



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: MK/follow-up/Sweden/70

5 September 2018

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined eighth and ninth periodic report of Sweden, at the Committee's sixty-third session, held in February 2016. At the end of that session, the Committee's concluding observations (CEDAW/C/SWE/CO/8-9) were transmitted to your Permanent Mission. You may recall that in paragraph 44 on follow-up on the concluding observations, the Committee requested Sweden to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (a), (b) and (c) and 27 (a) and (c) of the concluding observations.

The Committee welcomes the follow-up report received on time in February 2018 (CEDAW/C/SWE/CO/8-9/Add.1) under the CEDAW follow-up procedure. At its seventieth session, held in July 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 11** of the concluding observations, urging the State party to “**implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement**”: The State party indicated that the principle of non-refoulement has long been part of Swedish law and is expressed in the Aliens Act, which prohibits refusal of entry and expulsion of foreign nationals if there are reasonable grounds for assuming that they risk persecution in the receiving country, or lack protection against capital or corporal punishment, torture or other cruel, inhuman or degrading treatment. It added that on the occurrence or invoking of new impediments to the enforcement of a decision or order, its Migration Agency must consider staying the enforcement, examine the circumstances, grant a re-examination and, if relevant, grant a residence permit. The State party furthermore informed that re-examination is appealable to a migration court. It added that the rules contained in its Aliens Act have been considered to agree with international obligations on human rights. The State party also informed, that following the arrival of a large number of asylum seekers in 2015, a temporary Act adapting Sweden's asylum rules in the Aliens Act to the minimum levels under EU law was introduced on 20 July 2016. It added that the principle of non-refoulement is maintained in the applicable legislation and that it is in accordance with international obligations.

Her Excellency
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The Committee takes note of the information provided by the State party on provisions of its Aliens Act on asylum seekers, refugees and on the principle of non-refoulement, as well as on the adoption of a Temporary Act adapting those provisions to the minimum levels under EU law. It welcomes the information provided by the State party that both the Aliens Act and the Temporary Act are in accordance with international obligations. The Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation urging the State party to “**take a gender-sensitive approach in receiving the current refugee inflows and in considering asylum claims, thereby ensuring that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern**”: The State party indicated that the risk of gender-based persecution is a specific ground for asylum and refugee status under its Alien Act. It added that the assessment of gender-related claims and gender dimensions is continuous throughout the asylum process: (i) the asylum seeker may indicate preference of a male or female interpreter, case officer or public counsel; (ii) spouses are interviewed separately, the information provided during interviews is not shared with the other spouse and, in case suspicions of violence within a marriage or relation arise, information about available assistance is provided; (iii) in cases suspicions of trafficking in human beings arise, internal operating procedures are applied, (iv) single women, men and families are accommodated separately; (v) internal standards for identifying persons in need of special accommodation have been introduced in 2016 and applicants are entitled to accommodation taking into account individuals needs due to situations of particular vulnerability and special needs; (vi) case-officers and decision-makers receive training on interviewing techniques, gender, sexual orientation and gender identity discuss past cases, including cases relating to gender specific issues; (vii) information on gender-specific support and services may be provided to adult applicants during an information meeting shortly after arrival, and during interviews at the Migration Agency. The State party also informed on the Migration Agency’s Action Plan for gender mainstreaming 2016 – 2018, which has as its main objectives (i) equal treatment service and assessments for female and male permit applicants and asylum seekers, (ii) active counteraction of men’s violence against women and honour-related violence; (iii) activities permeated by a gender perspective. It further indicated that in this framework, the Migration Agency identified the need to develop further legal support for the examination and assessment of women’s grounds for asylum, published a legal position in this regard, using national cases and cases from the European Court of Human Rights, to achieve a uniform legal practice.

The Committee takes note of the information provided by the State party on the elements of its gender-sensitive approach to the asylum process, as well as on the existence of legal grounds for asylum based on gender-related persecution. It welcomes the information provided that the State party’s Migration Agency identified the need to develop further legal support for the examination and assessment of women’s grounds for asylum, and the publication of a consequent legal position. The Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation urging the State party to “**maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000) in countries affected by conflict**”: The State party indicated that its third National Action Plan on

Women, Peace and Security was launched in May 2016, following broad consultations with relevant actors in the State party and in five conflict and post-conflict countries. It further provided examples of implemented activities to promote the effective implementation of the Women, Peace and Security agenda on an international level, including in countries affected by conflict, as well as on a regional and national level.

The Committee welcomes the information provided by the State party on actions implemented for the promotion of the effective implementation of the Women, Peace and Security agenda on an international level, including countries affected by conflict, as well as on a regional and national level. It further welcomes the adoption in 2016 of the third National Action Plan on Women, Peace and Security, following consultations which included actors in conflict and post-conflict countries. The Committee considers that the State party took significant steps to implement the recommendations. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 11** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1. Implement its obligations under international law with regard to asylum seekers and refugees, such as the principle of non-refoulement.**
- 2. Adopt further legal support for the examination and assessment of women's grounds for asylum, to ensure that the needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern.**

With regards to the recommendation made in **paragraph 27** of the concluding observations, urging the State party to “**adopt a holistic national strategy to address violence against women as soon as possible**”: The State party indicated that in November 2016, it adopted a multi-sectoral National Strategy for Preventing and Combating Men's violence against Women 2017 – 2026 and a corresponding action plan covering the years 2017 – 2020. It added that the strategy was developed based on the findings of government inquiries and a review of policy initiatives in this area, that it was developed with the Istanbul Convention as reference point, and that it pursues the following four objectives: (i) enhanced and effective prevention; (ii) improved detection, protection and support to women and children subjected to violence; (iii), more effective crime control; (iv) improved knowledge and development of methods. The State party further informed that as of 1 January 2018, a new government agency for gender equality will coordinate the implementation of the national strategy on a national level, that its Country Administrative Boards take on these responsibilities on a regional level and that the Association for Local and Regional Authorities, based on a 2018 – 2020 agreement, will contribute to the work in this field. It further provided information on the resources used for work in this field between 2015 and 2020, and on allocated resources for the implementation of the new strategy and action plan.

The Committee welcomes the information provided by the State party that a multi-sectoral National Strategy for Preventing and Combating Men's violence against Women and a corresponding action were adopted in November 2016. It takes note of the information on its contents, the national machinery in charge of its implementation and the resources allocated to this end. The Committee considers that the State party took significant steps to implement the recommendations. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation urging the State party to “**further study the root causes for the low reporting and conviction rates in cases of violence against women and strengthen its efforts to eliminate all barriers preventing women from reporting violence to the police**”: The State party indicated that the Swedish National Council for Crime Prevention (Brå) is studying the reasons behind the decrease in complaints, as well as in settled and prosecuted offences (to be completed by November 2018) and the handling of complaints regarding rape from the moment of the filing of a complaint to the judgement of the cases by the judicial authorities (to be completed by September 2018). The State party also informed that a broad range of activities have been initiated to increase reporting and conviction rates in cases of violence against women, as well as to eliminate all barriers preventing women from reporting violence to the police. The State party further reported on several legislative initiatives, including regarding personal privacy, the use of electronic monitoring of restraining orders and the protection of sexual integrity. It further informed on the planned increase of resource allocation to the Policy Authority, initiatives taken to strengthen the investigation into rape, sexual offenses and marriage by coercion, and to improve the support granted to victims of sexual offenses, as well as to personnel safety networks. It also informed on training of prosecutors on human trafficking, of Court legal staff on gender equality and of the general population on violence against women.

The Committee welcomes the information provided by the State party that the Swedish National Council for Crime Prevention (Brå) is studying the root causes for the low reporting and conviction rates in cases of violence against women, as well as the handling of complaints by the judicial authorities. The Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 27** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Based on the study the root causes for the low reporting and conviction rates in cases of violence against women, take measures to eliminate all identified barriers preventing women from reporting violence to the police.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women