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U.S. Department of State

Sweden Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent of the Government.

The Government effectively controls the police, all security organizations, and the armed forces.

Sweden has an advanced industrial economy, mainly

market-based, and a high standard of living, with extensive social welfare services. More than 90 percent of businesses are privately owned.

The Government generally respects human rights and the law and judiciary provide effective means of dealing with individual instances of abuse. The Parliament, police, or an ombudsman investigate thoroughly all allegations of human rights violations, including the occasional allegation of police misconduct. Ombudsmen, who are appointed by the Parliament but with full autonomy, have the power to investigate any private complaints of alleged abuses by authorities and to prescribe corrective action if required. The country has one of the world's most equal distributions of income, but wage levels for women still lag behind those for men. The Government has longstanding programs to deal with violence against women and abuse of children. There are occasional incidents of violence against minorities. The Government, political parties, and youth organizations have active programs to promote tolerance and combat racism.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

During the year, accusations were made that a man who died in police custody in 1995 may have been a victim of excessive use of force by the police. Five autopsies have been performed and the matter remains under investigation. New action in the case of assassinated Prime Minister Olof Palme, anticipated in 1997, did not take place. In the opinion of the Supreme Court, the case remains closed.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits these abuses, and the authorities respect such prohibitions. There are occasional reports of the use of excessive force by police in arrests, but thorough investigations have not produced evidence of a systemic problem. Typically, police officers found guilty of abuse have been suspended or otherwise disciplined. Between January 1997 and June 1998, there were 12 cases of disciplinary or criminal sanctions against police charged with excessive use of force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

Arrests are public and by warrant. The police must lodge charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts can and do order continued detention for 2 weeks at a time while police are investigating. Such detentions can be protracted, particularly in drug cases. Other than such dangerous suspects, detainees are routinely released pending trial. Bail as such does not exist. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

The Government does not impose exile.

Convicted foreign criminals who are not permanent residents often are deported at the conclusion of their prison terms, unless they risk execution or other severe punishment in their home country.

e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without a public trial by a court of law, and the Government respects this provision. The judiciary is free of governmental interference. The accused

have the right to competent counsel, but the Government provides public defenders to indigents only in cases where the maximum penalty could be a prison sentence of 6 months or more. Convicted persons have the right of appeal in most instances.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law limits home searches to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, possession of narcotics, robbery, rape, arson, sabotage, counterfeiting, or treason. The authorities respect this provision. Normally, police must obtain court approval for a search or a wiretap. However, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. A parliamentary committee each year reviews all monitoring of telephones, facsimile (fax) machines, or computers. In 1997 the Minister of Justice proposed that police be allowed to use wiretaps when investigating serious crimes. A special Ministry of Justice working group submitted a report on this proposal in April. The report is being reviewed by authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government respects these provisions in practice. Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. Broadcasters operate under a state concession. Until a few years ago, the State had a monopoly over ground-based broadcasting, but a variety of commercial television channels (one ground-based, and several via satellite or cable) and several commercial radio stations now exist.

The Government may censor publications containing national security information. A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography was widespread, and the debate on the legality of ownership of pornographic material continued. In May Parliament passed a law to criminalize possession and all handling of child pornography. The law is scheduled to go into effect on January 1, 1999. (The law excludes serious research or journalism from the prohibition). It is already illegal to publish or distribute such material. The Queen remains a strong and popular advocate of children's rights and opponent of child pornography.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association, and the Government respects these rights in practice. Police require a permit for public demonstrations. However, the authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government does not hamper the teaching or

practice of any faith.

The country has maintained a state (Lutheran) church for several hundred years, supported by a general "Church Tax" (although the Government routinely grants any request by a taxpayer for exemption from that tax). However, after decades of discussion in 1995 the Church of Sweden and the Government agreed to a formal separation. This reform will not become effective until the year 2000, and the Church will still receive some state support. As of 1996, citizens were no longer automatically members of the state church at birth. Sweden is tolerant of the diverse religions practiced there, including the Mormon faith and Scientology.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for free movement within, from, and returning to the country, and the Government respects these rights in practice. Foreigners with suspected links to terrorist organizations may be required to report regularly to police authorities, but may travel freely within the country. Courts must review the reporting requirement for each case at least once every 3 years.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. In keeping with international agreements, the Government now reviews applications for asylum more thoroughly than was the practice previously. The Government has sent some asylum seekers back to "safe" countries from which they entered. The number of applications for asylum or residence permits increased in 1997 to 9,623 (from 5,763 in 1996). In 1995 the figure was 9,047. Through August 8, 159 persons sought asylum, most of them Kurdish refugees from Iraq and persons from the former Yugoslavia. The Government approved 8,416 applications in 1997; 6,367 of these were for reasons (usually family reunification) and 733 for individuals requiring protection. Nearly 11 percent of the country's population is foreign-born.

There is an ongoing debate over the plight of asylum seekers who have submitted applications that are considered "manifestly unfounded," those coming to the country through a "safe third country," and those whose applications remain under consideration for unduly long periods of time. Because of the appeals process in the courts, cases can extend for many years. There also have been complaints of exceedingly accelerated procedures and inadequate legal safeguards for some asylum seekers, e.g., asylum seekers who were deported within 72 hours of arrival and did not receive access to lawyers. Most of these cases involve persons who have already sought asylum in Denmark, Norwegians who entered Sweden asking for asylum, or documented criminals. Some nongovernmental organizations (NGO's) maintain that Swedish asylum procedures lack rules that would guide the conduct of authorities to ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to the NGO's, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. A broad interpretation of what constitutes a "safe third country" permits the return of applicants to a third country. The Government is reviewing conditions in a number of countries that were previously considered to be "safe third countries." During the year the Government decreed that athletes and researchers who have lived for extended periods in the country can be granted permanent resident permits. The media gave prominent attention to an Iraqi doctor who, after having lived in Sweden for many years, was ordered deported. However, after determining that he might be subject to torture in Iraq, the decision was reversed. The Iraqi doctor also fell under the new ruling covering athletes and researchers.

In 1997 the Government changed its rules on detention centers for asylum seekers. Previously, asylum seekers with deportation orders were detained to prevent flight. Under the new rules, detention centers cannot have their doors locked, even in the case of individuals awaiting deportation. Detention facilities

are clean, comfortable, and relatively unrestricted. On occasion, when no other facility is available, asylum seekers are detained in remand prisons.

By year's end, there were 63,000 refugees from Bosnia and Herzegovina who had been granted residence permits, while 1,300 had returned to Bosnia. The country has accepted over 100,000 refugees from the former Yugoslavia. The Government provides funds for Bosnians to travel to their homeland in order to determine if they wish to be repatriated. The Government provides financial incentives for Bosnians willing to return, but there is no forced repatriation.

Section 3 Respect for Political Rights: The Right of

Citizens to Change Their Government

The Constitution provides ways and means for citizens to change the Government and citizens exercised this right most recently in September. Elections to the 349-member unicameral Parliament are held every 4 years. Suffrage is universal for citizens 18 years and older, with secret balloting. Noncitizen residents have the right to participate in local (city and county) elections.

Women participate actively in the political process and Government. They currently compose 43.6 percent of the Parliament and half of the Cabinet. The governing Social Democratic Party largely has held to its pledge to place women in half of all political appointments at all levels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several private organizations actively monitor issues such as the impact of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. The official ombudsmen also publicize abuses of state authority and have the right to initiate actions to rectify such abuses. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, and the Government respects this provision.

Women

The Government has longstanding programs to deal with violence against women. There were 19,093 reported cases of assault against women in 1997, compared with 18,560 in 1996. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. Reported abuse against women occurs disproportionately in immigrant communities.

The law provides complainants protection from contact with their abusers, if so desired. In some cases, the authorities help women obtain new identities and homes. Since 1994 the Government has provided electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments provide monetary support to volunteer groups that provide shelter and other assistance to abused women. The authorities strive to apprehend and prosecute abusers. Typically, the sentence for abuse is a prison term or psychiatric treatment. However, women complained about short sentences and early release of offenders.

The number of reported rapes of persons over age 15 was 1,050 in 1997 and 1,034 in 1996. The law does not differentiate between spousal and non-spousal rape.

In December 1997, the Ministry of Foreign Affairs announced that it would grant funds to the Foundation Women's Forum (FWF) for a project to prevent trafficking in women. The initial aim of the project is to identify and survey voluntary organizations, authorities, and existing networks that work to prevent trafficking and to support and rehabilitate the victims. The survey covered European Union (EU) members and the FWF reported the results of the project's initial stage to the Ministry for Foreign Affairs. The survey indicated that there are very few organizations in the region that monitor trafficking, but that those opposed to prostitution recognize the need for greater efforts. There is evidence of increasing trafficking from the Baltics and Russia into Sweden. The FWF has applied for an EU grant to work on this problem.

The law prohibits sexual harassment. During the year, the law was amended to specify clearly employers' responsibility to prevent sexual harassment in the workplace and to formulate and post a specific policy for employees. Employers who do not intervene against harassment at work can be obliged to pay damages to the victim. As with other forms of discrimination, women may take complaints to the Equality Ombudsman in the Labor Ministry, to the courts, or to their unions.

Agriculture Minister Margareta Winberg has the overall lead in the Government for equality issues, which apply to women and men equally. All government investigations and decisions must take equality considerations into account. Stockholm University professor Dr. Agneta Stark is the leading member of a team charged with the education of top public sector figures and their staffs on matters of equality. The Social and Justice Ministries are deeply involved as well, especially concerning combating violence against women.

In 1997 journalistic investigations focused Swedish and international attention on the country's pre-1976 practice of forced sterilization. The majority of those sterilized were either mentally or physically disabled. Swedes had known for years that such operations took place under pre-World War II legislation. Between 1934 and 1976, 62,888 forced sterilizations were carried out, 95 percent of them on women. In 1997 the Government appointed a commission of academics and legal and medical experts to investigate the broad legal, socio-medical, and historic circumstances of the sterilizations. The commission, which is expected to conclude its inquiry by July 1, 1999, is to give priority to the question of damages to victims and will also look into the possible existence of other categories of victims. Since the 1980's, the Government has received 130 claims for compensation; the Government has provided compensation in 17 instances, noting formal errors committed in these cases. Each of the 17 persons compensated received approximately \$6,333 (SEK 50,000). Individual ministers expressed regret and astonishment over the practice and how long it continued.

In a new study conducted by the U.N. Development Program in 1998, Sweden received the highest ranking on equality for women, with salaries averaging about 78 percent of men's. The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. The Equality Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Women may also pursue complaints through the courts. A third option, and by far the most common, involves settling allegations using the employee's labor union as mediator. In 1997 69 women and 16 men registered gender discrimination cases with the Equality Ombudsman. None of these cases appeared before the courts in 1997. A total of 33 of the 85 cases involved women citing salary discrimination. Nine cas