



17 February 2011

Government Offices of Sweden

To the Human Rights Committee

Specific information on Sweden's follow-up to the recommendations contained in paragraphs 16 and 17 of the concluding observations adopted by the Human Rights Committee on 2 April 2009

The Swedish follow-up to the recommendations was sent to the High Commissioner for Human Rights on 16 March 2010. In October, the Swedish Government Offices received a letter from the Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee requesting additional and more specific information regarding certain aspects of paragraphs 16 and 17 of the Committee's concluding observations, namely:

- the use of diplomatic assurance to facilitate the transfer of persons to a country where they may be at risk of torture or other inhuman or degrading punishment (§16), and
- the detention of asylum-seekers and their right to access adequate information in order to respond to arguments and evidence utilized in their case (§17).

Additional comments

The Swedish Government would like to submit the following additional information regarding the use of diplomatic assurances (paragraph 16).

Within the framework of the 2010 Universal Periodic Review in Geneva, Sweden accepted the recommendation "Use diplomatic assurances in a manner consistent with the UNHCR 'Note on Diplomatic Assurances and International Refugee Protection' dated August 2006", adding the following comment: "It is the policy of the Swedish Government that diplomatic assurances are considered only in exceptional cases and within a procedure that offers adequate safeguards". The Swedish Government

would also like to repeat what was stated in the follow-up letter of 16 March, namely that Sweden has no established practice of using diplomatic assurances in asylum cases with security aspects and that the issue of diplomatic assurances has only been raised in the case of the two Egyptian nationals.

As to the issue of access to information (paragraph 17), it was stated in the follow-up letter of 16 March 2010 that, as a general principle, asylum seekers have access to all information presented in the case. In extraordinary circumstances, the asylum seeker may be denied total access. This is limited to extraordinary circumstances where public or individual interests are at stake. If denied full disclosure of a document, the asylum seeker is informed of the content but not the specific details, provided that this does not seriously damage the interests protected by the secrecy provisions. As a minimum, the asylum seeker is always granted sufficient information for him or her to be able to pursue the claim.

At present, the Swedish Government has no further comment on the issue of access to information. Should the Special Rapporteur wish to pose more specific questions on this issue, we will do our utmost to respond as promptly as possible.