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**Human Rights Committee****Report on follow-up to the concluding observations of the Committee\*****Addendum****Evaluation of the information on follow-up to the concluding observations on Sweden\*\***

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| <i>Concluding observations (116th session):</i> | CCPR/C/SWE/CO/7, 23 March 2016                                     |
| <i>Follow-up paragraphs:</i>                    | 17 and 33  |
| <i>Follow-up reply:</i>                         | CCPR/C/SWE/CO/7/Add.1, 26 April 2017                               |
| <i>Committee's evaluation:</i>                  | Additional information required on paragraphs 17 [A] and 33 [B][C] |

**Paragraph 17: Racism and hate speech**

The State party should redouble its efforts, both through law enforcement activities and awareness-raising, to combat hate speech, including on the Internet, racist and xenophobic violence against and negative stereotyping and portrayal of ethnic or religious minorities, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. It should, inter alia: (a) institute new awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity and targeted at revisiting and eradicating stereotypes towards different ethnic or religious minorities; and (b) effectively implement the legal and policy frameworks to counter all manifestations of racism, hatred and xenophobia, including by thoroughly investigating such cases, prosecuting suspected perpetrators where appropriate and, if they are convicted, punishing them and providing victims with adequate remedies.

**Summary of State party's reply**

The Swedish Police Authority intensified work to combat hate crime and was required, under its appropriation directions for 2017, to report to the Government on the implementation of recommendations by international human rights bodies and on the application of the human rights legal framework. The decision of the National Police Commissioner, of 30 April 2015, to further strengthen the Police Authority's efforts led to the establishment of a national contact point and specific hate crime units in the three metropolitan police regions

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\* Adopted by the Committee at its 125<sup>th</sup> session (4 to 29 March 2019).

\*\* The assessment criteria are available at [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/INT\\_CCPR\\_FGD\\_8108\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf).

(Stockholm, West (Gothenburg) and South (Malmö)), resource allocations for criminal investigations, assistance to victims, training of police, outreach activities and other confidence-building measures. A national consultation forum on this subject had been set up in 2015. A Cyber Crime Centre had been established in October 2015 to strengthen capacity to investigate all forms of cybercrime and hate speech, including online.

The State party reiterated information in its periodic report (CCPR/C/SWE/7, para. 148) on the responsibilities of the development centre in Malmö and on specially designated hate crime prosecutors in each regional prosecution office. The subject of hate crime is part of the basic and advanced training for prosecutors. The Swedish Prosecution Authority updated its general procedure for the investigation of hate crimes in December 2016 on the basis of a survey, presented in January 2016, of 300 cases of alleged hate crime and the investigations thereof. It was to report in 2018 on measures to strengthen its ability to respond to threats and harassment on the Internet.

The national plan against racism, similar forms of hostility and hate crime adopted on 24 November 2016 identifies the following strategic areas as particularly important: improved coordination and monitoring; enhanced knowledge, education and research, including (a) an initiative running until 2019, covering Afrophobia, anti-Semitism, “anti-Gypsyism”, Islamophobia, racism against the Sami, homophobia and transphobia, that includes training on racism for school staff, social workers and police, (b) awareness-raising conducted in schools in 2017 and (c) special funding for research on racism by the Swedish Research Council since 2016; greater support for civil society and in-depth dialogue, including increased funding by the Swedish Agency for Youth and Civil Society in 2016–2020 for activities specifically intended to combat the above-mentioned forms of racism and intolerance; the strengthening of preventive measures online, including implementation by the Swedish Media Council of the No Hate Speech Movement campaign during 2017–2020; and a more active justice system.

#### **Committee’s evaluation**

[A] (a) and (b): The Committee appreciates the significant actions taken by the State party to prevent and combat racism, xenophobia and other forms of intolerance, particularly through awareness-raising, research and training activities provided for under the national plan adopted on 24 November 2016; it requires information on the impact of these measures, including clarification substantiated by relevant data as to whether implementation translated into a decrease in manifestations of racism and intolerance identified as concerns by the Committee, as well as on the remaining gaps and challenges.

The Committee welcomes the new measures taken by the State party to strengthen its response to hate crimes, including the establishment of a national contact point and specific hate crime units in the three metropolitan police regions, allocation of resources for criminal investigations and assistance to victims, and the update (December 2016) to the Prosecution Authority’s general procedure for the investigation of hate crimes. It requires further information on whether and how such measures contributed to improved practices of identification, investigation and prosecution of racism, xenophobia and other forms of intolerance and to better support for victims, including relevant data on the number of incidents reported since 2016, investigations, prosecutions and convictions secured, and on remedies provided to victims of such violations.

#### **Paragraph 33: Rights of aliens, including migrants, refugees and asylum seekers**

##### **The State party should:**

(a) **Ensure that its policies and practices related to the return and expulsion of migrants and asylum seekers afford sufficient guarantees of respect for the principle of non-refoulement, in particular for those migrants and asylum seekers covered by the new temporary adjustments to the asylum legislation that are currently being drafted within the government offices, and for those designated as “security cases” or “qualified security cases”;**

**(b) Ensure that the detention of migrants and asylum seekers is a measure of last resort and for the shortest period of time, is necessary and proportionate in the light of the circumstances, and that alternatives to detention are resorted to in practice.**

### **Summary of State party's reply**

#### *Reply relating to paragraph 33 (a)*

As regards “security cases” and “qualified security cases”, the State party refers to its periodic report (CCPR/C/SWE/7, para. 138). The act on temporary restrictions on the possibility of being granted a residence permit (in force since 20 July 2016) does not alter the way in which the principle of non-refoulement, as reflected in the Aliens Act (2005:716), is applied. It restricts the right to family reunification and the possibility of obtaining a residence permit for protection purposes. It provides for a temporary rather than permanent residence permit for persons eligible for subsidiary protection and no residence permits on humanitarian grounds, unless it would be contrary to the State party's international obligations.

Refusal-of-entry or expulsion orders must be preceded by careful consideration of the submitted grounds for stay. Enforcement of the orders is stopped if impediments to enforcement appear to exist or emerge, such as the risk of refoulement (CCPR/C/SWE/7, paras. 133 and 137–138). The Swedish Migration Agency is constantly working to ensure high legal standards in its decision-making, including through efforts made in the areas of training of new staff and methods of individualized risk assessment.

#### *Reply relating to paragraph 33 (b)*

Detention is generally not applied to those who are to return to their home countries. The majority of detained foreigners are persons about to be expelled. The Aliens Act specifies grounds for detention. It is to be applied in a manner not limiting freedom more than is necessary in each individual case. Largely based on the same grounds, the alternative of supervision is applied wherever possible, entailing an obligation to report to the Police Authority or the Migration Agency at regular intervals. Detention and supervision orders are to be re-examined at intervals specified in the Aliens Act (chap. 10, sect. 9) and are immediately set aside if there are no longer any grounds for the order. Detained foreigners are as a rule placed in a special detention facility operated by the Migration Agency; at the end of 2016, there were 357 permanent rooms and 349 detainees, and the stay averaged 26.6 days – an increase of six days compared to the average for 2015. A total of 3,571 unique individuals completed a stay in 2016, compared to 3,750 in 2015.

### **Committee's evaluation**

**[B]** (a): The Committee notes that the legal regime applicable to “security cases” and “qualified security cases” appears to remain unchanged from the date when the concluding observations were adopted. It appreciates the information regarding the act on temporary restrictions on the right to obtain residence permits in force since 20 July 2016, the unaltered application of the principle of non-refoulement, and the Migration Agency's training of employees and development of methods for individualized risk assessments. The Committee requires additional information on: (a) the adjudication of appeals in “security cases” and “qualified security cases” by the Migration Court of Appeal, particularly regarding the procedural rights of the aliens concerned, the number of Court opinions on such appeals since the adoption of the concluding observations and the number of those opinions that found impediments to the enforcement of expulsion; (b) any relevant legislative and policy developments following the expiration of the temporary legislation of July 2016, their compatibility with the Covenant as regards, inter alia, robust safeguards against refoulement; and (c) the implementation in practice of methods of individualized risk assessment in asylum cases and the positive impact on reducing the risk of refoulement.

**[C]** (b): The Committee takes note of the information regarding detention of migrants and asylum seekers and the application of supervision as an alternative whenever possible. However, it requires (a) further information on whether detention is used as a measure of last resort, is applied for the shortest appropriate period, and is justifiable as reasonable, necessary and proportionate in the light of the circumstances; (b) further information on the time limit

on immigration detention; and (c) up-to-date data on the implementation of alternatives to detention in practice.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The request for additional information will be included, as appropriate, in the list of issues prior to submission of the eighth periodic report of Sweden.

**Next periodic report:** 31 March 2023.

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