need of better public information on the subject of human rights. A website should be created as an aid to the improvement of information regarding Sweden's human rights commitments. This will be an important aid to the dissemination of human rights information.

As part of the process of disseminating knowledge concerning the situation in Sweden and as information concerning the initial work devoted to drafting a National Action Plan, the survey report *Mänskliga rättigheter i Sverige – en kartläggning* (Human Rights in Sweden – A Baseline Study, Ds 2001:10) was distributed in the spring of 2001 to about 1,300 municipalities, universities and colleges, courts, NGO:s etc. A summary of the survey report was translated into English and sent, for example, to foreign embassies in Stockholm and to Swedish Embassies abroad. The Government intends having a summary of the content of the Action Plan translated into English and into the recognised minority languages, as a means of disseminating knowledge of the work done in Sweden. The Government also intends making a summary of the content of the Action Plan available as a cassette recording.

The Government's assessment

– The Government intends reviewing the accessibility of international documents on human rights and decisions by the European Court of Human Rights, as well as the possibilities of translating such documents into Swedish to a greater extent than at present.

– The Government, acting in consultation with the Office of the Prosecutor-General, the National Police Board and the National Prison and Probation Administration, intends arranging for the collection, the translation into Swedish if necessary and the publication of major documents in the field of human rights which have a bearing on the responsibilities of these authorities.

– The Government, acting in consultation with the National Courts Administration, intends to arrange for the collection, the translation into Swedish if necessary and the publication of major documents in the field of human rights which are of importance for the judicial system.

– The Government intends having Swedish translations prepared above all of future Swedish reports concerning the six UN Conventions on Human Rights as well as the concluding observations, and distributing, for example, the latest reports and comments and corresponding documents from the Council of Europe to the municipalities.

Reason for the Government's assessment: As work has progressed, it has become clear that information to the general public on human rights is in great need of improvement. The reference groups have particularly underscored the importance of knowledge of human rights and of greater understanding for the underlying reasons for the existence of various international conventions. It should be considered how far the availability of important international documents on human rights and decisions by the European Court of Human Rights can be improved and whether such documents can be more extensively translated into Swedish. To begin with, it is above all the availability of documents of relevance to the administration of justice and to the responsibilities of national authorities that should be improved. Several different NGO:s have referred to the importance of translation and distribution. The question of translating important human rights documents has also been observed by several UN Committees in their various examinations of Sweden's reports. It must therefore be considered a matter of particular urgency for the Swedish reports on the six different UN Conventions relating to Human Rights and the concluding observations to be translated into Swedish. It is also essential, for example, that the latest reports and concluding comments, as well as the corresponding documents from the Council of Europe, should be distributed to the municipalities. Several reference groups have also pointed out the need to improve the distribution of Swedish reports, e.g. to municipalities and county councils.

The Government's assessment: The inter-departmental working group on Human Rights which it is intended to set up will be tasked with following up the Action Plan and ensuring that it is evaluated.

Reason for the Government's assessment: The Action Plan refers to the period between 2002 and 2004. Responsibility for achieving the purpose of the Action Plan devolves primarily on the Government. Its implementation will be followed up and evaluated. The purpose of the follow-up is to see when and how measures have been taken. The follow-up and evaluation will constitute a vital report to the Government.

Follow-up and evaluation are important for several reasons. Through work of this kind one proceeds from words to actions, with the result that human rights are made more visible and more concrete. Another reason for follow-up and evaluation is that implementation of the Action Plan can be made more effective. Lastly, efficient follow-up and evaluation can result in human rights being allotted wider scope in day-to-day community activity.

The inter-departmental working group on Human Rights, referred to in Section 8, should therefore be tasked with following up the Action Plan and ensuring its evaluation. The working group will thus need to keep itself informed on the progress of work relating to the various measures announced in the Action Plan and of their implementation.

The work of follow-up and evaluation will be of value for, and will form the basis of, the framing of the next Action Plan for Human Rights.

The ministries etc. responsible, as per 24th January 2002, for the questions dealt with in this communication are listed in App. 4.

Universal Declaration of Human Rights

Skr. 2001/02:83
Appendix 1

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective

recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. Skr. 2001/02:83
Appendix 1

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

Skr. 2001/02:83

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

Appendix 1

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Human Rights Conventions ratified by Sweden

Skr. 2001/02:83
Appendix 2

UN

9 December 1948	Convention on the Prevention and Punishment of the Crime of Genocide
28 July 1951	Convention relating to the Status of Refugees
7 March 1965	Convention on the Elimination of All Forms of Racial Discrimination
16 December 1966	International Covenant on Economic, Social and Cultural Rights
16 December 1966	International Covenant on Civil and Political Rights
16 December 1966	Optional Protocol to the International Covenant on Civil and Political Rights
21 January 1967	Protocol relating to the Status of Refugees
18 December 1979	Convention on the Elimination of All Forms of Discrimination against Women
10 December 1984	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
20 November 1989	Convention on the Rights of the Child
15 December 1989	Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty
17 July 1998	Rome Statute of the International Criminal Court

ILO

28 June 1930	Convention on Forced Labour (No. 29)
9 July 1948	Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87)
1 July 1949	Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98)
29 June 1951	Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100)
25 June 1957	Convention concerning the Abolition of Forced Labour (No. 105)
25 June 1958	Convention concerning Discrimination in respect of Employment and Occupation (No. 111)
26 June 1973	Convention concerning Minimum Age for Admission to Employment (No. 138)

23 June 1981	Convention concerning Workers with Family Responsibilities (No. 156)	Skr. 2001/02:83 Appendix 2
17 June 1999	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)	

Council of Europe

4 November 1950	European Convention for the Protection of Human Rights and Fundamental Freedoms
20 March 1952	Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention
18 October 1961	European Social Charter
16 September 1963	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the First Protocol thereto
28 April 1983	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of death penalty
22 November 1984	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms
26 November 1987	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
5 May 1988	Additional Protocol to the European Social Charter
21 October 1991	Protocol amending the European Social Charter (not in force)
5 November 1992	European Charter for Regional or Minority Languages
4 November 1993	Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
4 November 1993	Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
1 February 1995	Framework Convention for the Protection of National Minorities
9 November 1995	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
3 May 1996	European Social Charter (revised)

Agents given the opportunity of participating in or commenting on work concerning a National Action Plan for Human Rights

Ombudsmen

The Children's Ombudsman, the Disability Ombudsman, the Parliamentary Ombudsmen, the Equal Opportunities Ombudsman, the Ombudsman Against Discrimination Because of Sexual Orientation and the Ombudsman Against Ethnic Discrimination.

National authorities etc.

The Swedish Agency for Government Employers, the National Courts Administration, the National Defence College, the National Agency for Higher Education, the National Integration Office, the Federation of Swedish County Councils, the Swedish Migration Board, the National Police College, the National Police Board, the Office of the Prosecutor-General, the Sami Parliament, Sida (the Swedish International Development Co-operation Agency), the National Board of Health and Welfare, the Swedish National Agency for Special Needs Education, the National Agency for Education, the Swedish Association of Local Authorities, the Swedish Commission for UNESCO, the Swedish Bar Association, the National Board for Youth Affairs, the Aliens Appeals Board and the Swedish Agency for Civil Emergency Planning.

Politicians, researchers, judges and other individual persons

Members of Parliament from the various parliamentary political parties and about 30 individual persons, including researchers and judges.

NGO:s¹

Adoptionscentrum, Allserbisk-jugoslaviska Riksförbundet i Sverige, American Citizens Abroad, Amnesty International, Armeniska föreningen Ararat, Armeniska Riksförbundet i Sverige, Artister för fred, Assyriska Riksförbundet i Sverige, Azerbajdjanska Riksförbundet i Sverige, Bolivianska Riksförbundet, Bosnien & Herzegovinas kvinnoriksförbund i Sverige, Bosnien-Hercegovinska Riksförbund i Sverige, Caritas Sverige, Centerkvinnor, Chilenska Riksförbundet, Diakonia, Diskrimineringsbyrån, Eritreanska Riksförbundet i Sverige, Estniska Kommittén, Etiopisk Riksförening i Sverige, Etiopiska Riksförbundet i Sverige, Exit, FATIMA, FIAN-SVERIGE, Finlands-svenskarnas Riksförbund i Sverige, Folkpartiet liberalernas

¹ Subject to names being correct and given in full. Names of organisations are to be given in Swedish.

kvinnoförbund, Forum för Frivilligt Socialt Arbete, Forum Kvinnor och Handikapp, Fritidsforum, Frivilligorganisationernas fond för mänskliga rättigheter, Frälsningsarméns socialtjänst, Förenade Islamiska Församlingar i Sverige, Föreningen resandefolket, Föreningen Utopia, Gaston Lobos riksförbund, Grekiska Riksförbundet, Handikappförbundens Samarbetsorgan, Humanisterna, Husmodersförbundet Hem och Samhälle, Hyresgästernas Riksförbund, Immigranternas Centralförbund, Immigranternas Riksförbund, Immigrant-institutet, Individuell Människohjälpen, Industrifacket, Internationella Företagarföreningen i Sverige, Internationella Juristkommissionen - Svenska avdelningen, Internationella konstnärer i Sverige, Internationella Kvinnoförbundet, Internationella Kvinnoförbundet för Fred och Frihet, IOGT-NTO-rörelsens/inter. institut, Irakiska Riksförbundet i Sverige, Iranska Riksförbundet i Sverige, Islamiska KulturcenterUnionen i Sverige, Isländska Riksförbundet i Sverige, Italienska Riksförbundet, Japanska Riksförbundet i Sverige, Judiska Centralrådet i Sverige, Jugoslaviska Föreningen, Kaleidoscope – invandrarfilmarnas förening, KFUK-KFUM:s riksförbund, Kommitté för försvaret av Iranska kvinnors rättigheter, Koreanska föreningen i Sverige, Kristna Fredsrörelsen, Kroatiska Riksförbundet, Kurdiska Riksförbundet, Kurdiska Rådet, Kurdistans Kvinnoförbund, Kvinno- och barn kulturförening, Kvinnoforum, Kvinnor För Fred, Kvinnorättsforum, Landsorganisationen i Sverige, Landsrådet för Sveriges Ungdomsorganisationer, Lettiska Centralrådet, Lettiska Hjälpkommittén, Liberala Ungdomsförbundet, Liberia Dujar Association, Lions Club International, Lutherhjälp, Lärarförbundet, Lärarnas Riksförbund, Makedonska Riksförbundet i Sverige, Moderatkvinnorna, Nordisk förening för sjuka barns behov, Nätverket Fackligt Aktiva Invandrare, OÖKER, Palestinska arbetarförbundet, Palestinskt nätverk, Pensionärernas riksförbund, Polska Invandrades Riksförbund, Polska Kombattanternas Förening i Sverige, Polska Kongressen i Sverige, Polsk-Svenska Kvinnoförbundet i Sverige, Portugisiska Invandrarkvinnors organisation, Portugisiska kvinnors organisation, Portugisiska Riksförbundet, RIFFI, Riksförbundet Finska krigsbarn 1939-1945, Riksförbundet Finska krigsveteraner, Riksförbundet för rörelsehindrade barn och ungdomar, Riksförbundet Polska Föreningar i Sverige, Riksföreningen Huelén-Chile, Riksidrottsförbundet, Riksorganisationer av Salvadoranska Föreningar, Romernas riksförbund, Stockholms zigenarförbund, Rädda Barnen, Röda Korset, SACO, Salvadoranska Riksförbundet, SAMS, Serbiska Riksförbundet i Sverige, SIOS, S-kvinnor, Slovenska Riksförbundet i Sverige, Sociala Missionen, Somaliska familjehjälporg, Somaliska Hakaba för kultur och utvecklingsfirma, Somaliska kvinnoförbund, Somaliska Riksförbundet i Sverige, Somaliska Rådgivningsbyrå, Spanska Riksförbundet i Sverige, Stadsmissionen, Stiftelsen Mälardalens kvinnolobby, Stockholms FN-förening, Stockholms katolska stift, Studieförbundet Vuxenskolan, Svenska Bahá'i-samfundet, Svenska Flyktingrådet, Svenska FN-förbundet, Svenska Fredskommittén, Svenska Helsingforskommittén för Mänskliga Rättigheter, Svenska Iran-kommittén, Svenska kyrkan internationella avdelningen, Svenska kyrkan, Svenska Samernas Riksförbund, Svenska Tornedalingarnas riksförbund, Svenska Unifem-Kommittén, Svensk-Chilenska vänskapsförbundet,

Svenskt Näringsliv, Sverigeesternas Förbund, Sverigefinska Riksförbundet, Sveriges Civilförsvarsförbund, Sveriges Dövas Riksförbund, Sveriges Ingermanländska Riksförbund, Sveriges invandrarförfattares förbund, Sveriges Kristna Råd, Sveriges kristna socialdemokratiska förbund, Sveriges Muslimska Råd, Sveriges Världsfederalister, Sverigeunionen av Soroptimisterna, Synskadades Riksförbund, Syrianska Riksförbundet, Syriska Riksförbundet i Sverige, Tjeckoslovakiska Föreningarnas Riksförbund, Tjänstemännens Centralorganisation, Turkiska Riksförbundet, Turkiska Ungdomsförbundet, Unga Örnars Riksförbund, Ungerska Riksförbundet, UngSIOS och Victor Jara Riksförening.

Skr. 2001/02:83
Appendix 2

Ministries responsible for the issues referred to in this written communication

Skr. 2001/02:83
Appendix 4

Ministry of Justice

5.5

The Government intends returning to the Riksdag at regular intervals to report on work at national level with reference to human rights.

6.2

The Government intends commissioning an investigator to chart cases in which Swedish courts have applied Chap. 2 of the Instrument of Government and the European Convention for the Protection of Human Rights and Fundamental Freedoms. This survey should also include an account of the Swedish cases coming before the European Court of Human Rights.

6.7

- The Government intends commissioning an exploratory study of ways in which legislation in different fields affects NGOs.
- The Government intends appointing a special investigator to investigate and analyse matters relating to premises for public meetings.
- The Government intends holding recurrent Popular Movement Forum meetings for a dialogue between the Government and its administrative authorities on the one hand and, on the other, representatives of voluntary organisations.

7.2.3

The proposals by the Sexual Offences Committee for new provisions on sexual offences are currently being processed.

7.2.4

In its Bill Racial Agitation etc. (Prop. 2001/02:59) the Government has among other things proposed introducing a special scale of penalties for aggravated cases of racial agitation and expanding the scope of the provisions on racial agitation so as also to include agitation alluding to sexual orientation.

7.2.6

Skr. 2001/02:83
Appendix 4

- The Government intends continuing its efforts for registered partners who, under national law, have the same rights and obligations towards each other as husband and wife, to be equated with husband and wife in the official regulations governing conditions of service for the employees of EU institutions.
- In its Bill Racial Agitation etc. (Prop. 2001/02:59), the Government has proposed that agitation alluding to sexual orientation be made a criminal offence.

7.3

- A special investigator has proposed new rules to counteract contempt of court as regards the enforcement of judgements requiring measures under the Support and Service (Certain Persons with Functional Impairment) Act (1993:387) and the Social Services Act (1980:620). The proposals are currently being processed within the Government Offices.
- The Government Bill 2001/02:80 Democracy for the New Century proposes a number of measures to facilitate the acceptance and discharge of elective political appointments by citizens with functional impairment.

7.9

Legislative amendments aimed at improving and articulating rules of criminal procedure for persons deprived of liberty are currently being drafted within the Government Offices.

7.9

- The Government has resolved to appoint a Committee to review the regular supervision of the police and prosecution service, so as to ensure that the best possible provision is made for civic demands for democratic control (Ju 2000:15).
- The Government has resolved to appoint a special investigator to carry out a concerted, comprehensive examination of the procedure followed in the criminal investigation relating to the death of Osmo Vallo (Ju 2000:14).
- The Government has resolved to appoint a Committee to review the ability of the police to forestall and combat serious disruptions of public order (Ju 2001:08).

7.10

Skr. 2001/02:83
Appendix 4

- The Government is keeping a close watch on developments regarding the stipulations concerning the right to trial contained by EC law and in the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- The Government is working to achieve a judicial system which will measure up even better than at present to the requirement, set forth for example in the European Convention for the Protection of Human Rights and Fundamental Freedoms, of trial within a reasonable time.

7.11

The Government has commissioned an investigation of ways in which freedom of expression and the right to publish information at non-public workplaces can be strengthened. This question is currently being studied within the Ministry of Justice.

8

An inter-departmental working group for human rights will be set up within the Government Offices.

9.4

- The Government intends instructing the Office of the Prosecutor-General, the Swedish National Economic Crimes Bureau, the National Police Board, the National Prison and Probation Administration and the National Board of Forensic Medicine to reinforce the human rights education which they provide for their personnel. This education is above all to focus on human rights information retrieval.
- The Government intends instructing the National Council for Quality and Development to devise human rights education programmes for persons in leading positions within national authorities.
- The Government intends arranging various series of human rights seminars for the employees of the Government Offices between 2002 and 2004.

9.5

The Government will be monitoring the initiatives taken by the National Courts Administration for the further development of its human rights education activities.

9.8

Skr. 2001/02:83
Appendix 4

The Government intends working during an introductory phase to ensure that human rights education is offered to employees and politicians in municipalities and county councils. The Government will be opening a discussion with the Swedish Association of Local Authorities and the Federation of Swedish County Councils concerning the more detailed design of this education and its funding, and also concerning ways in which these organisations can contribute towards the conduct of the education.

9.9

During the spring of 2002 the Government will be giving NGO:s and others the opportunity of receiving grants towards activities promoting participation in democratic processes.

10.1

- The Government intends commissioning an information strategy to disseminate knowledge of human rights.
- The Government intends commissioning a special website on human rights.
- The Government intends having the Action Plan distributed to municipalities, certain national authorities, NGO:s etc.
- The Government intends having a summary of the content of the Action Plan translated into English and into the recognised minority languages.
- The Government intends making a summary of the content of the Action Plan available as a cassette recording.

10.2

- The Government, acting in consultation with the Office of the Prosecutor-General, the National Police Board and the National Prison and Probation Administration, intends arranging for the collection, the translation into Swedish if necessary and the publication of major documents in the field of human rights which have a bearing on the responsibilities of these authorities.
- The Government, acting in consultation with the National Courts Administration, intends to arrange for the collection, the translation into Swedish if necessary and the publication of major documents in the field of human rights which are of importance for the judicial system.

The inter-departmental working group on Human Rights which it is intended to set up will be tasked with following up the Action Plan and ensuring that it is evaluated.

Ministry for Foreign Affairs

6.6

The Government is deepening its dialogue with representatives of Swedish enterprise regarding the discussion of human rights.

7.1

In its Budget Bill for 2002 the Government has earmarked funding both for the Swedish Migration Board and for the Aliens Appeals Board to shorten their handling times.

7.1

– In its target and performance dialogue with the Swedish Migration Board and the Aliens Appeals Board, the Government intends actively monitoring the way in which these authorities measure up to visions and operational targets with a view to making the human rights perspective permeate guidelines of handling and decision-making procedure.

– The Government welcomes the European Commission's proposed Directive including gender-related persecution in the Convention refugee concept. The Government will propose that Swedish legislation be adapted to the outcome of the Council negotiations.

7.2.6

The Government welcomes the draft Directive from the European Commission providing for persecution on grounds of sexual orientation to be included in the Convention Refugee Concept. The Government will be proposing that Swedish legislation be brought into line with the outcome of the Council's negotiations.

9.4

Skr. 2001/02:83
Appendix 4

The Government intends instructing the Swedish Migration Board and the Aliens Appeals Board to investigate and report to the Government on measures taken with regard to personnel training concerning precedents laid down by the European Court of Human Rights and the UN Committee Against Torture and the Conventions on which the decisions are based.

Ministry of Defence

9.4

The Government intends to instruct the National Rescue Services Board, the Swedish Coast Guard and the Swedish Customs Service to take account of human rights issues in their teaching.

9.6

In its dialogue with the total defence authorities concerned, the Government intends observing the work they undertake with a view to publicising and more strongly safeguarding certain particular rights and freedoms.

Ministry of Health and Social Affairs

6.3.1

During the spring of 2002 the Government intends proposing certain measures to strengthen the Office of the Children's Ombudsman and to improve its efficiency.

7.4.1

- The Government intends to continuously verify that legislative changes based on the UN Convention on the Rights of the Child have the intended effect.
- The Government intends presenting a Written Communication on children to the Riksdag in the spring of 2002.

7.6

The Government has reserved MSEK 30 for measures to combat homelessness between 2002 and 2004.

7.9

Rules on administrative deprivation of liberty are contained, for example, in the Communicable Diseases Act (1988:1472). In a future Bill, the Government intends considering, for example, how prevention of communicable diseases should be organised and what rights and obligations the individual should have in matters concerning the prevention of communicable diseases.

Ministry of Finance

7.6

The Government has introduced Bill 2001/02:58 in the Riksdag, containing new legislation on public housing utilities. Among other things the Bill includes a definition of public housing utilities and the requirements for retaining such status.

9.4

The Government intends to instruct Swedish Customs Service to take account of human rights issues in their teaching.

Ministry of Education and Science

7.2.2

In the autumn of 2001 the Government resolved to introduce a Bill on equal treatment in higher education.

7.2.3

Funding has been allocated for 31 professorships and 73 post-doctoral fellowships for the under-represented sex.

7.2.4

The Government is giving priority to ongoing efforts to overcome social and ethnic bias in higher education recruitment.

7.8

The Government has amended the curricula for compulsory school, pre-school education and out-of-school centres and also that of voluntary school, so as to include knowledge of the Sami culture, religion and language.

9.2.2

Skr. 2001/02:83
Appendix 4

- The Government's initiatives in the basic values context are continuing and, for the period between July 2000 and June 2003, for example, include a MSEK 12 scheme for supporting and deepening school activities with reference to basic values.
- As part of the educational co-operation occurring under the aegis of the Nordic Council of Ministers, the Government is participating in a project on basic values and democracy and also concerning victimisation and violence.
- In July 2001 the Government reserved MSEK 9.2 for the development of courses for serving and trainee teachers on the Holocaust and contemporary history.

9.3.2

- The Government has given special funding support to courses on human rights and democracy at the Stockholm Theological College.
- The Government has resolved to introduce a new speciality for the Master's degree, a "broad-based Master's degree", as part of the degree structure enacted through the Higher Education Ordinance (1993:100) and other statutory instruments.

9.3.2

- The new focus defined for the Master's degree in the Degree Ordinance should make it easier for higher education establishments also to provide in-depth continuation courses in interdisciplinary subjects, e.g. human rights.
- The Government intends supporting a summer school on human rights and democracy within the framework of the Öresund University.
- The Government intends supporting in-service and further education for certain occupational categories on the subject of human rights.
- The Government wishes to encourage higher education establishments to analyse the need for and feasibility of building up a network on human rights research. The structure of both network and co-operation should be worked out by the parties themselves.

Ministry of Agriculture, Food and Fisheries

5.2

- The Government is working to eliminate impediments to a possible ratification of the ILO Convention (No. 169) on the Rights of Indigenous and Tribal Peoples. This process will be described at greater length in the written communication on Sami policy which the Government intends presenting to the Riksdag.

- The Government intends proposing measures to clarify the organisation of the Sameting (Sami parliament) and to regulate its working procedures more clearly.
- The Government will be opening negotiations with Norway for a new Reindeer Pasture Convention.
- A Nordic group of experts is to be appointed to draft a Nordic Sami Convention.
- The Government intends introducing proposals for a new reindeer husbandry policy.
- The Government intends to appoint a Frontier Commission to identify boundaries of the reindeer-herding zone.
- In its Budget Bill for 2002, the Government has proposed that MSEK 14 be allocated between 2002 and 2004 for the information drive, addressed to the entire national population, which began in 2001, concerning the culture and history of the Sami.

Ministry of Culture

7.7

In its Budget Bill for 2002, the Government has proposed that MSEK 7 be allocated to the National Council for Cultural Affairs for a new grant aimed at promoting the language and culture of the national minorities.

9.7

- The Government intends commissioning the production of material on human rights which can be used in the education system. In this material attention is to be given to the international law aspects. In addition, a survey is to be undertaken of areas where educational material on human rights is in need of supplementation, coupled with a review of the possibilities of producing this material.
- The Government intends commissioning an investigation of the feasibility of producing interactive educational material on human rights.
- The Government intends supporting NGO:s so as to enable them to improve the possibilities of providing their personnel and members with further training on human rights.
- The Government intends helping to facilitate the provision of meeting points where different groups in society can discuss matters relating to human rights.
- The Government finds that an information strategy needs to be devised for disseminating knowledge of human rights.

6.3.1 and 7.2.2

The Government is drafting supplementary terms of reference for the 2001 Discrimination Commission, with a view to investigating the possibilities of general anti-discriminatory legislation covering all or most grounds for discrimination and sectors of society. The intention is for this remit also to include a review of the tasks and responsibilities of the Office of the Disability Ombudsman, the Equal Opportunities Ombudsman, the Office of the Ombudsman Against Discrimination Because of Sexual Orientation and the Office of the Ombudsman Against Ethnic Discrimination, as well as considering a co-ordination or amalgamation of some or all of these Offices.

7.2.3

- The question of whether the county administrative boards should be given supervisory responsibility concerning the rules of the Equal Opportunities Act (1991:433) on active measures is currently being studied within the Government Offices. So too are the proposals made by the Council on Equal Opportunities Issues with reference to transport and IT.
- Statistics Sweden (SCB) has been instructed by the Government to carry out a time use study which will provide information on the allocation of tasks in the home.

7.2.4

- The Government has presented the written communication A National Action Plan Against Racism, Xenophobia, Homophobia and Discrimination (skr. 2000/01:59) to the Riksdag.
- In 1999 the Government instructed all national authorities directly accountable to it to draw up action plans for the promotion of ethnic diversity among their employees.
- A special investigator has been appointed to describe and analyse the distribution of power and influence in an integration policy perspective.
- Anti-racist work has been reinforced and MSEK 10 per annum budgeted for these activities.
- An experimental scheme of local and regional anti-discrimination officers is to be inaugurated during 2002.
- A working group has drafted proposals for the conduct, development and funding of continuing work to support persons wishing to withdraw from racist and suchlike groups.

7.2.6

Skr. 2001/02:83
Appendix 4

The Government contemplates instructing the 2001 Discrimination Commission to investigate the need for introducing a special safeguard against discrimination of transgender persons and how such a safeguard is to be constructed.

7.7

- Minorities policy should continue to be developed in accordance with the intentions expressed in the Government's Minorities Policy Bill (Prop. 1998/99:143).
- The Government has instructed the Norrbotten County Administrative Board to investigate the consequences of a possible widening of the geographical zone under the Sami Language (Right to Use in Dealings with Administrative Authorities and Courts of Law) Act (1999:1175). The aim is for the Act also to be applied in a number of municipalities outside the south Sami region.
- The Government intends commissioning a review of the supportive arrangements available to the minority organisations.
- The question of the best way for co-operation with Roma organisations to be structured is currently being studied within the Government Offices.

Several ministries involved

5.2

- The Government is following up and intensifying the work in progress to facilitate ratification of various conventions on human rights.
- The Government is reviewing the extent to which further conventions/additional protocols to conventions on human rights can be signed.

5.3

The Government is reviewing the reservations attached to various conventions and additional protocols and is considering the possibility of withdrawing them.

5.4

The Government is carefully following up the criticism levelled at Sweden regarding its human rights commitments.

6.3.2

Skr. 2001/02:83
Appendix 4

For national authorities with special human rights responsibilities, the Government will be considering further measures to draw their attention to their responsibilities, e.g. through provisions in their standing instructions or through the inclusion of feedback reporting requirements in their appropriation warrants.

9.4

The Government intends commissioning a number of national authorities and social insurance offices to provide human rights education for their personnel. This education is above all to focus on human rights information retrieval.

9.9

The Government intends awarding grants for the Human Rights Days in 2002.

10.2

- The Government intends reviewing the accessibility of international documents on human rights and decisions by the European Court of Human Rights, as well as the possibilities of translating such documents into Swedish to a greater extent than at present.
- The Government intends having Swedish translations prepared above all of future Swedish reports concerning the six UN Conventions on Human Rights as well as the concluding observations, and distributing, for example, the latest reports and comments and corresponding documents from the Council of Europe to the municipalities.