

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Sweden.

## **APPENDIX**

ECRI wishes to point out that the analysis contained in its second report on Sweden, is dated 28 June 2002, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Sweden to engage in a process of confidential dialogue with ECRI on its draft text on Sweden and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Swedish governmental authorities expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

### ***Observations provided by the Authorities of Sweden concerning ECRI'S report on Sweden***

“Paragraph 38

The Government is presently looking into the possibility of having administrative courts taking over the responsibility for dealing with appeals. Hence a final decision has not yet been taken in this respect.

Paragraphs 39 and 40

ECRI claims that Sweden has tightened up its asylum regulations and procedures in recent years but does not explain in what way the asylum policy has been made stricter. Quite on the contrary, it is the opinion of the Swedish Government that Swedish asylum policy and the granting of international protection is generous and based on humanitarian traditions and values. The recent trends of an increased number of asylum seekers underlines this fact. In 2001, 23 515 persons applied for asylum and almost 9000 were granted residence permit on refugee, subsidiary or humanitarian grounds. In the year 2002, up till the end of October, 27 118 persons applied for asylum in Sweden.

In its report, ECRI also states "...there have been cases of persons who have against their will been deported to countries completely unknown to them because of difficulties in establishing their nationality...". The Swedish Government finds that this paragraph pictures the situation in Sweden incorrectly, although there have been forced removals to countries that are not the country of origin – especially in the case of Ghana. Without going into the details of the specific cases, there have been – which ECRI also points out – difficulties in verifying the nationality of asylum seekers. Of course the aim is always to remove persons to the country of origin or a country where the person has a right to legally stay.

As part of the general picture of the Swedish asylum policy, the government would also like to point out the following. The Aliens Act was amended in 1997. The possibility to grant international protection was broadened by the inclusion of non-state actors of persecution on one of the five grounds enumerated in the 1951 Geneva Convention as a

ground for refugee status and by the explicit inclusion of the fear of being sentenced to death or corporal punishment or of being subjected to torture or other inhuman or degrading treatment or punishment as a ground for international protection. Furthermore, the Convention on the Rights of the Child was incorporated in the Aliens Act, stressing that the best interest of the child should be taken into account in all asylum matters regarding children.

The Government has also appointed a committee that will look into how best to include gender-based persecution and persecution based on sexual orientation as a ground for refugee status in the Swedish Aliens Act. Furthermore, all asylum officers dealing with asylum application are duly trained. There are specific persons dealing with asylum applications filed by unaccompanied minors. Furthermore, asylum officers have also received training in dealing with victims of torture and with victims of sexual violence. Persons working on border control points are also trained in recognising asylum claims in order to forward these cases without delay to the competent authorities.

#### **Paragraph 41**

The Government would like to point out that not only urgent and emergency health and dental care, but also other health and dental care which cannot be postponed, is provided for asylum seekers.

#### **Paragraph 48**

It should be added that during the last three years the employment rate has increased and the unemployment rate has decreased more rapidly for persons who are born in a foreign country compared to persons who are born in Sweden.

#### **Paragraph 75**

ECRI stresses that it should be ensured that awareness-raising measures filter down to the local level throughout the country. As Sweden has previously pointed out this is already taking place. The Government is, for example, promoting the establishment of civil society controlled anti-discrimination efforts, particularly in the form of local anti-discrimination bureaus.”