

SWEDEN 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Sweden is a constitutional monarchy with a freely elected multiparty parliamentary form of government. Legislative authority rests in the unicameral parliament (Riksdag). Observers considered national elections in 2010 to be free and fair. Voters reelected as a minority government the center-right coalition led by the Moderate Party with Fredrik Reinfeldt as the prime minister. The king is the largely symbolic head of state. The prime minister is the head of government and exercises executive authority. Security forces reported to civilian authorities.

The main human rights abuses reported during the year included societal discrimination, some incidents of violence against members of ethnic and religious minorities, and abuse of women and children. While the criminal justice system operated effectively, authorities subjected a high percentage of pretrial detainees to extended periods in isolation and limited their access to visitors, mail, and exercise.

Other reported problems included use of excessive force by police, forced deportation of Iraqis and others to areas deemed unsafe, trafficking of women and children, discrimination against persons with disabilities, and wage abuse of mainly foreign seasonal berry pickers.

Authorities generally prosecuted officials who committed abuses in the security services or elsewhere in the government.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were reports that police used excessive force.

In the first half of the year, the national prosecutor's office for police cases received 2,870 reports of misconduct. The reports covered officers and civilian police employees and involved incidents that occurred on active service and outside of work. The majority of the incidents took place while the employee was on duty; of these, 16 percent of cases involved accusations of active duty officers using unnecessary violence.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: According to the Prison and Probation Service, prison and detention centers could hold a maximum of 6,957 prisoners and detainees. On October 1, there were 5,148 prisoners and detainees in custody, of whom 189 were juveniles and 303 were women. Authorities held women, men, and pretrial detainees separately. Prison conditions did not vary by gender. There were no political prisoners, and "security" prisoners were not facing different conditions than the general prison population.

During the year seven persons committed suicide in a prison or a detention center.

Prisoners had access to potable water.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing for nonviolent offenders, such as intensive supervision with electronic monitoring, conditional sentencing, probation, and community service.

There were no specific prison ombudsmen, but the justice ombudsman, who worked independently from the government, received and handled prisoner complaints. The justice ombudsman could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; the status and circumstances of confinement of juvenile offenders; and pretrial detention, bail, and recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the offense

with which they were charged. The justice ombudsman conducted 19 prison inspections during the year compared with five in 2011. The increase was due to the justice ombudsman's receiving new funding to fulfill its new task as national preventive mechanism for the UN Convention against Torture and its Optional Protocol.

Restrictive conditions for prisoners held in pretrial custody remained a problem, although the law includes the possibility of appealing a decision to impose specific restrictions to the Court of Appeals and ultimately to the Supreme Court. According to the Swedish Prison and Probation Service, during the year authorities subjected approximately 48 percent of pretrial detainees to extended isolation or to restrictions on mail delivery or exercise. Authorities stated they took this step when detainees' contact with people outside the detention center could risk destroying evidence or changing witnesses' statements, thereby imperiling a continuing investigation.

Prisoners and detainees not under restrictions had reasonable access to visitors, could attend religious observance, and could submit complaints to several judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

Monitoring: The government permitted monitoring by independent, nongovernmental observers. While the national Red Cross and church associations may visit prisoners, they may not monitor or inspect the prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national police and the national criminal police are responsible in practice for law enforcement and general order within the country. The Security Service is responsible for national security related to terrorism, extremism, and espionage. The Ministry of Justice provides the funding and the letters of instruction for police activities, but it does not control how they are performed. According to the constitution, all branches of the police are independent authorities.

Civilian authorities maintained effective control over the national police and the Security Service, and government authorities had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

The law requires warrants based on evidence and issued by duly authorized officials for arrests, and the government generally respected this requirement in practice. Police must file charges within six hours against persons detained for disturbing the public order or considered dangerous and within 12 hours against those detained on other grounds. Police may hold a person six hours for questioning or up to a maximum of 12 hours if deemed necessary for the investigation without a court order. After questioning, an individual must be arrested or released based on the level of suspicion. If a suspect is arrested, the prosecutor has 24 hours (or three days in exceptional circumstances) to request continued detention. An arrested suspect must be arraigned within 48 hours, and initial prosecution must begin within two weeks, unless there are extenuating circumstances. Authorities generally respected these requirements.

Although there is no system of bail, courts routinely released defendants pending trial unless authorities considered them dangerous or there was a risk that the suspect would leave the country. Detainees may retain a lawyer of their choice. In criminal cases the government is obligated to provide an attorney, regardless of the defendant's financial situation. Detainees are afforded prompt access to lawyers and to family members. A suspect has a right to legal representation when the prosecutor requests his detention beyond 24 hours (or three days in exceptional circumstances). The type of crime authorities accused the suspect of committing influenced prompt access to family members. Sometimes authorities did not allow a suspect any contact with family members if police believed it could jeopardize an investigation.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

Defendants enjoy a presumption of innocence and have a right to a fair, public trial without undue delay. Cases of a sensitive nature, including those involving children, rape, and national security, may be closed to the public. Juries are used only in cases involving freedom of the press or freedom of speech. In other cases judges or court-appointed civilian representatives make determinations of guilt or innocence. Defendants have the right to be present at their trial and to consult an attorney in a timely manner. In criminal cases the government is obligated to provide a defense attorney. Defendants generally have adequate time and facilities to prepare their defense. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys had access to government-held evidence relevant to their cases and were not compelled to testify or confess guilt. If convicted, defendants have the right of appeal.

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations in the general court system. Citizens can appeal cases involving possible violations of the European Convention on Human Rights by the state to the European Court of Human Rights (ECHR).

Regional Human Rights Court Decisions

The country is party to and subject to the jurisdiction of the ECHR and promptly complied with court orders.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

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 generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech: The law criminalizes expression considered to be hate speech and prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic origin, religious belief, or sexual orientation. Penalties for hate speech range from fines to a maximum of four years in prison.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could engage in expression of views via the Internet, including by e-mail. According to the International Telecommunication Union, 91 percent of the individuals used the Internet in 2011.

The law permits the signals intelligence agency, National Defense Radio Establishment, to monitor the content of all cross-border cable-based Internet traffic to combat “external threats” such as terrorism and organized crime. Monitoring is only possible after obtaining court permission and upon the explicit request of government or defense agencies. During the year parliament passed the EU Data Retention Directive that compels Internet service providers to store data on online communications within the country for six months so that law enforcement agencies have access to it if a court so orders.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: In accordance with EU law, the government denied asylum to persons who had transited other EU countries or countries with which it maintained reciprocal return agreements before arriving in Sweden. It returned such persons to those countries, except Greece.

Refoulement: During the year the government forcibly repatriated 531 Iraqis, most frequently to Baghdad, pursuant to a repatriation agreement with the government of Iraq. The UN, through the UNHCR, and nongovernmental organizations such as Amnesty International (AI) criticized the government and the migration minister for the forced repatriations. AI also expressed concern over an increased rate of rejection of persons from Eritrea. In June the Swedish Migration Board stopped the repatriation of Uighur asylum seekers, mainly from China's Xinjiang Province, due to the situation in China. Asylum seekers can appeal rulings of the board to two special migration appeals courts. Unsuccessful asylum-seekers can and did appeal their cases to the ECHR.

Durable Solutions: The government authorized financial repatriation support for asylum seekers denied residence in the country in the amount of 10,000 kronor (\$1,460) per adult and 5,000 kronor (\$730) per child, with a maximum of 40,000

kronor (\$5,840) per family. During the year the government provided repatriation support to 581 persons, most of them of Iraqi origin.

Temporary Protection: During the year the Swedish Migration Board provided temporary protection to approximately 17,400 persons who did not qualify as refugees or whose applications for refugee status were being processed.

Stateless Persons

Citizenship is derived from one's parents. According to UNHCR there were 10,344 stateless persons in the country in January. The large number related to the influx of immigrants and the birth to stateless parents of children who remain stateless until either one parent acquires citizenship or a special application for citizenship for stateless children under the age of five is submitted and approved. The majority of stateless persons came from the Middle East (the Occupied Territories, Lebanon, Syria, and Iraq) and Somalia.

Once stateless persons are granted permanent residence, they can obtain citizenship through the same naturalization process as other permanent residents. Gaining citizenship generally requires four to eight years, depending on the individual's grounds for residency, ability to establish identity, and lack of a criminal record.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered national elections held in 2010 to be free and fair.

Participation of Women and Minorities: During the year there were 157 women among the 349 parliamentarians. There were 13 women in the 24-member cabinet.

No official statistics on minority representation in government were available because the law prohibits the government from holding information about the

racial or ethnic background of its citizens. However, media reports stated that the number of immigrant parliamentarians increased in the 2010 elections.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. A special unit in the prosecutor's office worked on cases involving corruption and initiated 22 investigations during the year, resulting in the prosecution of 22 persons.

In June 2011 authorities prosecuted a civil servant and a local mayor for accepting payments from one of the companies involved in constructing a stadium. In May a court found the civil servant guilty of bribery and sentenced him to conditional probation with a fine. The civil servant appealed the sentence.

Public officials and political parties are subject to financial disclosure laws.

The constitution and law provide for public access to government information, and the government generally granted access in practice to citizens and noncitizens, including foreign media. The public has the right to access government documents unless they are subject to secrecy laws, according to which information may be withheld if its release poses a threat to national security or to individual or corporate privacy. The public had access to a mechanism to appeal such a withholding of information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: At the national level, the country has seven ombudsmen: four justice ombudsmen; the chancellor of justice; the children's ombudsman; and the discrimination ombudsman with responsibility for ethnicity, gender, transsexual identity, religion, age, sexual orientation, and disabilities. There are normally ombudsmen at the municipal level as well. The ombudsmen enjoyed the government's cooperation and operated without government or party

interference. They had adequate resources and observers considered them generally effective.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

While the constitution and law prohibit discrimination based on race, gender, disability, language, social status, or sexual orientation, the government did not always effectively enforce these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, and the government enforced the law effectively. The law stipulates more severe penalties for repeated crimes and for cases in which the perpetrator had a close relationship with the victim. Penalties range from two to 10 years in prison. The National Council for Crime Prevention (NCCP) reported 6,509 rapes in 2011, compared with 5,960 in 2010.

The NCCP reported approximately 28,000 cases of assault of women in 2011, the latest year for which data was available. Authorities apprehended and prosecuted abusers in most cases.

The law provides victims with protection from contact with their abusers. When necessary, authorities helped victims protect their identities or obtain new identities and homes. According to official statistics, approximately 12,000 persons, mostly women, were in these programs in 2011. Both national and local governments helped fund volunteer groups that provided shelter and other assistance for abused women, and both private and public organizations ran shelters and operated hotlines.

Harmful Traditional Practices: Honor-related violence exclusively involved immigrants from Muslim countries; police concentrated on educating police officers and prosecutors to increase their awareness of the problem and to improve its detection and prevention. In 2010 county administration boards used a 36 million kronor (\$5.3 million) grant from the Ministry for Integration and Gender Equality to work against honor-related restrictions. In July 2011 the Ministry for Education and Research announced a 9.6-million-kronor (\$1.4 million) addition to the grant. The results of these programs have not been reported.

Sexual Harassment: The law prohibits sexual harassment, and the government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be liable for damages to the victim. There are no criminal penalties for harassment.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence.

Discrimination: Women have the same legal rights as men in the judicial system, including rights under family law, property law, and inheritance law. Some sectors of the labor market, including the financial sector and high-ranking positions in both the public and private sectors, demonstrated significant gender disparities in terms of salaries, especially in male-dominated occupations. Women's salaries averaged approximately 86 percent of men's.

The discrimination ombudsman investigated complaints of gender discrimination in the labor market. Complaints could be filed also with the courts or with the employer. Labor unions generally mediated in cases filed with the employer. There were 244 discrimination complaints from 2009 to July 2012 related to parental leave.

Children

Birth Registration: Citizenship is derived from one's parents. Children born in the country, regardless of their parents' citizenship and status in the country, are registered in the tax authority's population register.

Child Abuse: Child abuse was a problem. The NCCP reported 19,100 cases of abuse of children under the age of 17 in 2011. The NCCP reported 2,990 cases of rape of children under the age of 18 in 2011 compared with 2,620 reported cases in 2010.

The law prohibits parents or other caretakers from abusing children mentally or physically. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. Authorities may remove children from their homes and place them in foster care.

The children's ombudsman published a number of reports and publications for children and those working to protect children's rights. The discrimination ombudsman published material throughout the year to prevent discrimination. During the year the ombudsman's focus was on children suffering from domestic violence.

Child Marriage: The minimum age of marriage is 18. The law does not recognize any marriage with an under-aged person unless county councils approve particular circumstances. In 2011, the most recent year for which data is available, 623 women and 147 men aged 19 years and younger married.

According to the Swedish National Board for Youth Affairs, at least 70,000 young persons living in the country believe their parents, religion, and culture restrict them in their choice of marriage partner. There is a connection between young persons' being the victim of honor-based violence and domination, and being forced into marriage. Some informal and ceremonial marriages are not recorded and do not give any legal rights, but are considered real by families. There are also reports of marriages entered into by proxy where at least one of the parties is not present in person at the marriage service but is instead represented by someone else. In 2011 the government adopted an action plan to prevent young persons from being forced into marriage. The measures in the action plan aimed at strengthening protective work, providing victim support and protection, improving interagency cooperation, and increasing knowledge to prevent young persons from being forced into marriage.

Sexual Exploitation of Children: The law criminalizes "contact with children under 15 for sexual purposes," including Internet contact intended to lead to sexual assault. Penalties range from fines to one year in prison. The minimum age for consensual sex is 15. The law prohibits child pornography; penalties range from fines to six years in prison.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at www.travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

Leaders of the Jewish community estimated there were 20,000 Jews in the country. The Swedish Commission for Government Support to Faith Communities estimated that there were approximately 9,000 practicing members. The number of reported anti-Semitic crimes increased from 161 in 2010 to 194 in 2011. Anti-Semitic incidents included threats, verbal abuse, vandalism, graffiti, and harassment in schools. Government officials recognized that anti-Semitism was a problem in the country, especially in the city of Malmo.

The NCCP did not see a rising trend in anti-Semitic hate crimes. Rather it considered the increase in anti-Semitic incidents to be a normal fluctuation based on a rise in some years and drop in others. Swedish academic experts also claimed that increased anti-Semitism reports in Malmo were not connected to religion, but to ethnic conflicts and political tensions that stemmed from the Middle East conflict and to xenophobic youths who targeted Jewish symbols. These incidents were often associated with events in the Middle East and actions of the Israeli government, and Swedish Jews were, at times, blamed for Israeli policies. Malmo Mayor Ilmar Reepalu again found himself the subject of criticism regarding anti-Semitic statements. In March he linked the Jewish community with the anti-immigrant political party, the Sweden Democrats. A magazine article quoted Reepalu as saying that the “Sweden Democrats have infiltrated the Jewish community in order to push their hate of Muslims.” A couple of days later, Reepalu backtracked that he “had no basis” for his claims and that he “shouldn’t have said it that way.”

On September 28, the Jewish Community Center in Malmo was attacked during the early morning hours. The glass in the main door was smashed with cobblestones from the street, and there was a small explosion, caused by a type of firecracker. No one was hurt. Police arrested two men under suspicion of “causing devastation and endangering the public.” Malmo Mayor Ilmar Reepalu promptly condemned the attack and said it was “a horrific act that harms Malmo’s reputation and the city’s brand.” The attack followed a period of relative calm in Malmo, where authorities and religious communities have made efforts to improve understanding between various groups in the city. Several demonstrations supporting the Jewish Community Center were arranged as a response to the incident, and Mayor Reepalu marched in one of them.

On November 9, Siavosh Derakhti, 21-year-old Malmo resident who founded the group Young Muslims Against Anti-Semitism, received the first annual antiracism award from the Swedish Committee Against Anti-Semitism for “fighting xenophobia and for creating a more tolerant and pluralistic Malmo.”

In October the Simon Wiesenthal Center left in place its travel warning first issued in 2010 for Jews traveling in southern Sweden, because Jews in Malmo could be “subject to anti-Semitic taunts and harassment.” The organization met with the local government and police in Malmo in March to discuss the situation but without significant result. Local authorities in Malmo set up a Forum for Dialogue to promote mutual understanding between the Jewish and Muslim communities and take joint action to combat intolerance.

The Swedish Civil Contingencies Agency cooperated with religious communities on a national level to promote dialogue and to prevent conflicts leading to anti-Islamic and anti-Semitic incidents. Representatives from the national unit to train police officers to detect hate crimes visited high schools to raise awareness of such crimes and to encourage more victims to report abuses. The government made available in several languages information for victims of hate crimes and provided interpreters to facilitate reporting. Police hate-crime units existed throughout the country.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits employers from discriminating against persons with physical, sensory, intellectual, and mental disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific law prohibits discrimination against persons with disabilities. The discrimination ombudsman is responsible for protecting the rights of persons with disabilities.

The law does not cover accessibility. Regulations for new buildings require full accessibility, and similar requirements exist for some, but not all, public facilities. However, many buildings and some means of public transportation remained inaccessible.

During the year the number of reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services decreased to 459. Observers reported cases of

insufficient access to privately owned buildings used by the public, such as apartments, restaurants, and bars. Those involved handled many complaints through mediation procedures rather than formal court hearings.

National/Racial/Ethnic Minorities

The law recognizes Sami (formerly known as Lapps), Swedish Finns, Tornedalers, Roma, and Jews as national minorities. The law permits and the government supported minority languages.

The discrimination ombudsman received 492 complaints regarding ethnic discrimination during the year.

Societal discrimination and violence against Arab and Somali immigrants and Roma continued to be a problem during the year.

Police registered reports of xenophobic crimes, some of which related to neo-Nazi or white-power ideology. Police investigated and the district attorney's office prosecuted race-related crimes. Official estimates placed the number of active neo-Nazis and white supremacists at 1,500. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with inflammatory symbols at rallies, since the law prohibits incitement of hatred against ethnic groups.

The government estimated the Romani population at 50,000 persons. In 2010 a special commission reported that a majority of Roma lived as outcasts: The unemployment rate among Roma was 80 percent, elementary education for Romani children was rare, and a Roma's life expectancy was significantly lower than the country's average. In 2011 there were 184 hate crimes identified as having been directed against Roma.

In September 2011 the government announced a 46-million-kronor (\$6.7 million) supplement to the 2012 budget aimed at improving the situation of Roma over a four-year period. In February 2011 the government announced a new 20-year strategy for Romani inclusion, which included a series of proposed measures to improve the condition of Roma in six focus areas: education, work, housing, health and social care, culture and language, and civil society. The overall goal of the strategy was to equalize the opportunities available to young Roma and non-Roma by 2032.

In 2011 the discrimination ombudsman handled five mediation and court cases involving Roma. The most common complaint was against landlords who refused to rent apartments to Roma. Conciliation with financial compensation to the Roma was the most common outcome.

Indigenous People

The approximately 20,000 Sami in the country are full citizens with the right to vote in elections and participate in the government, including as members of the country's parliament. They are not, however, represented as a group in parliament. Sami are also represented by a 31-member elected administrative authority called the Sami parliament. The Sami parliament acts as an advisory body to the government and has limited decision-making powers in matters related to preserving the Sami culture, language, and schooling. The national parliament and government regulations govern the Sami parliament's operations.

Longstanding tensions between Sami and the government over land and natural resources persisted, as did tensions between Sami and private landowners over reindeer grazing rights. Certain Sami have grazing and fishing rights, depending on their tribal history. Sami continued to press the government for exclusive access to grazing and fishing.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

During the year there were isolated incidents of societal violence and discrimination against persons perceived to be gay. The NCCP reported 850 hate crimes in 2011 based on sexual orientation or gender identity. Antidiscrimination laws exist and they apply to lesbian, gay, bisexual, and transgender individuals.

Other Societal Violence or Discrimination

The NCCP hate crime report for 2011 counted 280 anti-Islamic hate crimes, or 43 percent of the total number of antireligious hate crimes reported during the year. In 2010, there were 272 anti-Islamic hate crimes reported, which accounted for 49 percent of hate crimes based on religion. Anti-Islamic behavior was aimed at both Arab and Somali immigrants. The NCCP stated that crimes against persons and damage of property, including graffiti, were the most common offenses related to religion.

There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law entitles all workers, including members of the armed forces and police, to form and join independent unions of their choice without previous authorization or excessive requirements. The law also provides for the right to strike as well as for employers to organize and conduct lockouts. Public sector employees enjoy the right to strike, subject to limitations in the collective agreements protecting the public's immediate health and security. The law provides for collective bargaining. It allows unions to conduct their activities without interference and prohibits antiunion discrimination. The government effectively enforced the applicable laws and applied effective remedies and penalties. The procedures were not subject to lengthy delays and appeals.

During the year in practice workers and employers exercised all these rights and the government protected them. An estimated 72 percent of the five-million-person workforce belonged to trade unions. Collective bargaining agreements covered approximately 80 percent of the workforce. During the year there were few reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced these laws. However, there were reports that children were in some cases forced to beg or commit petty theft. There were also reports of forced labor in agriculture, construction, and domestic households.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law permits full-time employment from the age of 16 under the supervision of local authorities. Employees under the age of 18 may work only during the daytime and under supervision. Children as young as 13 may work part time or perform light work with parental permission. The government, union

representatives, police, and public prosecutors effectively implemented these laws and policies in practice and had adequate resources.

Children trafficked both internally and from outside the country continued to be subjected to forced begging and petty theft.

d. Acceptable Conditions of Work

There is no national minimum wage law. Annual collective bargaining agreements set wages. The law requires equal pay for equal work. Nonunion establishments generally observed these contracts as well.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The maximum allowable overtime per year is 200 hours. The amount of overtime compensation was normally regulated by the collective agreement; it varied by workplace and could also depend on whether the overtime occurred during the regular workweek, during a weekend, or on a bank holiday. Compensation for overtime could take the form of money or time off. The law requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of seven days. The law also provides employees with a minimum of five weeks' paid annual leave. The Swedish Work Environment Authority effectively enforced these standards. During 2011 the authority made 35,000 labor inspections. The authority employed approximately 320 inspectors around the country.

The Work Environment Authority, a government-appointed board, issued occupational health and safety regulations, and trained union stewards and safety ombudsmen whom government inspectors monitored. Safety ombudsmen have the authority to stop unsafe activity immediately and call in an inspector. These rules were effectively enforced.

Seasonal berry pickers, mainly from Asia and Bulgaria, faced difficulties. By regulation, employers, whether foreign or domestic, must offer conditions of employment on par with the country's collective agreements, and the work must be on such a scale that the workers earn a minimum wage of 16,372 kronor (\$2,390) a month. However, several problems occurred during the year, mostly due to the failure of foreign companies that provided foreign workers to Swedish companies to respect the conditions of employment. Foreign companies and labor recruiters that brought workers to the country for the berry harvest sometimes subjected the workers to harsh conditions of work, including seizing passports, withholding pay,

and providing poor living and working conditions. A foreign company providing berry pickers to Swedish companies must have a branch registered in the country to guarantee the conditions of employment. The foreign labor broker must also show how it expects to pay workers in case of, for example, a bad berry harvest.

As of August there were 28 workplace fatalities during the year, compared with 57 in 2011.