



Swedish Institute for Human Rights

Annual Report 2024

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**The Swedish Institute
for Human Rights
monitors and reports
on how human rights
are respected and
realized in Sweden.**

Annual Report 2024

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Preface by the Board

In this report, the Swedish Institute for Human Rights presents its operations and the observations the Institute has made with regard to the human rights situation in Sweden in its second year of operation.

Over the past year human rights have been challenged in many ways, not only in the world around us, but also in Sweden. As we celebrated the 75th anniversary of the UN Universal Declaration of Human Rights, it has also become apparent that knowledge of human rights is lacking in Sweden, both among the general public and among those who have a duty to guarantee those rights. It is also clear that people are unaware of where they can turn to claim their rights despite human rights violations taking place in many areas of society. During the year, we saw some positive proposals and changes – such as new rules on the strengthening of the human rights of children and adults in sheltered housing and the strengthening of the constitutional protection of the courts – but we also saw an increasingly harsh social climate in which steps taken to combat serious crime may in themselves pose a threat to the realisation of human rights. Societal crises and conflicts of various kinds require a careful balancing of competing interests and thorough reflection and diligence throughout the legislative process. In light of this, it is worrying that so many of the legislative proposals on which the Institute has expressed an opinion have lacked both sufficient consideration of the principle of proportionality and analyses of human rights implications.

The Institute's mission to promote the safeguarding of human rights in Sweden, on the basis of both our constitutional laws and Sweden's international obligations in this area, is unique among those authorities and organisations that work to promote and protect human rights. This is related to the breadth of the mission, the independence of the Institute and the link to the international human rights system. In addition to this, the Institute has the special mandate as an independent mechanism

to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities.

Accordingly, the Swedish Institute for Human Rights is not intended to replace other authorities with human rights related mandates and where individuals may, in some cases, have their rights examined, such as the courts, the ordinary regulatory authorities, the Parliamentary Ombudsman (JO) and the Chancellor of Justice (JK). Rather, the Institute provides an holistic approach, including inter alia an overview

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of the fundamental human rights that individuals should be guaranteed and an assessment of how they are realised in practice in our country. This may concern the human rights of various minorities and other groups, but also human rights that are guaranteed to all people, regardless of, for example, age, gender, ethnic background, sexual orientation or disability. The Institute also promotes education, research, development of expertise, dissemination of information and awareness

raising in the field of human rights, and submits proposals to the Government on measures needed to safeguard human rights.

The second year of operation has also been a year in which the Institute has built up and developed its operations. One important milestone was the appointment of the first regular Director in January 2023. The recruitment of staff has continued and the new organization has been put in place including a Coordinator for the Institute's mandate to monitor Sweden's compliance with the Convention on the Rights of Persons with Disabilities. As the number of employees has increased, the Institute's work on its core mandate has also been strengthened, something we are

very proud to be able to show in both the Institute’s annual financial statement and this annual report. However, the establishment process is not complete, and in order for the Institute to be able to fully carry out its broad mission in the manner intended, there is a pressing need for long-term financial security at a level sufficient to enable the staffing necessary to fulfil the mandate.

The important cooperation with representatives of civil society has been further developed including through the establishment of the advisory body stipulated in the Institute’s founding law: the Advisory Council. The Council, which, with its 20 members, encompasses broad experience from various parts of civil society, has already been able to contribute through providing input to the content of this annual report.

Support from civil society organisations and from key international human rights bodies became especially significant during the second year of operations, as the cold spring winds were blowing and the Institute’s existence was questioned in the middle of its establishment phase. We received a clear reminder of the political pressure that independent national human rights institutions can face, but also the strength brought by the collective support of other human rights actors, both inside and outside the country.

Against this backdrop, it was an important milestone that the Institute was able to submit a formal application for membership in the Global Alliance of Independent National Human Rights Institutions (GANHRI) in the spring. The hope is that the examination of this application in the autumn of 2024 will find that the Institute meets the requirements placed on independence, breadth and effectiveness, among other things, in order to become a full member of the organisation. The fulfilment of these requirements is not only crucial to international recognition in itself. More importantly, the requirements describe the conditions needed for the Swedish Institute for Human Rights to be able to effectively fulfil its mandate of promoting the safeguarding of human rights in an effective and credible manner.

Elisabeth Rynning, Chair

Negin Tagavi, Vice Chair

Fredrik Malmberg, Institute Director

Annika Jyrwall Åkerberg

Leif Ljungholm

Niklas Martti

Titti Mattsson

Pål Wrangé

The Institute's mission and organisation

The Swedish Institute for Human Rights (hereinafter “the Institute”) was established on 1 January 2022 and placed in Lund. The tasks of the Institute are set forth in the Act on the Institute for Human Rights (2021:642). The Institute was established with the aim of founding an independent Swedish institution with a strong position and a broad mandate to promote and protect human rights in Sweden in accordance with the UN Principles relating to the Status of National Human Rights Institutions, known as the Paris Principles.¹

The Institute has a broad mandate and shall promote the safeguarding of human rights in Sweden, based on the Swedish Constitution (the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression), the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Charter of Fundamental Rights of the European Union (EU Charter of Fundamental Rights), and other binding international obligations in the field of human rights. The Institute may propose to the Government that Sweden's international legal commitments be extended in the area of human rights. However, the Institute shall not examine individual complaints of human rights violations.

The Institute's tasks are to monitor, investigate and report on how the human rights are respected and realised in Sweden. The Institute shall submit proposals to the Government on the measures needed to safeguard human rights, maintain contacts with international organisations and otherwise participate in international cooperation. The Institute shall also promote education, research, development of expertise, dissemination of information and increased awareness of human rights.

Furthermore, the Institute shall perform the functions of an independent national mechanism under Article 33(2) of the Convention on the Rights of Persons with

¹ Government Bill 2020/21:143, Institute for Human Rights.

Disabilities (CRPD). The independent mechanism shall promote, protect and monitor the implementation of the Convention.

Furthermore, the law on the Institute stipulates that within the scope of its tasks, the Institute itself determines its organisation and the detailed direction of its work. The Institute's independence is central to being able to contribute to the safeguarding of human rights in Sweden. An important part of this independence is that the Institute's tasks are regulated by law and require the Swedish Parliament's approval to be changed.

Organisation

The Institute is managed by a Board appointed by the Government. The Government appoints seven out of a total of eight members, with these seven in turn appointing the eighth member, who is also the Institute's Director. The Government shall request proposals for Board members from the Institute's Council, the Swedish Bar Association and universities and colleges.² The term of office of the members shall be five years, except for the Director, who shall have an appointment of six years.³ The ultimate responsibility of the Institute lies with the Board. A presentation of the Board members is found in the Annex.

Under the Ordinance (2021:1198) with instructions for the Swedish Institute for Human Rights, the Director is recruited by the Board. The Director is the head of the agency and is responsible for the day-to-day operations in accordance with the rules of procedure adopted by the Board.⁴ The Institute's activities are

² Section 8, Paragraph 3 of the Act on the Institute for Human Rights (2021:642).

³ The first appointment of board members did not apply this approach (in accordance with the transitional provisions of the Act). On 28 October 2021, when the Government appointed the Board members, two members were appointed for a term of three years, two members for a term of four years and three members for a term of five years. The two Board members who have experience of qualified work in civil society were appointed for a term of three years.

⁴ Swedish Institute for Human Rights, Rules of Procedure for the Institute for Human Rights, ref. no. 1.2.3–359/2023.

organised into three units: the Investigation and Analysis Unit, the Outreach and Collaboration Unit and the Management and Operational Support Unit. Each unit is led by a unit manager.

Paris Principles

As already mentioned, the Institute was founded with the aim of establishing an independent Swedish institution with a strong position and a broad mandate to promote the safeguarding of human rights in Sweden in accordance with the internationally recognised Paris Principles on national human rights institutions.⁵

The principles were adopted in 1993 and laid the foundation for an international cooperation body for national human rights institutions, the Global Alliance of National Human Rights Institutions (GANHRI). GANHRI determines whether an institution meets the principles to a sufficient degree to be awarded membership and “A status”. Today, there are at least 120 national institutions of which 88 fully comply with the Paris Principles. This is true, for example, of most EU countries and our Nordic neighbours.⁶

The aim of the Paris Principles is to create conditions for independent and effective national human rights institutions, thereby strengthening their position nationally and internationally. The Paris Principles stipulate that an institution should have as broad a mandate as possible. The mandate must be clearly formulated and be laid down in the constitution or other legislation that also clarifies the institution’s composition and competence. The Paris Principles also set out what tasks the institution should have, the importance of broad representation of civil society and the working methods that the institution should have at its disposal. A national human rights institution should also have a strong position in fulfilling its mandate by being guaranteed independence, primarily from the government of the country.

⁵ UN General Assembly, Principles relating to the Status of National Institutions (The Paris Principles), 1993, UN Doc. A/Res/48/134.

⁶ Ibid.

” **An important part of this independence is that the Institute’s tasks are regulated by law and require the Swedish Parliament’s approval to be changed.**

Summary

According to the Act on the Institute for Human Rights (2021:642), the Institute is required to submit an annual report to the Government on its activities and observations regarding developments in the field of human rights in the previous year.

The annual report shall serve as input to the work of the Government and the Swedish Parliament. It should also be of assistance to national authorities, regions, municipalities, civil society organisations and other actors that work to strengthen respect for human rights in Sweden.

Human rights in Sweden 2023

The first chapter of the annual report presents the Institute's picture of how the human rights situation developed in 2023. We report positive changes where the protection of human rights was strengthened during the year, but also describe how human rights were challenged. According to the Institute, there are several signs of a development in a direction that gives cause for concern. The chapter also contains information on legislative changes, rulings and decisions that can affect individuals' opportunities to have their human rights fulfilled.

Equal access to rights

A fundamental principle of the international protection of human rights is that all people are equal in dignity and rights. The same principle can be found in the laws that form Sweden's constitution. The Instrument of Government states that everyone shall have access to fundamental rights and freedoms. However, discrimination on the basis of, for example, ethnic background, gender, gender identity and disability is still a widespread societal problem in Sweden. Furthermore, social and economic inequality has consequences for, for example, access to healthcare, education and the possibility to effectively participate in democratic processes.

Some groups face particular obstacles to having their human rights fulfilled. The Institute believes that there is a need to strengthen the protection against discrimination of persons with disabilities. Studies indicate that Afro-Swedes face greater obstacles to human rights enjoyment than the general population. The European Union Agency for Fundamental Rights (FRA) has shown that more than half of the Roma in Sweden live in households with major difficulties in making ends meet. A shift in the interpretation of citizenship also risks affecting the enjoyment of human rights.

On a number of occasions, the Institute has expressed concern about the obstacles that the indigenous people, the Sámi, face in having their rights recognised and respected. Nature-grazing reindeer husbandry is, among other things, protected by the Swedish Instrument of Government and by international law. Reindeer-herding Sámi are affected by both climate change and the on-going new industrialisation in northern Sweden.

Climate change threatens a broad range of human rights, including the right to private and family life, health and culture. Climate change affects everyone, but some groups are hit harder, such as indigenous peoples, older people and persons with disabilities. Further warming can also have a critical impact on the living conditions of young people and future generations.

In 2023, Sweden was reviewed by the Advisory Committee of the Council of Europe Framework Convention on the Protection of National Minorities. Based on dialogue meetings with representatives of national minorities, the Institute provided

input to the Committee. There, shortcomings in Sweden are highlighted, including in relation to equality data, language as a basis of discrimination and the need for awareness raising efforts.

Migrants, including refugees, asylum seekers and persons covered by the EU Temporary Protection Directive, face obstacles to having their rights recognised and respected. In 2023, several inquiry directives and legislative amendments were presented that, taken together, risk threatening the fulfilment of migrants' human rights and contributing to increased marginalisation and vulnerability.

Disability rights

According to the Institute, the paradigm shift that the Convention on the Rights of Persons with Disabilities (CRPD) entails has not yet had full impact in Sweden, and several of the commitments and rights are not yet fully implemented or realised.

The Institute has stressed the need to evaluate the overall impact of the current systems for education, for individual and financial support, housing and employment, including the risk that these systems may result in segregation of persons with disabilities from the rest of society.

Principles of the rule of law, civil and political rights

In 2023, a large number of bills were put forward that individually, and together, are at risk of crossing the line of what is consistent with human rights and together may undermine important principles on which the rule of law rests. The proposals concern, among other things, preventative stay-bans, anonymous witnesses, bodily search zones (security zones), preventive coercive measures, police access to biometric data and increased possibilities for the social services to carry out checks in criminal records.

The inquiries behind these proposals have, in several cases, not been able to show that they are necessary and proportionate. The legislative pace has been very high. In addition, the human rights impact assessments in these inquiries have often been inadequate. There is therefore reason to point out that the way in which legislation

is prepared is also at risk of challenging the rule of law. The Institute has drawn attention to the importance of respecting the constitutional framework and the principles that form the basis of the Swedish legislative tradition. The Institute also sees a need to evaluate the overall impact of the bills.

Fundamental freedoms such as the freedoms of speech and information are important elements of a functioning democracy, regardless of the time and context. In 2023, the Institute saw examples that the standing of these rights may be undermined. The Quran burnings that took place in 2022 and 2023 have prompted a debate about making it possible to prevent the burning of the Quran and other religious texts in public places. The Institute emphasises that religious criticism must be allowed, in reasonable form, but not hateful expressions against religious groups.

One fundamental principle of civil disobedience can be said to be that anyone who performs an illegal act bears legal responsibility for that act. Persons who engage in civil disobedience in the form of non-violent acts do not lose their international human rights protection. For example, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention emphasises that protests in the form of civil disobedience constitute a legitimate exercise of the right to peaceful assembly as long as they are peaceful. In 2023, a number of rulings were made concerning climate-related protests, mainly on motorways and traffic routes in rush-hour traffic. People who participated in the protests have been charged primarily with crimes such as sabotage and refusal to follow a police order. If charges and penalties for protests that use peaceful civil disobedience become disproportionate, there is a risk that the climate and environmental movement will be prevented from conveying their message and that the freedom to demonstrate will be undermined.

In a referral response in 2023, the Institute endorsed proposals to strengthen the protection of the independence of the courts in the Instrument of Government. However, the Institute believes that additional regulation on the impartiality of courts in the Constitution is necessary and recommends an investigation of the system of lay judges. The Institute has advised against proposals on anonymous witnesses.

The State has an obligation to maintain public order and protect people from violations of their rights. However, not all means are allowed in law enforcement. The Institute emphasises the importance of a human rights perspective in the field of law

enforcement and stresses the importance of the measures that are deployed being proportionate and designed according to thorough analyses that take into account both short-term and long-term human rights effects of the bills.

According to Article 10 of the International Covenant on Civil and Political Rights, all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Longer detention periods and sentences lead to overcrowding in Swedish detention centres and prisons. Overcrowding can lead to violence and tension and impedes the possibility for inmates to receive care and treatment and maintain contact with the outside world. In 2023, the Institute recommended against a proposal that children between the ages of 15 and 17 who are convicted of a crime should be sentenced to prison instead of to institutional care of young offenders.

In 2023, a public inquiry proposed that “checks of virginity” and hymenoplasty should be criminalised. The Institute welcomed the proposals but emphasised the importance of information efforts and measures to avoid stigmatisation and “othering” affected groups. The Institute supported a proposal for strengthened tenancy protection for women who are victims of violence, but believes that more extensive measures are needed to ensure that these women’s rights are fully met.

A public inquiry looked into the criminalisation of attempted “conversion therapy”, where someone questions and uses pressure, threats or coercion to try to get someone else to deny or change their sexual orientation, gender identity or gender expression in various ways. The inquiry concluded that criminalisation is not appropriate. The Institute believes that the consequences of attempted conversion therapy can amount to a violation of the human rights of the victims and that there are strong reasons for criminalisation.

On 1 January 2023, an amendment to the Constitution entered into force that makes it possible to restrict the freedom of association for organisations engaged in or supporting terrorism. This made it possible to introduce a new crime into the Terrorist Offences Act called participation in a terrorist organisation. The wording of the new crime has received strong criticism from a rule of law perspective of from both the Council on Legislation and several United Nations (UN) Special Rapporteurs in the field of human rights.

At the same time that technological innovations such as artificial intelligence (AI) are opening new doors to combat human rights violations and promote global communication, risks of surveillance and discrimination are also rising. A survey conducted by the Institute in 2023 highlighted digitalisation as one of the main sources of concern for persons with disabilities and as a serious barrier to full participation in society.

Economic, social and cultural rights

The Institute highlights the fact that more needs to be done to combat discrimination in working life and to ensure that the victim's human rights are considered in the work against exploitation.

There are differences at a group level in how people perceive their health, and also differences in access to healthcare. There are serious shortcomings in terms of the rights of older persons in health and social care. Transgender rights and health have been neglected for a long time. From 1 January 2024, gender dysphoria investigation and certain gender affirming treatments are categorised as national highly specialised care. The aim is to achieve higher quality care and make it more equal, regardless of where one lives.

In recent years, the number of “structurally homeless” people, i.e. people who cannot find a home for economic reasons, has increased sharply in Sweden. Economic disadvantage has increased at the same time that compensation levels have dropped in value and collective expenditure on the social safety net has decreased. The Institute has called on the UN Committee on Economic, Social and Cultural Rights (CESCR) to shed light on the extent to which this may constitute retrogression in relation to State obligations for economic and social rights.

The disparities between pupil groups and schools in Sweden have been increasing for a long time and schools are increasingly unable to compensate for pupils' differing circumstances. There are reports of discrimination and harassment in schools.

The Institute believes that more needs to be done to safeguard all pupils' right to education, regardless of disability, gender and gender identity, socio-economic status or ethnic background, or where they live.

The Institute’s recommendations

The Institute’s overall conclusion is that the Government and the Swedish Parliament need to take strong steps to strengthen the protection of human rights in Sweden. This work must be systematic and long term. The obvious starting point for this work is that human rights are universal, indivisible and interdependent.

The Institute sees a need for the following efforts to strengthen the protection of human rights:

Needs	The Institute recommends the Government to:
New strategy and action plan	<ul style="list-style-type: none"> ▶ evaluate and follow-up the national strategy for human rights from 2016 in its entirety. ▶ prepare a new strategy that is submitted to the Swedish Parliament for a decision. ▶ complement the strategy with an action plan with concrete measures.
Strengthened legal protection	<ul style="list-style-type: none"> ▶ review conformity between Swedish law and the International Covenant on Economic, Social and Cultural Rights (ICESCR). ▶ review how Swedish law conforms with the Convention on the Rights of Persons with Disabilities (CRPD). ▶ take steps to ensure that the requirements of the Instrument of Government regarding the preparation of legislative proposals are respected. ▶ ensure that a new impact assessment ordinance has a clear rule on presenting impact assessments on how, for example, legislative proposals relate to Sweden’s obligations in the area of human rights, also called “human rights impact analysis”. ▶ take steps to promote increased knowledge among courts and authorities about Sweden’s international commitments in the field of human rights to provide better conditions for their implementation, not least through treaty-compliant interpretation.

Needs	The Institute recommends the Government to:
Strengthened institutional protection	<ul style="list-style-type: none"> ▶ work to strengthen the protection of the impartiality of the courts through the inclusion of a specific provision in the Instrument of Government stipulating that the administration of justice is exercised by courts that are both independent and impartial. ▶ appoint an inquiry to investigate how a new recruitment system for lay judges can be designed without the involvement of political parties. ▶ propose to the Swedish Parliament that Sweden ratify both the Third Additional Protocol to the Convention on the Rights of the Child concerning an individual complaints procedure and the Additional Protocol to the UN International Covenant on Economic, Social and Cultural Rights on a complaint procedure. ▶ commission the 2023 Committee on Freedoms and Rights to draw up proposals to strengthen the Institute's independence and its basis in the Paris Principles. ▶ clarify the rules for the appointment and dismissal of the Board members of the Institute. ▶ ensure the long-term financing of the Institute in accordance with the provisions of the Paris Principles on budgetary management and, by analogy, with the recommendation of the Venice Commission on minimum guarantees for the financing of ombudsman institutions.
Improved follow-up of the recommendations of international monitoring bodies	<ul style="list-style-type: none"> ▶ create a national mechanism for the handling of recommendations from international monitoring bodies.
Measures to increase knowledge and awareness of human rights	<ul style="list-style-type: none"> ▶ increase efforts to raise the level of knowledge of human rights in public services. ▶ expand efforts to increase individuals' knowledge of their rights and how they can claim their rights.

Activities of the Institute

The second chapter presents elements of the Institute's activities in 2023.

The Institute's establishment and operations were impeded in the spring of 2023 when the Government failed to provide clear information after political demands had been made to shut down the Institute. It was not until September, in connection with the budget bill, that the Government clearly announced that Sweden would safeguard an independent National Human Rights Institute.

On 20 January 2023, Fredrik Malmberg took office as the Director of the Institute. An organisation structure comprised of three was introduced in October. During the year, additional staff and unit heads were recruited to all units and a coordinator was appointed for the Institute's work to promote, protect and monitor the CRPD.

In 2023, the Institute applied for international recognition and the Institute's accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) will be reviewed in 2024. The Organization for Security and Cooperation in Europe's (OSCE) Offices for Democratic Institutions and Human Rights (ODIHR) provided a legal opinion proposing measures that would clarify and strengthen the Institute's mandate and compliance with the Paris Principles on National Human Rights Institutions.

By law, there shall be an advisory body with the task of providing knowledge- and experience-based advice to the Institute to promote the protection of human rights in Sweden. The members of this Council shall provide the Institute with knowledge and experience of the work of civil society and other actors on human rights. At least two members shall represent organisations representing persons with disabilities. In June 2023, the Board appointed 20 members to the Council.

Reports, studies and position statements

The Institute submitted the Annual Report 2023 to the Government on 3 April 2023. The annual report was presented to the Parliamentary Committee on the Constitution on 9 May 2023 and was also sent to all Members of Parliament.

To investigate people's knowledge of human rights, perceptions of the possibilities to claim their human rights and if there are human rights that are perceived to be threatened in Sweden today, the Institute conducted a survey in autumn 2022. The results were presented in a report in November 2023.

In 2023, the Institute initiated thematic studies that will continue in 2024. The studies concern the rights of older persons in long-term care, the experiences of hatred and threats of Jewish and Islamic associations, and the rights of the Sámi with a focus on climate transition.

In 2023, in dialogue with civil society and other stakeholders, the Institute prepared alternative reports to the UN Committee on Economic, Social and Cultural Rights (CESCR) and to the UN Committee on the Rights of Persons with Disabilities (CRPD Committee), prior to their reviews of Sweden. The Institute also participated in the CESCR's dialogue with Sweden on 21-22 February 2024, and in the UN CRPD Committee's dialogue with Sweden on 11-12 March 2024. The Institute will monitor and follow up the recommendations published by the UN Committees.

In 2023, the Institute responded to 30 referrals.

Dialogue, collaboration and promotion

A central part of the Institute's work is to contribute to good and effective dialogue with local, regional, national and international actors in relation to promoting the protection of human rights in Sweden.

During the year, dialogue and collaboration were specifically conducted linked to the Institute's mission as an independent national mechanism to promote, protect and monitor the CRPD. In addition, dialogue was held with regard to the rights of the older persons and some of the national minorities. The Institute also held dialogues with both the Government and the Swedish Parliament, as well as other public actors.

The Institute is tasked with promoting knowledge and research in the area of human

rights. This is why the Institute, among other things, has held and participated in several conferences, written press releases and op-eds communicated in various channels. The Institute continued to develop the website, among other awareness raising efforts, during the year.

As it was 75 years since the UN Universal Declaration of Human Rights was adopted on 10 December 2023, the Institute started its first campaign to highlight the role and challenges of human rights in Sweden.

During the year, the Institute had continuous contacts with international organisations and participated in international cooperation, through cooperation with national human rights institutions in other countries. The Institute contributed to UN Special Rapporteurs' visits to Sweden, to reviews of Sweden by the Council of Europe and the European Commission, and submitted contributions to several international working groups.

” **The Institute’s overall conclusion is that the Government and the Swedish Parliament need to take strong steps to strengthen the protection of human rights in Sweden.**

Human rights in Sweden 2023







Introduction

According to the Act on the Institute for Human Rights (2021:642), the annual report to the Government must include a summary of the Institute's observations of developments in the field of human rights in the previous year. The annual report shall be able to serve as input to the work of the Government and the Swedish Parliament. It should also be of assistance to national authorities, regions, municipalities, civil society organisations and other actors that work to strengthen respect for human rights in Sweden.

In its Annual Report 2023, the Institute described how climate change, threats to the rule of law, increased inequality, rapid technological development as well as wars and conflicts pose major challenges to the protection of human rights in both the short and the long term. These challenges appear to be even stronger in 2024. In many countries, we see a set-back for democracy and the rule of law, as well as greater social and economic inequality in the form of restrictions of the rights of refugees, restrictions of the space for civil society organisations, and increasing economic disadvantage, racism and discrimination.

This report on human rights in 2023 presents the Institute's observations on the development in Sweden, where there are positive elements, but also worrying signs of negative development. In addition, the chapter contains information on legislative changes, rulings and decisions that can affect people's opportunities to have their rights met. The chapter concludes with a number of recommendations to the Government and the Swedish Parliament that the Institute believes will promote the protection of human rights in Sweden.

Equal access to rights

A fundamental principle of the international protection of human rights is that all people are equal in dignity and rights. The same principle is found in Sweden's Constitution, specifically the Instrument of Government, which establishes that everyone shall have access to fundamental rights and freedoms. Discrimination and inequality on grounds such as gender, ethnic background or disability are central in the area of human rights. However, discrimination is still a widespread societal problem in Sweden. Furthermore, increased social and economic inequality is at risk of having consequences for access to healthcare, education and opportunities to participate in democratic processes.

Discrimination, racism, hatred and threats

In 2023, the Swedish Institute for Human Rights published a report on people's knowledge of human rights. Nearly half, 47 per cent, of those who responded to the Institute's survey feel that there are human rights that are threatened in Sweden today. The right to freedom from hatred, threats and violence is perceived to be particularly threatened. 43 per cent of the respondents also feel that there are groups of people whose rights are particularly threatened in Sweden. The main groups mentioned were foreign born, migrants, women, LGBTQI persons, as well as religious and ethnic minorities.⁷

Experiences of discrimination

In May 2023, the Equality Ombudsman published its first annual report on the occurrence of discrimination in Sweden. It shows that there is a large gap

⁷ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023* [Knowledge and experiences of human rights in Sweden 2022–2023], 2023.

between the number of individuals who have indicated that they have experienced discrimination in various national surveys and the number of complaints filed with the Equality Ombudsman. Based on compilations of various questionnaire studies, the Equality Ombudsman estimated that more than 500,000 people felt that they had been subjected to discrimination in various ways in 2022. That same year, the Equality Ombudsman only received 3,594 complaints. In the national surveys, it was most common for individuals to indicate that they had experienced discrimination related to gender, ethnic background or age. However, most of the complaints filed with the Equality Ombudsman concerned discrimination related to disability and ethnic background. According to the Equality Ombudsman, there may be many reasons for the low number of complaints. Among other things, it is likely that few people are aware of the possibility of filing complaints about experiences of discrimination or where to turn to do so.⁸

Discrimination protection for persons with disabilities

The statistics of the Equality Ombudsman show that the number of complaints of discrimination related to disability has increased in recent years.⁹

Article 5 of the CRPD stipulates that all discrimination on the basis of disability shall be prohibited and that persons with disabilities shall be guaranteed equal and effective protection against discrimination on all grounds. In the alternative report to the UN Committee on the Rights of Persons with Disabilities (UN CRPD Committee), the Institute points out that the central law for this purpose in Swedish law, the Discrimination Act, does not meet the requirements of the Convention on the Rights of Persons with Disabilities.¹⁰ For example, the existing discrimination protection against lack of accessibility does not cover the whole public sector, nor does it cover housing. There are also not enough regulations and control

⁸ Equality Ombudsman, *The State of Discrimination 2023*, 2023.

⁹ Equality Ombudsman, *Statistik 2015–2022 – Statistik över anmälningar som inkom till Diskrimineringsombudsmannen 2015–2022* [Statistics 2015–2022 – Statistics on complaints filed with the Equality Ombudsman in 2015–2022], 2023.

¹⁰ Swedish Institute for Human Rights, *Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024*, 6 February 2024.

mechanisms that ensure that the CRPD's requirements on compliance in working life, such as assistive devices, are respected in practice. Hate crime on the basis of disability is not clearly criminalised and, consequently, the extent to which hate crime on the basis of disability occurs is also not investigated.¹¹

The number of anti-discrimination investigations by the Equality Ombudsman has increased significantly in recent years¹². However, the possibilities of pursuing cases of discrimination are still limited. In the alternative report to the UN Committee on the Rights of Persons with Disabilities, the Institute pointed out that there is no right of redress for organisations in cases where a private individual does not bring action, for example when general accessibility in an operation is lacking or when there are ableist public statements in advertising or the media.¹³

Antiblack racism and Afro-Swedes' access to human rights

In 2023, the EU Agency for Fundamental Rights (FRA) presented a report on living as a European of African descent. It comprises twelve European countries, including Sweden, and highlights socio-economic status and living conditions. The report shows that Sweden was among the countries with the lowest percentage of people of African descent who have a job (65 per cent) and that the percentage of women of African descent who work was even lower¹⁴ (see the section entitled "Right to work").

The survey results at the EU level also show that nearly half of the people of African descent experience racism and discrimination in their everyday lives. In Sweden, 27 per cent of those who have experienced discrimination in the past year said that they reported such events. The report also shows that in Sweden, there is a

¹¹ Ibid.

¹² Equality Ombudsman, Årsredovisning 2022, 2023 [Annual report 2022]

¹³ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 6 February 2024.

¹⁴ EU Agency for Fundamental Rights (FRA), Being black in the EU – EU survey on immigrants and descendants of immigrants, 2023. In the report, the FRA included persons between the ages of 20 and 64 who at some point in the four weeks prior to participation in the survey had a paid job. The FRA points out the fact that the data was collected during the COVID-19 pandemic.

relatively large awareness of where to report discrimination, such as the Equality Ombudsman. The FRA calls on Member States to take urgent steps to address racial discrimination and harassment to ensure that all are treated equally and with dignity. In addition, the Member States are encouraged to collect data on equality, to assess the situation and to monitor developments.¹⁵

In a report to the UN Committee on the Elimination of Racial Discrimination, Afrosvenskarnas riksorganisation (the Afro-Swedish National Association) refers to studies from the National Council on Crime Prevention and the county administrative boards, which show how Afro-Swedes as a group are subjected to hate crime to a greater extent and have worse access to their economic, social and cultural rights than many other groups in society. The report also highlights the lack of data on discrimination against visible ethnic minorities in Sweden.¹⁶ The Institute considers that accurate and comparable data are crucial to assess and analyse access to human rights as well as the extent and nature of discrimination that affects certain groups (see the section “Equality data”). The UN Committee on the Elimination of Racial Discrimination is expected to review Sweden in 2025.

Racism against the Sámi

Issues related to Sámi cultural expressions, not least reindeer husbandry, were highly visible in the media and in politics in 2023. Such visibility can contribute to strengthening the knowledge and awareness of the indigenous Sámi people in Sweden and their living conditions and rights. But it can also contribute to the reproduction and strengthening of racist ideas about the Sámi. During the year, several researchers, Sámi artists, authors and representatives reacted to the national media widely spreading poorly substantiated reasoning on reindeer husbandry and racist notions and prejudices against Sámi people, and how this risks creating and strengthening conflicts in the northern regions of Sweden.¹⁷

¹⁵ Ibid.

¹⁶ Afrosvenskarnas riksorganisation, Alternative report to Sweden’s 24th and 25th periodic report to the UN Committee on Elimination of Racial Discrimination, 2023.

¹⁷ See, for example, Gunlög Fur, et al., “Renskötande samer är ingen privilegierad adel” [Reindeer-herding Sámi are not a privileged nobility], *Forskning & Framsteg*, 13 November 2023.

There are indications that these kinds of statements are increasing in connection with external events that have ties to the rights of the Sámi.¹⁸ Racist and hateful comments against Sámi were spread in social media in connection with the Swedish Tourist Association (STF) announcing sustainability measures in the Jämtland mountains, after the organisation's application for a new land lease.¹⁹

Sámi representatives have described for the Institute how online hatred and threats can give legitimacy to individuals who attack individual Sámi people and their property, such as by harming and tormenting reindeer. At the same time, police reports of hate crimes and threats directed at Sámi people are few in number. The fact that people do not file reports may be partly due to few reports actually leading to the crimes being cleared up.²⁰

Racism against Sámi has a long history in Sweden, which the state has pledged to make visible and combat in various ways. A number of agencies, including the National Council on Crime Prevention, the Forum for Living History, the Swedish Agency for Youth and Civil Society (MUCF) and the Equality Ombudsman (DO), are involved in implementing the Government's Action Programme to Combat Racism against Sámi from 2022 to 2024.

The action programme complements the national plan against racism and contains measures that aim to highlight and combat racism against Sámi. The measures include, among other things, preparing knowledge support in healthcare, deepening the knowledge of discrimination against Sámi people, compiling support and information material on how adults can talk to children and young people about racism, and implementing competence-enhancing efforts within the Swedish Police Authority.²¹

¹⁸ Svenska samernas riksförbund SSR, Rasism och hatbrott mot unga renskötare i Sverige [Racism and hate crime against young reindeer herders in Sweden], 2020, p. 11.

¹⁹ "Förändringar i Jämtlandsfjällen drog i gång ny hatstorm mot samer" [Changes in the Jämtland mountains started new hate storm against the Sámi people], SVT Nyheter, 24 September 2023.

²⁰ Also see, Svenska samernas riksförbund SSR, Rasism och hatbrott mot unga renskötare i Sverige [Racism and hate crime against young reindeer herders in Sweden], 2020.

²¹ See, for example, Government Offices of Sweden, Action Programme to Combat Racism against Sámi, rev. 2 November 2022, p. 7.

In parallel, work is under way in the Truth Commission for the Sámi people, which has the task of identifying and examining the consequences that the State's policies have had for the indigenous Sámi people.²² The action programme's efforts and the work of the Truth Commission can help to prevent and combat racism against Sámi. However, to achieve an effect over time, additional concrete and long-term measures are needed that relate to the proposals that the work of the Truth Commission will result in.

Hate and threats to LGBTQI persons

States have a human rights obligation to investigate and punish serious crimes. There is also a special obligation to take into account hate crime motives in the investigation and prosecution of crimes that have a motive that can be linked to prejudice or negative notions towards a certain group.²³ In 2022, 328 reports were identified with a total of 340 LGBTQI-related hate crime motives.²⁴ According to civil society organisations, there may be a large number of unreported cases.²⁵

Some of civil society's activities in the public domain were called into question and threatened during the year. For example, the Transkollo camp was cancelled, an activity for young transgender persons or other young people who are exploring their gender identity, as the organisers could not guarantee the safety and security of the participants.²⁶

²² Dir. 2021:103.

²³ This obligation arises from the obligations of States under Article 3 of the European Convention, which prohibits inhuman or degrading treatment or punishment, and the prohibition of discrimination in Article 14. See also European Court of Human Rights, *Sabalić v Croatia*, no. 50231/13, 14 January 2021.

²⁴ National Council on Crime Prevention (Brå), *Polisanmälda hatbrott 2022: En sammanställning av de ärenden som hatbrottsmarkerats av polisen* [Hate crimes reported to the police in 2022: A compilation of the cases that have been marked as hate crimes by the police], 2023.

²⁵ RFSL, "Fortsatt höga nivåer av hbtqi-relaterade hatbrott" [Continuing high levels of LGBTQI-related hate crime], 12 December 2023.

²⁶ Transammans, "Information om inställt kollo" [Information on cancelled camp], <https://transammans.se/information-om-installt-kollo/> downloaded 27 February 2024.

The Government has repeatedly stressed that the work for LGBTIQ persons's equal rights and opportunities is a priority. Several agencies have been given special assignments to ensure LGBTIQ persons's equal opportunities and rights, and LGBTIQ persons are included in action plans and measures that are, for example, about gender-related violence, violence in close relationships and honour-related violence and repression. The Government began the preparation of a new action plan for LGBTIQ persons's equal rights and opportunities in February 2024.²⁷ The Institute hopes that the action plan will contribute to a strengthened protection of LGBTIQ persons's rights in Sweden.

Many LGBTIQ persons have made their way to Sweden to avoid hate and threats in their home countries on the basis of sexual orientation, gender identity or gender expression. However, they are usually not granted asylum here. In June, a report from RFSL showed that out of more than 1,300 reviewed decisions on LGBTIQ asylum applications between November 2020 and May 2023, 96 percent resulted in refusals.²⁸ The most common reason for the refusals was the assessment of the applicant's credibility or reliability. According to RFSL, the review shows serious problems in both investigation methodology and justifications. In December, the Government announced that the Swedish Agency for Public Management was tasked with carrying out a review of the asylum process to strengthen quality, uniformity and legal certainty, including in asylum matters concerning LGBTIQ individuals.²⁹

²⁷ Government Offices of Sweden, Press Release: "Regeringen tar fram en ny handlingsplan för hbtqi-personers lika rättigheter och möjligheter" [Government prepares new action plan for LGBTIQ persons's equal rights and opportunities], 5 February 2024.

²⁸ RFSL, Avslagsmotiveringar i hbtqi-asylärenden: En uppföljning av rättsutredningen [Refusal grounds in LGBTIQ cases: A follow-up to the judicial investigation], 2023.

²⁹ Government Offices of Sweden, Press Release: "Statskontoret får i uppdrag att se över asylprocessen" [The Swedish Agency for Public Management is tasked with reviewing the asylum process], 14 December 2023.

Change in the perception of citizenship and rights

The UN Universal Declaration of Human Rights is based on the fact that all people are equal in dignity and in rights. This means that everyone should enjoy all human rights. However, if exceptional grounds exist, exceptions to this general rule are possible. For example, a state could make a distinction between the possibility for citizens and non-citizens to enjoy certain rights in order to achieve a legitimate objective if the distinction is proportionate to achieve that objective.³⁰ In accordance with this principle, the International Covenant on Civil and Political Rights (ICCPR) allows that citizens of a state can be guaranteed certain rights that non-citizens are not guaranteed, primarily political rights (such as the right to vote or stand for election).³¹

The principle that all people should enjoy all rights is also reflected in the Swedish Constitution. The latest major reform of freedoms and rights in the Instrument of Government consisted, among other things, of Swedish and foreign citizens enjoying their rights on the same terms to the greatest extent possible.³² However, anyone who is a Swedish citizen has a special constitutional protection against being subjected to the registration of his or her political views,³³ and against being exiled or prevented from entering the country.³⁴ Anyone who is a Swedish citizen is also guaranteed the freedom to move within the country's borders and to leave the country.³⁵ A Swedish citizen who is or has been resident in Sweden may also not be deprived of their

³⁰ UN Special Rapporteur on the Rights of Non-Citizens, The rights of non-citizens: Final report of the Special Rapporteur, Mr. David Weissbrodt, 26 May 2003, UN Doc. E/CN.4/Sub.2/2003/23.

³¹ International Covenant on Economic, Social and Cultural Rights (ICCPR), Article 27. Article 12 of the ICCPR also allows, to a certain extent, for restricting the freedom of movement, for example, of persons who are illegally present in the territory of a state.

³² Government Bill 2009/10:80 p.148 f. A similar change can also be found in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression, see Government Bill 2017/18:49 100 ff.

³³ Chapter 2, Section 3 of the Instrument of Government.

³⁴ Chapter 2, Section 7, Paragraph 1 of the Instrument of Government.

³⁵ Chapter 2, Section 8 of the Instrument of Government.

citizenship.³⁶ There are also possibilities to limit some of the rights of foreign citizens by law, such as the freedoms of expression and opinion.³⁷

However, the rules on when citizenship can be granted, and when it can be revoked, are being reviewed by the Government. During the year, an inquiry was appointed that will submit proposals on stricter requirements to become a Swedish citizen. The inquiry is looking at the possibility of setting higher requirements on self-sufficiency, longer residency in Sweden and knowledge of Swedish society and Swedish culture. It is also analysing requirements on an “honest lifestyle”, citizen dialogue and a compulsory declaration of loyalty.³⁸ In parallel, possibilities are being investigated to make it easier to revoke citizenship and deport individuals. An inquiry has been commissioned to review whether the constitutional protection of citizenship should be limited for persons with dual citizenship who have committed “system-threatening crime” (such as crime that takes place within the framework of networks that challenge values that are protected in constitutional law, or international crimes such as genocide).³⁹

At the same time, there are tendencies to increase the difference in the enjoyment of rights between Swedish citizens and foreign citizens in other ways. An inquiry into increased possibilities of revoking residence permits aims to extend the possibility to deny and revoke residence permits on the basis of deficiencies in the way of life other than criminal activity.⁴⁰ Proposals on ways of life that may constitute a basis for denying or withdrawing residence permits include a lack of compliance with rules (such as benefit fraud), association with criminal networks, clans, violence-affirming or extremist organisations, “dishonest livelihoods”, or substance abuse. In addition, the inquiry shall take a position on the possibility of including statements that seriously threaten Swedish democratic values, are system threatening or can threaten the legitimacy of public administration. This would in practice mean that the freedom of expression would be subject to special conditions for those who are not Swedish citizens. Another inquiry is reviewing the possibility of being able to limit foreign citizens’ freedom of demonstration in consideration of the importance of national security.⁴¹

³⁶ Chapter 2, Section 7, Paragraph 2 of the Instrument of Government.

³⁷ Chapter 2, Section 25 of the Instrument of Government.

³⁸ Dir. 2023:129.

³⁹ Dir 2023:83.

⁴⁰ Dir. 2023:158.

⁴¹ Dir. 2023:123.

If freedoms of opinion such as the freedoms of expression and demonstration begin to be curtailed on the basis of where people are from, the Institute is concerned that this May not only be discriminatory but May also undermine the rule of law.

Increased economic disadvantage

In 2023, the Institute specifically examined economic, social and cultural rights in Sweden in the framework of alternative reports to the UN Committee on Economic, Social and Cultural Rights and the UN Committee on the Rights of Persons with Disabilities.⁴²

Metrics of poverty

There are several metrics that measure poverty and economic disadvantage. An important dividing line runs between “absolute” measures and “relative” measures. Absolute measures measure the lack of financial resources required for a certain standard of living while relative measures measure a person’s financial position in relation to the median income in the country. There are also composite measurements that are not mentioned here.

Material and social deprivation is measured by the EU, and focuses on whether a person can afford a certain standard of living or participate in social activities that cost money. Material and social deprivation means that a person cannot afford the costs of at least five out of 13 designated items, while a person who cannot afford seven or more of the items as defined by the EU lives in severe material and social deprivation.

⁴² Swedish Institute for Human Rights, Additional information to the UN Committee on Economic, Social and Cultural Rights for the consideration of Sweden’s 7th Periodic Report, 11 January 2024; Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities prior to the second and third review process with regard to Sweden in 2024, 6 February 2024.

Low income standard is a measure that is used in Sweden to classify households with low incomes. This measure describes how adequate the household's income is to pay for necessary living expenses, such as food, housing, home insurance, childcare, local travel and so on. Low income standard means that the income is not enough to pay for these living expenses.

Persistent low income standard applies to households that have experienced a low income standard in the reference year and at least two out of the previous three years.

Relative poverty is what the internationally accepted relative income measure is called showing how many people live in households with a disposable income that is less than 60 per cent of the median income in the country. The EU calls the same measure "at risk of poverty". Being in relative poverty is therefore not necessarily the same as being poor.

Persistent relative poverty describes households that have experienced a relative poverty in the reference year and at least two out of the previous three years.

Source: Statistics Sweden, Att mäta fattigdom [Measuring poverty], 2023.

The State has an obligation to make full use of its available resources in order to gradually fulfil economic, social and cultural rights and to counter decline.⁴³ Therefore, in its Alternative Report to the UN Committee on Economic, Social and Cultural Rights, the Institute stressed that the State should ensure that social protection is sufficient to meet the right to an adequate standard of living for all.⁴⁴

The Institute encouraged the Committee to highlight the extent to which the fact that economic disadvantage has increased, compensation levels have declined in

⁴³ International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 2(1).

⁴⁴ Swedish Institute for Human Rights, Additional information to the UN Committee on Economic, Social and Cultural Rights for the consideration of Sweden's 7th Periodic Report, 11 January 2023.

value and collective expenditure on the social safety net has been reduced represents retrogression in relation to economic and social rights.

In the alternative report, the Institute pointed out the following circumstances, among others. Sweden has the lowest share of material and social deprivation in the EU. At the same time, the differences in material and social deprivation between those born in Sweden and those born abroad are large. In 2021, 10.3 per cent of persons born outside of Sweden lived in material and social deprivation, compared with 1.5 per cent among people born in Sweden.⁴⁵ This means that, in Sweden, material and social deprivation among people born outside of Sweden is almost seven times more common than among those born in Sweden. Calculated in this way, the differences in Sweden are the largest in the entire EU.

Between 2014 and 2020, the share of the population in relative poverty increased from 14.2 to 14.7 per cent and the share in persistent relative poverty increased from 8.0 per cent to 8.8 per cent. There are also large differences between different groups and among people in relative poverty, older persons and persons born outside of Sweden are overrepresented.⁴⁶

The official statistics do not comprise several marginalised groups, including asylum seekers, people who live in Sweden under the EU Temporary Protection Directive, vulnerable EU citizens and irregular migrants.

The EU Agency for Fundamental Rights (FRA) has shown that more than 51 per cent of the Roma in Sweden live in households with major difficulties in making ends meet. 28 per cent of the children of Roma grow up in material deprivation.⁴⁷

Sveriges stadsmissioner [Swedish City Missions] report that economic disadvantage increased after the COVID-19 pandemic and Russia's invasion of Ukraine. New

⁴⁵ Statistics Sweden, "Fattigdom nästan sju gånger vanligare bland utrikesfödda" [Poverty nearly seven times more common among foreign-born people], 17 October 2022.

⁴⁶ Statistics Sweden, "Knappt en tiondel av befolkningen har varaktigt låg ekonomisk standard" [Nearly one tenth of the population is in persistent relative poverty], 24 March 2022. Relative poverty means that the household's disposable income is below 60 per cent of the median. Persistent means the last year and at least two of the previous three years.

⁴⁷ EU Agency for Fundamental Rights (FRA), Roma and Travellers in six countries, 2022.

groups are affected at the same time that those who already live in economic disadvantage have it even worse. Food distribution from Stadsmissionen in the first nine months of 2023 was equivalent to the entire volume for 2022. The organisation also says that they meet more and more people with long-term income support and that efforts for undocumented migrants tripled between 2014 and 2022.⁴⁸

In Sweden, the expenditure on social security, measured as a share of GDP, decreased from nearly 36 per cent in 1993 to 28 per cent in 2021.⁴⁹

Compensation from public social insurance has lost value since the beginning of the 1990s. It covers an ever smaller part of income loss due to illness, unemployment or parental leave. In several areas, social insurance has not kept up with price and salary trends, which has contributed to increased income disparities between those who mainly receive their income from wages and those who increasingly receive support from social insurance. Some benefits, including child allowance and maintenance support, are only adjusted up through political decisions, which means that they lose value in pace with inflation when no decisions on adjustments are made.⁵⁰

Many persons with disabilities are entirely or partly supported through sickness benefits or financial assistance, which has developed according to a consumer price index which is significantly slower than wage developments. The additional cost compensation that is intended to reimburse additional costs for persons with disabilities includes both a high threshold with strict requirements on medical certificates and a ceiling on how much is reimbursed.⁵¹

The daily allowance for asylum seekers and persons in need of protection has not been adjusted up since 1994. For a long time, several civil society organisations

⁴⁸ Sveriges Stadsmissioner, Fattigdomsrapport [The Poverty Report], 2023.

⁴⁹ Statistics Sweden, "Utgifter för socialt skydd minskade som andel av BNP" [Expenditure on social security decreased as a share of GDP], 31 March 2023.

⁵⁰ ISF, Utvecklingen av socialförsäkringsförmånerna under de senaste 30 åren [Development of social security benefits in the last 30 years], 2022.

⁵¹ Riksförbundet FUB, Fångad i fattigdom? Inkomster och utgifter för vuxna personer med intellektuell funktionsnedsättning [Trapped in poverty? Income and expenses for adults with intellectual disabilities], 2023; Funktionsrätt Sverige, "Öppna utredningen om sjuk- och aktivitetsersättning igen" [Open the inquiry on sickness and activity benefits again], 21 April 2023.

have pointed out that the level is so low that people do not have their right to an adequate standard of living met, even at the lowest level protected by Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Many people seek help from civil society organisations for basic needs, such as food and clothing.

The obligation to progressively realise economic, social and cultural rights

- ▶ According to Article 2(1) of the International Covenant on Economic, Social and Cultural Rights, the State has an obligation to make full use of its available resources to ensure that economic, social and cultural rights are progressively realised.
- ▶ According to the Committee on ESCR, the State May not deliberately take retrogressive measures and May not pass laws that impair the enjoyment of economic, social and cultural rights.
- ▶ In the Committee's view, the State May also not unduly reduce public spending allocated to implement economic, social and cultural rights without suitable compensatory measures to protect individuals who are negatively impacted by the reduction.

Source: CESCR Committee, General comment No. 3: The nature of States parties' obligations (Art. 2, para. 1, of the Covenant), 14 December 1990, UN Doc. E/1991/23.

Equality data

Over the years, recurring criticism from UN human rights monitoring bodies is that there is a lack of data on the situation of different groups in Sweden, also known as equality data.⁵² Accurate and comparable data are crucial to assess and analyse access to human rights as well as the extent and nature of discrimination that affects certain groups.⁵³

The Institute is monitoring developments in the area of equality data. The Institute works based on the European Commission's definition of equality data as all qualitative or quantitative information that can be used to describe and analyse the access of different groups to human rights.⁵⁴ The Institute also sees it as important to take into account that groups that have historically and in the present day been subjected to discrimination and other rights violations have different attitudes to surveys that are based on grounds of discrimination or other categorisations of people. All work on equality data should therefore be planned, implemented and communicated in close dialogue with, and with consideration of, the groups affected.

During the year, civil society organisations highlighted the lack of access to equality data in Sweden. For example, Afrosvenskarnas riksorganisation pointed out the lack of data on discrimination against visible ethnic minorities in Sweden in a report to the UN Committee on the Elimination of Racial Discrimination (CERD Committee).⁵⁵

During Sweden's Presidency of the EU in the spring of 2023, two conferences were held where equality data was discussed and where representatives of the European

⁵² See, for example, UN Committee on the Elimination of Discrimination against Women, Concluding observations on the tenth periodic report of Sweden, 24 November 2021, UN Doc. CEDAW/C/SWE/CO/10, para. 23(f); CRPD Committee, Concluding observations on the initial report of Sweden, 12 May 2014, UN Doc. CRPD/C/SWE/CO/1; CERD Committee, Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden, 6 June 2018, UN Doc. CERD/C/SWE/CO/22–23.

⁵³ European Commission, European handbook on equality data 2016 revision, December 2016, pp. 15–16.

⁵⁴ Ibid.

⁵⁵ Afrosvenskarnas riksorganisation, Alternative report to Sweden's 24th and 25th periodic report to the UN Committee on Elimination of Racial Discrimination, 2023.

Commission's working group on equality data and the EU Agency for Fundamental Rights (FRA) called on the Member States to develop methods for preparing equality data.⁵⁶

In a debate in the Swedish Parliament on 7 February 2023, the Minister of Justice replied that the Government does not intend to take steps to develop methods for the collection of equality data citing that this type of data contributes to the sorting of people and violates the principle of equal treatment.⁵⁷

In the Institute's report to the UN Committee on the Rights of Persons with Disabilities, the State is encouraged to take steps to include questions about disability in more surveys at the national, regional and municipal level, in a systematic and coherent manner. The Institute also highlights the need to ensure that persons with disabilities are included in studies on the same terms and to the same extent as others. This includes children in adapted schools, people who live in LSS homes and the elderly.⁵⁸

⁵⁶ Swedish Presidency of the Council of the European Union, From Plan to Action – Conference on the Implementation of National Action Plans Against Racism, 16–17 February 2023; Conference: Equality Data as a Tool for Combating Discrimination, 12 May 2023.

⁵⁷ Interpellation 2022/23:16 by Annika Hirvonen (MP) answered 7 February 2023.

⁵⁸ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 6 February 2024.

Climate and environment

The escalating global climate crisis raises complex questions at the intersection between law, politics and science. Climate change threatens a broad range of human rights, including the right to private and family life, health and culture.⁵⁹ Climate change affects everyone, but some groups are hit harder, such as indigenous peoples, elderly people and persons with disabilities. Further warming can have extensive consequences for these groups, as well as a decisive impact on the living conditions of young people and future generations.

Commitments to combat climate change

In the Global Climate Change Agreement, the Paris Agreement, which entered into force in 2016, a portal clause states that in their actions to tackle climate change, states should respect, promote and take into account their human rights obligations.⁶⁰ A human rights-based perspective means, among other things, that states have an obligation to implement measures to protect individuals from foreseeable hazards. One such measure is to reduce emissions of greenhouse gases. This also means that measures to reduce emissions and various climate adaptations are fair and inclusive. The burden for adaptation and transition must be distributed equally considering the conditions and needs of different groups.

The objective of the UN Framework Convention on Climate Change (UNFCCC) is to stabilise the levels of greenhouse gases in the atmosphere at a level that prevents hazardous disruption of the climate system as a result of human activity. The Paris Agreement requires states to achieve a global peak of greenhouse gas emissions as quickly as possible and undertake “rapid reductions” to achieve carbon dioxide neutrality by 2050. In 2023, it was confirmed that there is a tangible risk that the Paris Agreement’s objective of limiting global warming to 1.5 degrees will not be achieved.

⁵⁹ This is noted by the Norwegian Institute for Human Rights (NIM), which has long monitored the relationship between climate, the environment and human rights. Norges institusjon for menneskerettigheter, *Canary in the Coal Mine: Sámi Rights and Climate Change in Norway*, 1 February 2024.

⁶⁰ The Paris Agreement was adopted by the states bound by the UN Convention on Climate Change on 12 December 2015.

According to the latest synthesis report of the UN Intergovernmental Panel on Climate Change (IPCC), emission reductions must take place at a very high pace in the near future to limit global warming in line with the Paris Agreement.⁶¹

The EU's new climate package Fit for 55, adopted during Sweden's EU Presidency in 2023, has provided all Member States with increased climate commitments and emission targets for several sectors.⁶² Fit for 55 also formed the basis for a rapid inquiry into how Sweden's policy should be developed in relation to the EU climate package. The inquiry, presented in October 2023, contained 46 proposals on how Sweden should work to limit emissions of greenhouse gases, facilitate climate transition and contribute to climate neutrality in the rest of the world.⁶³

Based on these proposals, several other investigations and a climate policy meeting in June 2023, the Government prepared a new climate action plan for the term of office. The climate action plan contains approved and planned measures to create the conditions necessary to achieve zero net emissions of greenhouse gases by 2045.⁶⁴ The Swedish Climate Policy Council, an independent expert authority, criticised the action plan for being inadequate, pointing to risks of higher emissions in the immediate future.⁶⁵

The Institute considers it to be worrying that the ambition for emission reductions does not appear to be in line with commitments under the UNFCCC and the Paris

⁶¹ IPCC, *Climate Change 2023: Synthesis Report – Summary for Policymakers*, 2023, p. 24.

⁶² Ministry of Climate and Enterprise, Press Release: "EU:s klimatpaket Fit for 55 är en milstolpe i klimatarbetet" [EU climate package Fit for 55 is a milestone in climate work], 30 June 2023.

⁶³ Ministry of Climate and Enterprise, *Sweden's climate strategy – 46 proposals for the climate transition in light of Fit for 55*, 2023.

⁶⁴ Regeringens klimathandlingsplan – hela vägen till nettonoll [Government Climate Action Plan - all the way to net zero], skr. 2023/24:59, 2023. The action plan was based, among other things, on the Road to a climate-positive future (SOU 2020:4), Funding for the green transition of industry (N2022/01677) and Renewable in the tank – an instrument proposal for a strengthened bioeconomy (SOU 2023:15).

⁶⁵ Swedish Climate Policy Council, Press Release: "Handlingsplanen otillräcklig – ytterligare styrmedel behövs för att nå klimatmålen" [The action plan is inadequate – additional instruments are needed to achieve the climate objectives], 22 December 2023.

Agreement, the best available scientific research and an international consensus on emission reductions necessary to limit warming to 1.5 degrees.⁶⁶ Climate change over 1.5 degrees entails real and acute risks to the rights to life and health. Therefore, states must implement necessary and adequate measures to ensure that the emissions do not exceed the emission budget for a 1.5-degree warming. The acceleration of measures in this decade is also crucial, which is reflected in the agreement from the latest COP28 climate summit.⁶⁷

The right to protection in disasters for persons with disabilities

Climate change leads to an elevated risk of extreme weather conditions and natural disasters. By law, municipalities are responsible for ensuring that their services also work in heat waves and floods. The municipalities need to have preparedness for the whole of society, including persons with disabilities.⁶⁸

However, the COVID-19 pandemic showed that the municipalities' contingency preparations do not cover persons with disabilities in a comprehensive manner. According to the National Board of Health and Welfare's progress report from 2023 on interventions and support for persons with disabilities, between 70 and 95 per cent of the municipalities have contingency plans in the event of high temperatures for special housing, where some persons with disabilities live.⁶⁹ However, only between 45 and 55 per cent of municipalities also have evacuation plans for persons with disabilities who do not live in special housing.⁷⁰

⁶⁶ ENNHRI, Climate Change and Human Rights in the European Context, 2021.

⁶⁷ UNFCCC, Outcome of the first global stocktake, draft 13 December, UN Doc. FCCC/PA/CMA/2023/L.17 (2023).

⁶⁸ Act on Municipal and County Council Measures prior to and during Extraordinary Events in Peacetime and during Periods of Heightened Alert (2006:544).

⁶⁹ Housing is established either within the scope of the Social Services Act (2001:453) or the Act Concerning Support and Service for Persons with Certain Functional Impairments (1993:387).

⁷⁰ National Board of Health and Welfare, Insatser och stöd till personer med funktionsnedsättning – Lägesrapport 2023 [Measures and support for persons with disabilities – Status Report 2023], 2023.

There is no information on how municipalities work for the general contingency plans to include persons with disabilities who do not live in municipal housing. During the COVID-19 pandemic, many who are in need of support, such as support to communicate, suffered in various ways from disruptions of the support. Those who need societal information that is processed, such as easy-to-read Swedish or sign language, had greater difficulty than others in accessing information.⁷¹

The Institute wants to emphasise that an important lesson from the COVID-19 pandemic is that a human rights and equality perspective has not been sufficiently integrated into the emergency preparedness work around the country, and that it contributed to greater vulnerability for groups that are already in vulnerable situations.⁷²

Legal processes on climate issues

Civil society organisations and individuals around the world continue to pursue cases in court concerning a lack of state climate policies. In September, hearings were held in the European Court of Human Rights in the case of Duarte Agostinho, et al. versus Portugal and 32 other states, including Sweden. The objective concerns the extent to which states are required to reduce emissions to protect the right to life and privacy (European Convention on Human Rights, Articles 2 and 8).

A high-profile legal process on climate change and human rights is also under way in Sweden. Young people with ties to the non-profit association Aurora have filed an action against the State. They have requested that it be established that a lack of measures to limit climate change violates the ECHR.⁷³ Whether such action can be permitted or should be rejected will be decided by the Supreme Court in 2024.

⁷¹ Begripsam, Samhällsinformation under coronapandemin – för alla? [Societal information under the corona pandemic – for everyone?], 2021.

⁷² Swedish Institute for Human Rights, Additional information to the UN Committee on the Rights of the Child, 2022.

⁷³ Nacka District Court case no. T 8304–22.

Current cases in the European Court of Human Rights on climate change and human rights:

► Verein KlimaSeniorinnen Schweiz, et al. v Switzerland

Elderly women and a climate association claim that Switzerland is violating the obligation to protect the right to life and health when threatened by hazardous heat waves. They believe that Switzerland has neither sufficiently ambitious climate targets nor does enough to reduce emissions of greenhouse gases.⁷⁴

► Carême v. France

A French Mayor claims that France has not reduced its emissions, which among other things has led to more dangerous heat waves and rising sea levels in the coastal town of Grande-Synthe.⁷⁵

► Duarte Agostinho, et al. v. Portugal and 32 others

Portuguese children and young people claim that the states (including Sweden) are not doing enough today to protect them from climate change during their lifetime.⁷⁶

Corporate responsibility for human rights and the environment

One of the states' human rights obligations is to protect individuals against violations by other actors, including companies. According to the UN Guiding Principles on Business and Human Rights, companies are expected to ensure that the rights of individuals are not violated as a result of the companies' activities. If rights are violated, the victim must have access to redress.⁷⁷

⁷⁴ European Court of Human Rights, Verein KlimaSeniorinnen Schweiz, et al. v. Switzerland, no. 53600/20.

⁷⁵ European Court of Human Rights, Carême v. France, no. 7189/21.

⁷⁶ European Court of Human Rights, Duarte Agostinho et al. v. Portugal and 32 others, no. 39371/20.

⁷⁷ UN Guiding Principles on Business and Human Rights, 2011.

In June 2023, the UN Working Group on the Issue of Human Rights and Transnational Companies and Other Business Enterprises published a document on climate change and the UN Guiding Principles on Business and Human Rights.⁷⁸ During the UN Annual Forum for Business and Human Rights in November 2023, a draft guidance was presented on how due diligence for human rights should also include an environmental perspective.⁷⁹ These initiatives underscore the links between the environment, climate and human rights and highlight corporate responsibility for managing the impact on human rights and the environment in their operations.

In Sweden, there is a lack of legislation to counteract negative corporate impact on human rights. This also applies to State-owned companies in sensitive industries, such as natural resource extraction, whose activities entail risks to the rights of indigenous peoples.⁸⁰

In 2023, the EU has worked to achieve a political agreement on a new due diligence directive for companies in the field of human rights (Corporate Sustainability Due Diligence Directive, CSDDD). The proposed directive sets out obligations for companies to reduce their negative impact on human rights and the environment, such as child labour, slavery, labour exploitation, pollution, deforestation, excessive water consumption or damage to ecosystems.⁸¹

In February 2024, the Institute received worrying signals from the European Network of National Human Rights Institutions (ENNHRI) and civil society that

⁷⁸ UN Working Group on the Issue of Human Rights and Transnational Companies and Other Business Enterprises, Information Note on Climate Change and the Guiding Principles on Business and Human Rights, June 2023.

⁷⁹ UN Development Programme (UNDP), Human Rights Due Diligence and the Environment (HRDD+E): A Guide for Business, draft 10 November 2023.

⁸⁰ In its report to the UN Committee on Economic, Social and Cultural Rights, the Institute stated that the State should impose requirements on State-owned companies to conduct due diligence processes in relation to human rights. See the Swedish Institute for Human Rights, Additional information to the UN Committee on Economic, Social and Cultural Rights for the consideration of Sweden's 7th Periodic Report, 2024.

⁸¹ European Commission, Corporate Sustainability Due Diligence Direction, downloaded 6 March 2024.

Sweden would not be voting for the directive. In light of this, the Institute sent an official letter to the Government arguing that Sweden should support the directive.⁸²

Mineral extraction can have a major impact on the areas where the Sámi exercise their rights to reindeer husbandry. In 2023, the EU adopted a proposal for a new regulation that is about securing the supply of critical raw materials needed for the green and digital transition.⁸³ The new regulatory framework is deemed to affect and speed up the permit processes for extraction.

In order to ensure that indigenous peoples have influence in such decision-making processes, the European Parliament proposed that the regulation should contain provisions on the free prior and informed consent (FPIC) of indigenous peoples. FPIC is a human rights standard based on the right to self-determination and anti-discrimination that aims to ensure indigenous peoples' influence in decision-making processes. Sweden was to have opposed such wording and it is therefore missing from the final text of the regulation.⁸⁴

⁸² Swedish Institute for Human Rights, Official Letter to the Cabinet Minister Ebba Busch, Ministry of Climate and Enterprise, 7 February 2024, ref. no. 3.2.2-103/2024.

⁸³ Council of the European Union, Press Release: "Council and Parliament Strike Provisional Deal to Reinforce the Supply of Critical Raw Materials," 13 November 2023.

⁸⁴ Sámi Parliament, Press Release: Critical Raw Materials Act, 10 November 2023.

Indigenous rights

On a number of occasions, the Institute has expressed concern about the obstacles that the indigenous people, the Sámi, face in having their rights recognised and respected. Climate change already affects Sámi culture and traditional industries, including the nature-grazing reindeer husbandry that is protected by the Swedish Instrument of Government and international law in the area of human rights. Reindeer-herding Sámi are also affected by the on-going new industrialisation in northern Sweden.

In 1977, the Swedish Parliament recognised the Sámi people as an indigenous people by establishing the Sámi's special status as an indigenous population.⁸⁵ Chapter 1, Section 2, Paragraph 6 of the Instrument of Government states that the possibilities of the Sámi people to retain and develop their own cultural and religious life shall be promoted. The Sámi are also a national minority according to the National Minorities and Minority Languages Act (2009:724). As an indigenous people, the Sámi people have special rights in addition to the rights resulting from the status as a national minority and in addition to the human rights that apply to all. These rights are protected by the ILO Convention (No. 169) on Indigenous and Tribal Peoples, and the UN Declaration on the Rights of Indigenous Peoples.

Sámi rights in the climate transition

In the Arctic, climate change is taking place faster than in other parts of the world. The changes are also accelerating and are more extreme. Just like other indigenous peoples in the world, the Sámi are seriously affected by climate change since their culture and traditional industries are directly dependent on nature. They are also affected by measures taken to confront a changed climate and reduce carbon dioxide emissions, such as extensive wind power establishments, infrastructure investments and mineral extraction. These measures alone and in combination with other cumulative factors increase the pressure on already hard-pressed and fragmented

⁸⁵ Government Bill 1976/77:80, Report of the Standing Committee on Cultural Affairs 1976/77:43.

reindeer husbandry. At the same time, indigenous peoples' traditional knowledge and participation are important keys in order to confront climate challenges.⁸⁶

In September 2023, the Institute together with Luleå University of Technology and Silvermuseet arranged a research conference in Luleå on the theme of indigenous people's rights and the rights of the Sámi in connection with climate transition (see the section "Dialogue, collaboration and promotion").

During the conference, differences between the content of international law and the national system for environmental and permit reviews were highlighted, as well as the fact that they need to be addressed. For example, the rights of the Sámi – such as the right to reindeer husbandry – are often referred to and treated as "interests" instead of rights. The protection of reindeer husbandry has mainly been built up by the reindeer industry being considered a public interest or a national interest. The interest in mineral extraction can then be set against reindeer husbandry without consideration of the fact that it has protection as a cultural right. Consequently, reindeer husbandry is measured against and often has to take a backseat to socio-economic interests without an assessment of whether it may entail a human rights violation. At the same time, it is a challenge to get administrative courts to address civil rights.⁸⁷

The fact that decision-making processes related to land use are not developed to ensure consideration of human rights is clarified in the Gállok process, which the Institute wrote about in the previous annual report. A ruling from the Supreme Administrative Court in the judicial review of the Government's decision on the processing concession is expected in 2024.

In October 2023, the Indigenous Navigator presented a study on the rights situation for Sámi on the Swedish side of Sápmi, which is based on data from earlier studies, legislation and international human rights reviews. The study identifies several challenges and shortcomings in the recognition and protection of the rights of the

⁸⁶ See, for example, Report of the Special Rapporteur on the rights of indigenous people, 1 November 2017, A/HRC/36/46.

⁸⁷ Swedish Institute for Human Rights, Konferensrapport Urfolksrätt och samers rättigheter i samband med klimatomställningen [Conference Report Indigenous rights and the rights of the Sámi in connection with the climate transition], 2023.

Sámi, especially in terms of issues regarding land, territories and natural resources, self-government and autonomy, the right to free and informed prior consent and issues of cultural heritage and identity.⁸⁸

As an indigenous people, the Sámi have the right to self-determination. The right to self-determination is a generally recognised principle of international law.⁸⁹ In summary, it means that a people has the right to decide over their future, i.e. to freely determine their political position and to freely pursue their economic, social and cultural development. The UN Declaration on the Rights of Indigenous Peoples formulates an internal right of self-determination for indigenous peoples. Put simply, this means that the right is realised through various forms of self-government and decision-making powers within the nation state.

In November 2023, the Swedish Agency for Public Management presented its Government assignment to analyse and assess whether the Sámi Parliament fulfils its mission and how the authority uses its resources and to analyse whether the Sámi Parliament's management, governance and follow-up are suitable. According to the Swedish Agency for Public Management, the Government has in its ongoing governance in practice limited the Sámi Parliament's self-determination, in that funding and the annual governance only providing the Sámi Parliament with limited room for manoeuvre and limited possibilities to set priorities and make choices in terms of operations and resources.⁹⁰

⁸⁸ Indigenous Navigator, Press Release: "Nationell granskning nu tillgänglig för Sverige" [National review now available for Sweden], 29 October 2023.

⁸⁹ UN Charter (Articles 1(2) and 55, Chapters XI and XII); Article 1 of the International Covenant on Civil and Political Rights (ICCPR); Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁹⁰ Swedish Agency for Public Management, *Självbestämmande på pappret men inte i praktiken? Analys av ledningen, styrningen och uppföljningen av Sametinget* [Self-determination on paper, but not in practice? Analysis of the management, governance and follow-up of the Sámi Parliament], 2023.

Interim report from the Committee on Reindeer Lands

The interim report of the Committee on Reindeer Lands “Hunting and fishing in reindeer grazing lands” was published in August 2023.⁹¹ The Committee was tasked with making proposals for a temporary regulation of the tenure provisions in the Reindeer Husbandry Act on the grounds of the so-called Girjas judgment. The Committee’s assessment is that there are strong reasons why at least Sámi villages in Lapland have rights equivalent to Girja’s Sámi village, i.e. an exclusive right to grant licences for small-game hunting and fishing. Nevertheless, the interim report contains no comprehensive proposals to adapt the relevant legislation to this right. This means that the State continues to grant licences for small-game hunting and fishing on national land as long as it has not been established in a judgment that has acquired legal force that someone else has a better right.

The caution of the Committee on Reindeer Lands is motivated in the interim report by the fact that this area of law is complex and that the practical consequences affect large parts of Sweden’s surface area. In addition to considering Sámi rights, the Committee needs to make other considerations. This includes the other local population’s, including the national minority of Tornedalian’s, and other residents’ culture, traditions, interests and the need to be able to hunt and fish, and conduct other economic activities, such as forestry and tourism. In a separate annex, the Committee provides a description of how it believes the issues should be addressed in the long run, so that the principles of final regulation can be widely discussed and gain support.

In the course of the investigation, a clear polarisation, a harsher dialogue climate and hatred and threats directed at Sámi were noticed (see the section “Discrimination, racism, hatred and threats”). The Institute also notes that several Sámi villages have already sued or are on the way to suing the State. Against this background and in the light of the on-going Truth Commission for the Sámi people, the Committee has an important role to play in reducing the confidence gap between the Sámi people and the State and ensuring that the legislation reflects Sweden’s commitments to the Sámi people.

⁹¹ SOU 2023:46



Human rights of national minorities

In 2023, Sweden was reviewed by the Advisory Committee of the Council of Europe Framework Convention on the Protection of National Minorities. During the year, the final report was also issued from Sweden's first Truth and Reconciliation Commission, which examined violations and abuse of the Tornedalians, Kväner and Lantalaïset. The Institute has continued to conduct dialogue with representatives of national minorities.

Council of Europe Framework Convention for the Protection of National Minorities.

The Framework Convention includes provisions on the protection and promotion of languages, protection and support for minority cultures, traditions, cultural heritage and religion, and on the participation of national minorities in cultural, social, economic and public life. The objective of the Convention is to protect the survival of national minorities. This means, among other things, that all discrimination against a national minority is prohibited and that the State must implement measures to achieve equality between the majority population and the minorities. Sweden ratified the Convention in February 2000 and Jews, the Roma, the Sámi (who are also an indigenous people), Sweden Finns, and Tornedalians were recognised as national minorities.

The countries that have signed the Framework Convention must regularly submit reports containing information on legal and other steps taken to comply with the Convention. The reports are reviewed by a committee from the Council of Europe that conducts country visits to meet with the Government, representatives of the national minorities, authorities and other relevant actors. The Committee then submits observations and recommendations to the country under review.

In 2023, the fifth review of Sweden was carried out, with the Committee's country visit in March. On the basis of dialogue meetings with representatives of national minorities, the Institute sent input to the Committee on challenges highlighted in the dialogue meetings. In the documentation, suggestions were also made regarding questions for the Committee to ask the Government in connection with the country

visit. This concerned shortcomings in terms of equality data, language as a basis of discrimination and the need for awareness raising efforts. The Institute also met the Committee in connection with their visit to Sweden.

The Advisory Committee's observations and recommendations were adopted in October 2023 and published in February 2024 together with the Government's comments. The monitoring report touches on the legal framework, language, culture, racism and participation and influence, among other topics. In the report, the Committee makes 13 recommendations to Sweden, including four for immediate measures⁹² (see fact box).

The Advisory Committee's recommendations to Sweden

Immediate measures

- ▶ Ensure, in close consultation with the Sámi, that decisions on the use of land traditionally used by Sámi do not negatively affect the Sámi's culture, language and identity.
- ▶ Promote greater knowledge of national minorities, their rights and needs.
- ▶ Increase efforts against racism, hate crimes and hate speech, especially against the Jewish, Roma and Sámi minorities.
- ▶ Improve consultation processes so that Sámi and national minorities are ensured meaningful participation in decision-making processes relevant to them.⁹³

⁹² Council of Europe, Advisory Committee on the Framework for the Protection of National Minorities: Fifth Opinion on Sweden, 19 February 2024.

⁹³ Ibid.

Sweden's first Truth and Reconciliation Commission

On 19 March 2020, the Government decided to set up a committee in the form of a Truth and Reconciliation Commission with the task of examining violations and abuse of the minority comprising Tornedalians, Kväner and Lantalaiset. The Commission was to investigate the assimilation policy implemented by the Swedish State in the 19th and 20th centuries and work to ensure that the minority's historical experiences were made visible. The aim was to contribute to providing the minority with collective redress, promoting reconciliation and preventing something similar from happening in the future. The initiative to appoint the Commission came from the minority. In May 2022, the Commission's interim report was submitted.⁹⁴ The final report was submitted in November 2023 to the Minister for Culture. The Institute attended the handover.⁹⁵

Tornedalians, Kväner and Lantalaiset

Tornedalians were recognised as a national minority in 1999, and at the same time, Meänkieli was recognised as a national minority language. The minority is not a homogeneous group, and there is no common designation that everyone in the minority can identify with. Therefore, three identity terms are used: Tornedalians, Kväner and Lantalaiset.

Also see the interim report *Ko ihmisarvoa mitattiin: Tornionlaaksolaisitten, kväänitten ja lantalaisitten eksklyteerinki ja assimileerinki/Då människovärdet mättes: Exkludering och assimilering av tornedalingar, kväner och lantalaiset* [When human value was measured: Exclusion and assimilation of Tornedalians, Kväner and Lantalaiset] (SOU 2022:32).

The Truth and Reconciliation Commission believes that it is the Swedish State and the Church of Sweden that bear the moral responsibility for the abuses committed

⁹⁴ SOU 2022:32

⁹⁵ SOU 2023:68

against the minority. According to the Commission, the Government should therefore without delay enter into a dialogue with the minority on the conditions and forms of a public apology. Among other things, the Commission establishes that the group is still affected by their difficulties in protecting language, culture and traditional industries.

The Commission's proposal for efforts that can contribute to redress and promote reconciliation is structured based on the following overall objectives:

- ▶ visibility and empowerment: the Government should, among other things, provide the minority with greater influence and greater empowerment; should recognise the Kväner and Lantalaiset as a part of the national minority of Tornedalians and should increase the organisational grant to the minority organisations.
- ▶ realisation and extension of rights: the Government should investigate the issue of language as a basis for discrimination in the Discrimination Act and international legal commitments in relation to the language clause should be expanded.
- ▶ language revitalisation and cultural promotion: the Government should, among other things, make permanent on-going efforts for the language, provide the Swedish National Board of Education with the task of integrating teaching in Meänkieli in municipalities in the administrative area.
- ▶ strengthened Nordic cooperation for the language: the Government should initiate cross-border cooperation with Norway and Finland to promote the minority's language and culture.

In addition, the Commission believes that the Government, in close consultation with the minority, should set up investigations into the minority's historical tradition of conducting reindeer husbandry, the parcelling of enclaves and the legal

ambiguities regarding rights linked to enclaves, such as hunting and fishing, and to investigate the minority's status as an indigenous people.⁹⁶

The National Association of Swedish Tornedalians – Tornionlaaksolaiset (STR-T) filed a request for indigenous people status with the Minister for Culture and the Minister for Rural Affairs in October 2023. The request indicates that STR-T believes that Tornedalians, Kväner and Lantalaiset meet the conditions established internationally for which ethnic groups can be defined as indigenous groups and if further research is needed in the matter, the Government should promptly initiate and finance this. In such a case, this should take place in cooperation with Finland and Norway since this minority resides in these three countries.

Dialogue with national minorities

In early 2023, the Institute held dialogue meetings with representatives of Sweden Finnish organisations in Sweden. The Institute met with Sverigefinska riksförbundet (the Sweden-Finnish National Association), the Sweden Finnish Delegation and Sverigefinska ungdomsförbundet (the Sweden-Finnish Youth Association). During the meetings, the organisations highlighted several rights issues that are relevant to the national minority. Shortcomings in compliance with the minority legislation at the local, regional and national level were highlighted, as well as a large difference between Finnish administrative areas and non-administrative areas. The organisations believe that there should be a supervisory authority that ensures compliance with the law. The organisations also stated that they see a threat to the right to the Finnish language. Schools are closing down Finnish-speaking classes and access to language support and home language education is lacking. The Sweden-Finnish minority has been fighting for several years for language to become a basis for discrimination under Swedish law, something it is believed would provide a better tool in the work on the rights of national minorities. The organisations have received information from the Government that there are currently no plans to investigate this possibility.

⁹⁶ “Outlying fields” and “enclaves” are terms that arose in the national administration in connection with the parcelling of land. On the part of the State, meadow land used for agriculture to which the holder had certain rights even though it was located outside the farm itself was referred to as enclaves. An older designation of such land is outlying fields. The land is also often called a hay bog, since the minority used it to harvest hay for their animals. SOU 2023:68 p. 380.

The Institute also conducted dialogues during the year with STR-T and the youth organisation Met Nuoret. In these dialogues, problems were highlighted in relation to the organisations' lack of economic and human resources, as well as the low level of knowledge and awareness of the Tornedalians, Kväner and Lantalaiset both among the public and within the minority. This invisibility is worsened by the minority being excluded from processes that are important to them, including regarding issues related to the reindeer industry.

During the year, the Institute also met representatives of the Jewish and Roma national minorities in Malmö, Stockholm and Gothenburg, including the Official Council of Swedish Jewish Communities and the Roma Information and Knowledge Centre (RIKC). These meetings mainly aimed to create contacts and develop the Institute's knowledge of the situation of these minorities.

Migration

Migrants, including refugees, asylum seekers and persons covered by the EU Temporary Protection Directive, face growing obstacles to having their rights recognised and respected. In 2023, the Government presented several inquiry directives and legislative proposals regarding, among other things, the requirement that asylum seekers and people under the Temporary Protection Directive must live in asylum housing. The requirements for family migration were raised and the maintenance requirement was increased for labour immigration. Altogether, these measures risk weakening the human rights of migrants.

New inquiries, legislative bills and laws in migration and asylum

In 2023, the Government decided on several new inquiry directives and sent several bills for referral that are at risk of deteriorating migrants' access to human rights. The Institute has expressed its concerns in several referral replies.

In the interim report, A new arrangement for asylum seeker housing, the inquiry proposes that asylum seekers and people covered by the Temporary Protection Directive must live in asylum housing in order to obtain the right to daily allowance, special allowance and the possibility of exceptions to the requirement of a work permit.⁹⁷ The Institute recommended against the inquiry's proposal as it risks limiting the freedom of movement of the persons concerned and the right to choose their place of residence, their right to private and family life, and their right to an adequate standard of living and suitable housing. The Institute considered that the inquiry did not show that these proposals are suitable or necessary according to the principle of proportionality, considering the aim of ensuring more people live in asylum housing and to counteract housing segregation.⁹⁸

In 2023, the Swedish Parliament decided to tighten the requirements for family migration.⁹⁹ The legislative amendment means that "persons in need of subsidiary protection"¹⁰⁰ must now be able to show that they can support their relatives before they can be reunited. The Institute recommended against the proposal on the grounds that it will be difficult for many asylum seekers who have been granted residence permits to meet these maintenance requirements and that families

⁹⁷ SOU 2022:64

⁹⁸ See the Institute's referral statement on the interim report "En ny ordning för asylsökandes boende" [A new arrangement for asylum seeker housing] (SOU 2022:63), 30 June 2023, ref. no. 1.1.2-214/2023. and Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 9 of the UN Convention on the Rights of Persons with Disabilities (CRPD) and Article 27 of the UN Convention on the Rights of the Child (CRPD). Article 21 of the 1951 Convention relating to the Status of Refugees also states that refugees have the right to housing to the same extent as other non-citizens.

⁹⁹ Changes to Chapter 5, Sections 3, 3 a, 3 d, 6, 17 a of the Aliens Act (2005:716), SFS 2023:652.

¹⁰⁰ Pursuant to Chapter 4, Section 2 of the Aliens Act, a person is in need of subsidiary protection if he or she has left his or her country and there is an established reason that the person cannot return due to the risk of being punished by death or subjected to torture or other inhuman or degrading treatment or punishment or that a civilian person runs a serious and personal risk of being injured due to indiscriminate violence on the grounds of an external or internal armed conflict, and cannot or, due to the risk does not want, to use the protection of his or her home country.

are therefore at risk of being forced to be separated for a very long time.¹⁰¹ In its criticism, the Institute referred to the strong protection for the right to family life included in several international conventions Sweden is bound by,¹⁰² and questioned whether the restriction was proportionate and necessary considering the dramatic decrease in the number of residence permits granted to persons in need of subsidiary protection between 2016 and 2022.¹⁰³ As recently as March 2023, the UN Committee on the Rights of the Child recommended that Sweden make it easier for children to be reunited with their families.¹⁰⁴ The legislative changes entered into force on 1 December 2023.

In September 2023, an inquiry was commissioned to submit a proposal for a regulation that entails an increased exchange of information between authorities in order to strengthen the work on the enforcement of expulsion decisions and impede the possibilities of living in the country without a permit.¹⁰⁵ Several employee organisations, including healthcare and teacher associations, have strongly objected to such an information obligation that they believe conflicts with their professional ethics. Many civil society organisations have expressed criticism of the introduction of an information obligation from a human rights perspective, and point out that the right to health care and education are particularly threatened.¹⁰⁶ The Institute shares these concerns and will analyse the inquiry's proposals when they are presented in September 2024.

¹⁰¹ See the Institute's referral replies to draft legislative referral (Ju2023/00511), ref. no.1.1.2-105/2023, 31 March 2023.

¹⁰² For example, Article 8 of the ECHR, Article 7 of the Charter of Fundamental Rights of the European Union and Article 23 of the ICCPR. The corresponding wording is also in the Convention on the Rights of the Child (preamble and Article 16), which also provides strong protection for the child's right to family reunification.

¹⁰³ In 2016, 48,355 people received a residence permit as a person in need of subsidiary protection in Sweden. In 2022, a total of 896 new residence permits were granted to persons in need of subsidiary protection in Sweden, i.e. less than two per cent of the number in 2016.

¹⁰⁴ UN Committee on the Rights of the Child, Summary Conclusions and Recommendations on Sweden's Combined Sixth and Seventh Periodic Report, 7 March 2023, UN Doc. CRC/C/SWE/CO/6-7. The conclusions and recommendations are available as Swedish translations through the Government Office.

¹⁰⁵ Dir. 2023:126.

¹⁰⁶ "Rätten till vård på lika villkor får inte urholkas" [The right to care on equal terms must not be eroded], Common position from the healthcare professions, March 2023.

The UN Committee on the Rights of the Child has previously called on states to establish so-called firewalls and prohibit healthcare establishments from providing information to migration authorities, since this effectively limits or thwarts the right to health for children whose parents are irregular migrants.¹⁰⁷

Text box: EU Migration and Asylum Pact

The rights of migrants and asylum seekers in Sweden are very much affected by the EU's common rules in this area. At the end of 2023, an agreement was reached between the EU Member States and the European Parliament in the area of migration and asylum.

Through the EU's new migration and asylum pact, a rapid review system of asylum applications at the EU's external borders is to be introduced. A solidarity mechanism will also be established to relieve the EU countries that receive the most asylum seekers by other Member States reassigning asylum seekers or providing financial support.¹⁰⁸ The agreement was welcomed by the UN High Commissioner for Refugees.¹⁰⁹ However, it has met strong criticism from several human rights and refugee rights organisations that fear that the pact will undermine the possibilities for refugees to get access to protection in the EU.¹¹⁰

Migrants' right to health

The UN Committee on Economic, Social and Cultural Rights (CESCR Committee) has emphasised that all people within a state's jurisdiction regardless

¹⁰⁷ UN Committee on the Rights of the Child, General comments no. 23, November 2017, UN Doc. CRC/C/GC/23. In Swedish translation through the Ombudsman for Children.

¹⁰⁸ See, for example, the European Parliament, Press Release: "Asylum and migration: deal for more solidarity and responsibility sharing," 20 December 2023.

¹⁰⁹ "UN's Grandi welcomes EU deal overhauling regional migration system," UN News, 20 December 2023.

¹¹⁰ See, for example, Amnesty International, Press Release: "EU: Migration Pact agreement will lead to a 'surge in suffering'," 20 December 2023 and the Swedish Refugee Law Centre, "EU:s migrationspakt urholkar asylrätten" [EU Migration Pact erodes the right of asylum], 21 December 2023.

of nationality or status have the right to fundamental rights, such as access to food, housing, education and basic healthcare.¹¹¹ Similarly, the UN Committee on the Rights of the Child has established that all children, regardless of their legal status or nationality, have an equal right to the rights covered by the Convention on the Rights of the Child.¹¹² In a resolution from 2016, the UN General Assembly unanimously stated that human rights should be protected for all refugees and migrants, regardless of their status.¹¹³

Asylum seekers and irregular migrants in Sweden have the right to emergency medical and dental care, care and dental care that cannot wait, maternity care, care in the event of an abortion, contraception counselling, medicines and health examinations.¹¹⁴ The term “care that cannot wait” has long been criticised as unclear, opening up for arbitrary assessments and difficult ethical considerations for health-care workers.¹¹⁵ Asylum-seeking children and children who are in Sweden without a permit have the right to all health care.

In summary, in the alternative report to the CESCR Committee, the Institute highlighted the need for the State to take further steps to ensure the right to the best possible physical and mental health, the right to accessible and equal health and

¹¹¹ See, for example, the UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, 2 July 2009, UN Doc. E/C.12/GC/20, para 30. For recommendations addressed to Sweden, also refer to the Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Addendum Mission to Sweden, 28 February 2007, UN Doc. A/HRC/4/28/Add. 2, para. 67–75.

¹¹² Joint general comment No. 3 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 of the Committee on the Rights of the Child On the general principles regarding the human rights of children in the context of international migration, 16 November 2017, UN Doc. CMW/C/GC/3, para. 9.

¹¹³ New York Declaration for Refugees and Migrants, Resolution adopted by the UN General Assembly, 19 September 2016, UN Doc. A/RES/71/1, para. 5.

¹¹⁴ See the Act on Health and Medical Services for Certain Aliens Staying in Sweden without the Necessary Permits (2013:407) and the Health and Medical Care for Asylum Seekers and Others Act (2008:344).

¹¹⁵ National Board of Health and Welfare, *Hälsa- och sjukvård och tandvård till asylsökande och nyanlända* [Health and medical care and dental care for asylum seekers and recent arrivals], 2016.

medical care, and to combat stereotypical and offensive treatment and discrimination in healthcare¹¹⁶.

Rights of migrant workers

This annual report also describes how asylum seekers and irregular migrants are exploited in Sweden in human trafficking and human exploitation¹¹⁷ (see the section “The right to work”). The special situation and rights of migrant workers are regulated in the UN Convention for the Protection of Migrant Workers and the Rights of their Families (UN Migration Workers Convention) and the International Labour Organization (ILO) Convention (No. 143) on abuse in connection with migration and on the promotion of the equality of migrant workers with regard to opportunities and treatment. Comparatively few countries have ratified the conventions and Sweden is not among them.¹¹⁸ In a referral statement, the Institute supported a proposal that Sweden should ratify the ILO Convention (No. 190) on violence and harassment in working life.¹¹⁹ In addition, the Institute believes that the Government should conduct a supplemental investigation of an expanded effective protection against violence and harassment for migrant workers, their families and people who work in the country in the informal economy or without permission.

In 2023, the Government raised the maintenance requirement for labour immigrants to more than double previous levels. The Government refers to wanting to combat labour exploitation (see the section “The right to work”). The increase has been widely criticised, including in reference to the fact that an inquiry against labour exploitation a few years ago established that an increased maintenance

¹¹⁶ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights: for consideration of the seventh periodic report of Sweden, 2023.

¹¹⁷ Swedish Public Employment Service, etc. Situation report for the inter-agency work against fraud, rule violations and crime in working life, 2021.

¹¹⁸ 58 states had acceded to the UN Migrant Workers’ Convention in February 2024, but of these, only four are members of the Council of Europe (Albania, Azerbaijan, Bosnia and Herzegovina and Turkey).

¹¹⁹ See the Institute’s referral statement on the report of the inquiry into the ILO Convention on Violence and Harassment in Working Life (SOU 2021:86), 20 June 2022, ref. no. 1.1.2-183/2022.

requirement cannot be expected to combat the problems in the labour market.¹²⁰ The criticism has centred around the fact that the increase impedes the supply of skills and hits women and persons with disabilities especially hard. The increase also risks leading to many who today have work permits in Sweden, or are training for professions with lower starting salaries, not being able to stay and work in Sweden in the long term.¹²¹

Special barriers for migrants with disabilities

Persons with disabilities who are new residents of Sweden face particular barriers to having their right to a adequate standard of living and social protection satisfied. The level of the daily allowance for asylum seekers has not been adjusted since 1994 (see the section “Migration”). Disability rights organisations testify that municipalities lack working methods to find and offer support to migrants with disabilities. Housing for asylum seekers and newly arrived persons with a residence permit lack accessibility and is usually not permanent. Curses in Swedish are not always available. People from the group often encounter difficulties in finding work. They also describe difficulties in navigating the support system and in knowing what their rights are.¹²²

¹²⁰ SOU 2021:88.

¹²¹ See several statements on the Ministry Memorandum “Ett höjt försörjningskrav för arbetskraftsinvandrare” [An increased maintenance requirement for labour immigrants], such as those from the Equality Ombudsman (ref. no. ALLM 2023/2805), the Swedish Gender Equality Agency (ref. no. ALLM 2023/144) and Flyktinggruppernas riksråd.

¹²² The Institute’s dialogue talks with participants in the project Disabled refugees welcome, 2–3 May 2023.



Rights of Persons with Disabilities

In 2024, 15 years will have passed since the Convention on the Rights of Persons with Disabilities (CRPD) entered into force in Sweden. During the year, the Institute highlighted in particular that the Convention has not yet been fully implemented. The living conditions of persons with disabilities are still generally worse than for the rest of the population. Education levels are lower, unemployment is higher, economic disadvantage is greater and physical and mental health is worse. There are large differences in Sweden in terms of the work with greater accessibility and participation in society. Moreover, violence, coercion and limitations in health-care and support efforts still occur.

In March 2024, Sweden was reviewed by the UN Committee on the Rights of Persons with Disabilities (UN CRPD Committee). In 2023, the Institute worked to prepare an alternative report to the Committee. In the report, the Institute highlighted a number of areas where Sweden needs to increase its efforts to meet the commitments under the CRPD. The Institute also submitted proposals on the recommendations the Committee could make to Sweden in connection with the review. Here are some examples of the current challenges that the Institute highlighted in its report.

Lack of systematic approach in the implementation of the CRPD

Article 4 of the CRPD sets forth that the obligation of the State to implement all appropriate legislative, administrative and other measures to fulfil the rights of persons with disabilities. However, based on what the Institute has seen in the work on the report to the UN CRPD Committee, it is clear that the impact of the CRPD is lacking in Sweden.

In order to effectively increase the impact of the rights, there is a need for greater transposition of the provisions of the Convention into Swedish law, which is to say that the content of the Convention needs to be converted into regulations within national law to a greater extent than is currently the case. In the report to the UN CRPD Committee, the Institute therefore proposed that the Committee recommend Sweden to conduct a systematic review of the conformity of legislation and the application of law with the CRPD. Such a review has not been done since the CRPD was ratified in 2008.¹²³

The Institute also pointed out that the impact on the rights of persons with disabilities needs to be taken into account to a greater extent in legislative work and budgeting, and proposed that a regulation be introduced that establishes the obligation to report the impact of various legislative proposals on the implementation of the CRPD.¹²⁴ The Institute also proposed measures to ensure that Swedish courts and authorities take the CRPD into account in their processes and decisions to a greater extent than is done today.

In addition, the Institute noted that a cross-sectoral area such as disability policy places high demands on the coordination of society's efforts so that they strive in the same direction.¹²⁵ In the opinion of the Institute, Sweden's current system cannot be considered to meet this need. The Institute therefore proposed that the UN CRPD Committee recommend Sweden to prepare a strategy and action plan with measurable targets, indicators, division of responsibilities and follow-up for the implementation of the CRPD.

¹²³ Ds. 2008:23.

¹²⁴ Cf. e.g. Sections 14–16 of the Committee Ordinance (1998:1474).

¹²⁵ SOU 2019:23.

The need for early effective action to ensure clear and strategic governance in this area is, in the opinion of the Institute, particularly clear in the light of the results of a nationwide survey of the work of municipalities and regions. It shows that disability policy work today is not always a political priority, and that there is a risk of disability policy being down-prioritised when security policy, crisis preparedness and law enforcement are currently high on many agendas. It also becomes clear that the economic situation with high inflation places extensive pressure on the budgets of municipalities and regions.¹²⁶

In the report to the UN CRPD Committee, the Institute also pointed out that studies and descriptions from persons with disabilities show that the forms of collaboration used at the national, regional and local level do not always meet the requirements of the CRPD on closely consulting and actively involving persons with disabilities in issues that concern them.¹²⁷ Among other things, it was described that it can be difficult to have comments and suggestions listened to, that the disability advisory boards are involved too late in the decision-making processes and that feedback is not provided on how the opinions of these advisory boards have been addressed. The Institute proposed that the UN CRPD Committee should recommend Sweden to review the conditions and forms of involvement at the national, regional and municipal level, in order to ensure meaningful participation of persons with disabilities and their organisations.

¹²⁶ County administrative boards, “Funktionshinderspolitiken – så arbetar kommuner och regioner 2023” [Disability policy – how municipalities and regions work in 2023], 2023.

¹²⁷ See, for example, the County Administrative Board of Stockholm, Funktionshinderråden i länet 2022 – behov och utveckling [Disability advisory boards in the county in 2022 – needs and development], 2022; the Swedish Agency for Participation, Uppföljning av funktionshinderspolitiken [Follow-up of disability policy], 2023; Swedish Disability Rights Federation, et al., Second alternative report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Sweden, 2024.

Continued inequality and lacking inclusion

Non-discrimination and full and effective participation and inclusion in society are among the fundamental principles of the CRPD according to Article 3. The CRPD also establishes the right to education (Article 24), health (Article 25), work and employment (Article 27), and adequate standard of living and social protection (Article 28). At the time of the review by the UN Committee on the Rights of Persons with Disabilities, 15 years had passed since the CRPD entered into force in Sweden. Even if development is moving in a positive direction in some areas, the paradigm shift resulting from the Convention has not yet been fully implemented in Sweden and several of the general commitments and specific rights have not yet been fully implemented or realised. This applies, for example, to people's opportunities for self-determination, participation, health, education, work, leisure, democracy and freedom. In some respects, there have been set-backs.

In the report to the CRPD Committee, the Institute described that the living conditions of persons with disabilities are still generally worse than for the rest of the population in the country. Education levels are lower, unemployment is higher, economic vulnerability is greater and physical and mental health is worse. Persons with disabilities are also more exposed to various forms of violence and wrongs at home, at school, at the workplace and on the Internet for example. Among the measures proposed by the Institute are efforts to strengthen support in schools, improve support to promote entry into the labour market, ensure reasonable compensation levels in social security and efforts to strengthen access to healthcare.¹²⁸

The Institute also noted that special structures are still used for certain persons with disabilities in areas such as education, employment and housing. These include adapted schools, daily activities and housing with special service. The special structures aim to improve conditions and outcomes, but considering how the structures are designed and work, there is a risk that they contribute to isolation and segregation, not least for people with autism and intellectual disabilities. In the

¹²⁸ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 6 February 2024.

report to the UN CRPD Committee, the Institute proposed that the Committee recommend Sweden to review these systems with a special focus on the right to non-discrimination, self-determination and full participation in the community¹²⁹ (see the section on the “Institute’s recommendations”).

Neglected accessibility work

Article 9 of the Convention on the Rights of Persons with Disabilities requires Sweden to implement measures to ensure that persons with disabilities have access on equal terms with others to the physical environment, transportation, information, services and information and communication technology.

Studies show that there are currently significant differences in accessibility work at the local and regional level and there is often a lack of consistent and systematic work in this area.¹³⁰ Research shows that accessibility work in municipalities often encounters extensive resistance or is negotiated away and that competing interests have a greater impact.¹³¹ Municipalities and regions often fail to impose accessibility requirements in relevant procurements, despite the fact that there is binding regulation to this regard.¹³² Too little use is made of “universal design”, i.e. solutions that are designed from the beginning to work well for as many people as possible. Progress on “easily eliminated obstacles” is below expectations.¹³³

¹²⁹ Ibid.

¹³⁰ County administrative boards, “Funktionshinderspolitiken – så arbetar kommuner och regioner 2023” [Disability policy – how municipalities and regions work in 2023], 2023.

¹³¹ Hanna Egard, “Accessible Enough? Legitimising Half-Measures of Accessibility in Swedish Urban Environments,” in Hanna Egard, et al. (eds.), *Accessibility Denied: Understanding Inaccessibility and Everyday Resistance to Inclusion for Persons with Disabilities* (London: Routledge, 2021).

¹³² Swedish Agency for Participation, *Resultat från uppföljning av kommuner 2022* [Results from follow-up of municipalities in 2022], 2023; Swedish Agency for Participation, *Uppföljning av funktionshinderspolitiken* [Follow-up of disability policy], 2023.

¹³³ Independent Living Institute, *Hur Sveriges kommuner och regioner hanterar frågor om enkelt avhjälpta hinder* [How Sweden’s municipalities and regions handle issues of easily removed obstacles], 2018.

The Institute pointed out to the UN CRPD Committee that there is a need in Sweden to strengthen the conditions for using universal design to a greater extent as an evaluation criterion in procurement contexts. The Institute also recommended that Sweden establish a coherent monitoring system that monitors accessibility over time based on indicators that measure the structure, process and performance of national, regional and municipal authorities. A large number of people in Sweden, many of whom have disabilities, do not yet have access to an electronic ID, which causes problems logging into banking services, shopping online or contacting authorities¹³⁴ (see the section Technology and digitalisation). The transition from manual to digital payment services also especially affects persons with disabilities.¹³⁵ Other challenges with digitalisation are filling in applications and forms digitally, reading small or hard-to-access text and managing the effect of website algorithms.¹³⁶ Increased digitalisation and the use of technology also affect access to healthcare.¹³⁷ In the report to the UN Committee on the Rights of Persons with Disabilities, the Institute highlighted the importance of involving persons with disabilities, including children and young people, in all work on digitalisation to create the conditions for persons with disabilities to benefit from digital development to the same extent as others.

Violence, coercion and limitations in care and supportive interventions

Articles 14, 15 and 16 of the Convention on the Rights of Persons with Disabilities state that persons with disabilities have the right to freedom and personal security, the right not to be subjected to cruel, inhuman or degrading treatment and the

¹³⁴ SOU 2023:61.

¹³⁵ County administrative boards, *Bevakning av grundläggande betaltjänster [Monitoring of basic payment services]*, 2023.

¹³⁶ See, for example, Kristin Alfreðsson Ågren, *Internet Use and Digital Participation in Everyday Life*, thesis at Linköping University, 2020; Internet Foundation, *Svenskarna och internet [The Swedes and the Internet]*, 2023; *Begripsam, Svenskarna med funktionsnedsättning och internet [The Swedes with disabilities and the Internet]*, 2021.

¹³⁷ “Forskare: Hög tröskel att förstå chattbot i 1177” [Researcher: High threshold to understand chatbot in 1177], *Dagens Nyheter*, 24 October 2023.

right not to be subjected to exploitation, violence or abuse. In the report to the UN CRPD Committee, the Institute highlighted several areas where Sweden is deficient in relation to these rights.

The use of compulsory psychiatric care is still widespread in Sweden.¹³⁸ Several forms of coercive measures are also still permitted in compulsory psychiatric care. Among other things, solitary confinement, restraint and non-consensual treatment, including electro-convulsive therapy (ECT), are permitted.¹³⁹ Children can also be subject to compulsory psychiatric care and coercive measures. A recent review showed that, in compulsory psychiatric care of children, coercive measures are used without legal support and that there are shortcomings in competence, self-inspection and a child rights perspective.¹⁴⁰ There is also a need for improvement in efforts to prevent coercive measures.¹⁴¹

Children and young people with neuropsychiatric disabilities are overrepresented in the special youth homes of the Swedish National Board of Institutional Care (SiS).¹⁴²

¹³⁸ In 2022 approximately 12,600 people in Sweden were treated in institutional compulsory psychiatric care. National Board of Health and Welfare, Statistikdatabasen om psykiatrisk tvångsvård och rättspsykiatrisk vård [Statistics database on compulsory psychiatric care and forensic psychiatric care], downloaded 13 November 2023.

¹³⁹ Compulsory Psychiatric Care Act (1991:1128) and Forensic Psychiatric Care Act (1991:1129).

¹⁴⁰ Health and Social Care Inspectorate, *Brister i psykiatrisk tvångsvård av barn* [Deficiencies in compulsory psychiatric care of children], December 2023.

¹⁴¹ Health and Social Care Inspectorate, *Psykiatrin har förutsättningar för att begränsa antalet tvångsåtgärder, men det systematiska kvalitetsarbetet behöver förbättras* [Psychiatry has conditions to limit the number of coercive measures, but systematic quality work needs to be improved], 2020; National Board of Health and Welfare, *Psykiatrisk tvångsvård och rättspsykiatrisk vård* [Compulsory psychiatric care and forensic psychiatric care], 2023.

¹⁴² Health and Social Care Inspectorate, *Tillsyn av SiS särskilda ungdomshem 2021–2022. Redovisning av regeringsuppdrag S2021/03345* [Supervision of SiS special youth homes 2021-2022. Report of Government assignment S2021/03345], 2023; Swedish National Board of Institutional Care, *Tvångsvårdade ungdomars erfarenheter av personalens bemötande vid SiS- och BUP-institutioner* [Young people in compulsory care's experiences of their treatment by the staff at institutions run by SiS and child and adolescent psychiatric services], 2023.

Solitary confinement and care in isolation are still permitted here.¹⁴³ Individuals with neuropsychiatric disabilities are also affected to a higher degree than others by various forms of coercive measures during their stay at SiS¹⁴⁴ (see the section “Deprivation of liberty”). In group housing for adults and children with disabilities, there is also coercive and restrictive measures and violence against the residents. Persons with disabilities are subjected to being locked in, restrained, knocked down, placed in handcuffs or prevented from leaving their apartments.¹⁴⁵ From 2016 to 2023, the Health and Social Care Inspectorate (IVO) highlighted a number of cases involving children and young persons with disabilities, where cage-like beds and

¹⁴³ Care of Young Persons (Special Provisions) Act (1990:52) (LVU). Enforcement of Custodial Youth Care Act (1998:603) (LSU).

¹⁴⁴ Children’s Rights Agency, ’... och jag kunde inte andas’ – En granskning av våld mot barn på de statliga ungdomshemmen [’... and I couldn’t breathe’ – A review of violence against children in State youth homes], 2021. Swedish National Board of Institutional Care, SFA, Särskilt förstärkta avdelningar [SSW, Specially strengthened wards], 2023.

¹⁴⁵ Health and Social Care Inspectorate, Att inte få rätten att leva som andra. Redovisning av den nationella tillsynen av gruppboheter för vuxna enligt LSS [Not having the right to live as others. Report of the national supervision of group homes for adults according to the Act concerning Support and Service for Persons with Certain Functional Impairments], 2023; Health and Social Care Inspectorate, Vad har IVO sett 2022? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2022 [What did the Health and Social Care Inspectorate see in 2022? Observations and conclusions on the shortcomings of health and social care for the operating year 2022], 2023; Health and Social Care Inspectorate, Vad har IVO sett 2021? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2021 [What did the Health and Social Care Inspectorate see in 2021? Observations and conclusions on the shortcomings of health and social care for the operating year 2021], 2022; Health and Social Care Inspectorate, Vad har IVO sett 2020? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2020 [What did the Health and Social Care Inspectorate see in 2020? Observations and conclusions on the shortcomings of health and social care for the operating year 2020], 2021; Health and Social Care Inspectorate, Vad har IVO sett 2019? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2019 [What did the Health and Social Care Inspectorate see in 2019? Observations and conclusions on the shortcomings of health and social care for the operating year 2019], 2020; Health and Social Care Inspectorate, Vad har IVO sett 2018? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2018 [What did the Health and Social Care Inspectorate see in 2018? Observations and conclusions on the shortcomings of health and social care for the operating year 2018], 2019.

spaces were used in publicly operated facilities and/or with the knowledge of the public healthcare services. The phenomenon was highlighted in municipalities and regions in different parts of the country.¹⁴⁶

It also happens that people who live in special forms of housing are given drugs or monitored in various ways without them knowing it.¹⁴⁷

The Institute views with great concern the serious shortcomings that exist in the realisation of the rights under Articles 14, 15 and 16 of the Convention on the Rights of Persons with Disabilities. In the report to the UN CRPD Committee, the Institute proposed that the Committee recommend that the use of coercive measures on children be prohibited. The Institute also proposed to initiate an overhaul of the regulatory framework of compulsory psychiatric care and forensic psychiatric care and the compliance of the application of law with the rights of persons with disabilities. The Institute also pointed out that measures should be implemented to identify and address structural deficiencies that lead to violence, coercion and limitations in special forms of housing for persons with disabilities.

¹⁴⁶ These include cage-like sleeping areas with bars and plexiglass from floor to ceiling and air-holes at ceiling height, as well as locking devices that made it possible to lock the person in. See the Health and Social Care Inspectorate decision on 1 December 2016 in ref. no. 8.4.2-27893/2016-19, 19 August 2020 in ref. no. 3.5.1-00373/2020-17, 9 June 2020 in ref. no. 3.5.1-00287/2020-12 and 1 February 2023 in ref. no. 3.2.2-33287/2022-17. Also see "Ungdom sov i bursäng – boende kritiseras av Ivo" [Youth sleeping in cage beds – housing is criticised by Health and Social Care Inspectorate], Sveriges Radio, 10 February 2023.

¹⁴⁷ Health and Social Care Inspectorate, Att inte få rätten att leva som andra. Redovisning av den nationella tillsynen av gruppboendestäder för vuxna enligt LSS [Not having the right to live as others. Report of the national supervision of group homes for adults according to the Act concerning Support and Service for Persons with Certain Functional Impairments], 2023.

The right to self-determination and full participation in society

According to Article 19 of the Convention on the Rights of Persons with Disabilities, persons with disabilities have the right to support in order to live a self-determined life and to participate fully in society. Access to support is limited, however, and the conditions for real self-determination and full participation in society are lacking.

Between 2015 and 2022, the number of people with personal assistance decreased annually, and access to certain other interventions, such as companion services and contact persons, is also decreasing.¹⁴⁸ On the other hand, surveys show that the intervention of housing with special service according to LSS for adults has increased significantly over a long period of time. The Swedish National Board of Health and Welfare states that it cannot be ruled out that a contributing cause is reduced support in the home for persons with disabilities.¹⁴⁹

Persons with disabilities also testify to a partial return to the medical model.¹⁵⁰ This means that the person's own needs, interests and the right to self-determination are not

¹⁴⁸ Swedish Social Insurance Agency, Antal personer som fått assistansersättning från och med 1994 [Number of people who received assistance compensation beginning in 1994], downloaded 13 December 2022; National Board of Health and Welfare, Insatser och stöd till personer med funktionsnedsättning – lägesrapport 2023 [Interventions and support for persons with disabilities – status report 2023], 2023. National Board of Health and Welfare, Förändringar i ledsagning över tid [Changes in companion services over time], 2023; Swedish Agency for Participation, Ett kunskapsstöd för kommunernas arbete med insatsen kontaktperson enligt LSS [A knowledge support for the municipalities' work with the contact person intervention according to the Act concerning Support and Service for Persons with Certain Functional Impairments], 2023.

¹⁴⁹ National Board of Health and Welfare, Insatser och stöd till personer med funktionsnedsättning. Lägesrapport 2023 [National Board of Health and Welfare, Measures and support for persons with disabilities. Situation Report 2023], 2023.

¹⁵⁰ In the medical model, persons with disabilities are not recognised as rights-bearers, but are “reduced” to their disability. According to these models, discriminatory treatment or special treatment and exclusion of persons with disabilities is considered the norm and is legitimised with a medical perspective that a disability corresponds to an inability of the individual. See the UN Committee on the Rights of Persons with Disabilities, General comment no. 6 on equality and non-discrimination, 26 April 2018, UN Doc. CRPD/C/GC/6, para. 8. The general comment is translated into Swedish through the Swedish Agency for Participation.

respected.¹⁵¹ Persons with disabilities describe how investigations tied to applications for supportive interventions require the individual to accept far-reaching violations of their privacy.¹⁵² Persons with disabilities describe experiences of feeling distrusted, being placed under suspicion and treated as a burden, rather than being treated as individuals with rights and the capacity to make valuable contributions to society.

In Sweden, there are also differences in some cases between different persons with disabilities that are not based solely on differences in needs, but are based, for example, on the nature of the disability or the person's age. Among other things, people with visual impairment, deaf-blindness or mental disabilities, as well as elderly people with extensive support needs are often given support interventions according to legislation that lacks a clear disability perspective. It can be questioned if the support currently provided to these groups meets the criteria for support based on the principles of choice and control and service that adequately promotes participation in the community.

Due to these shortcomings, the Institute has proposed that the UN CRPD Committee should recommend Sweden to ensure access to companion services in order for people with visual impairment and deaf-blindness to be able to participate in the community, have control over their everyday choices on the same basis as others and not end up in social isolation. The Institute also pointed out the need to safeguard the right to support for self-determination and inclusion in the community for older persons with disabilities acquired at any age.¹⁵³ In the referral reply to the inquiry on a State responsibility for personal assistance, the Institute supports the proposal that personal assistance should be organised under collective State responsibility. The Institute assesses that a collective responsibility under State direction would have the potential to positively contribute to the implementation of the CRPD in Sweden, through improved conditions for equivalent assessments of individuals' applications for personal assistance. The Institute also shares the inquiry's assessment that a collective responsibility can have positive effects on the right to integrity, and on the individual's ability to demand his or her rights.¹⁵⁴

¹⁵¹ National Board of Health and Welfare, *Förändringar i ledsagning över tid* [Changes in companion services over time], 2023.

¹⁵² Swedish Disability Rights Federation, *Respekt för rättigheter?* [Respect for rights?], 2019.

¹⁵³ Swedish Institute for Human Rights, *Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024*, 2024.

¹⁵⁴ See the Institute's referral statement on SOU 2023:9, 9 June 2023, ref. no. 1.1.2-290/2023.

Principles of the rule of law, civil and political rights

Respect for the rule of law is a fundamental prerequisite for the implementation of human rights. Among other things, it is a matter of power being exercised under the laws, and everyone being treated equally. The principles of the rule of law, and respect for human rights, are especially important in times of crisis or when society faces other difficult challenges.

Civil and political rights, such as the freedoms of speech and information are important components of a functioning democracy, regardless of the time and context. Fundamental freedoms enable individuals and groups to participate in discussions that affect their life situation, and they form the basis for better decisions at every level of society.

Principles of the rule of law

An important part of the rule of law principles is that the legislative process must be open and democratic. During the year, the Institute pointed out that a high legislative pace and a lack of impact assessments of the effect of various legislative proposals on human rights challenge a good legislative process in accordance with human rights.

The Institute gave its support to the proposal for strengthened constitutional protection of the independence of the courts. The Institute also believes that there is an additional need to strengthen the independence and impartiality of courts and wants to see an investigation of the system of lay judges. The Institute has advised against proposals on anonymous witnesses.

Challenges to the rule of law

Respect for the principles of the rule of law, in conjunction with a democratic form of government, constitutes a fundamental prerequisite for the implementation of human rights. It is a matter of all public authority being exercised within the scope of the law, and of all people being equal before the law. According to the principles of the rule of law, there must also be a clear division of powers between the state actors, for example between the legislature and the courts. Arbitrary exercise of power must be prohibited and counteracted. The legislative process must be transparent, open to accountability, democratic and pluralistic. Individuals must receive effective legal protection through access to judicial review by independent and impartial courts.¹⁵⁵

During Sweden's EU Presidency, the Government and the EU Agency for Fundamental Rights (FRA) organised a conference in Lund on institutional protection of fundamental rights in times of crisis.¹⁵⁶ The conference's overall message was that in times of crisis and major societal challenges, it is more important than ever to have strong protection for human rights. Similar reasoning is behind the formulation of the Constitution's rights protection. When the protection of rights and freedoms in the Instrument of Government was extended in 1976, it was pointed out that constitutional protection for rights and freedoms is of the utmost significance in cases where the democratic social order is threatened by anti-democratic movements within the country. In the preparatory work, it was noted that it is mainly in such situations that there may be a risk of the democratic institutions failing in the maintenance of civil liberties.¹⁵⁷

The Institute sees a strong need for the Government, the Swedish Parliament and authorities to be able to counter the challenges that arise from, for example, wars in the immediate area, criminal networks and threats from international terrorism. The measures put in place to, for example, protect the public and combat criminal

¹⁵⁵ See, for example, the Venice Commission, Rule of Law Checklist, adopted by the Venice Commission at its 106th Plenary Session, 11-12 March 2016, CDL-AD(2016)007-e.

¹⁵⁶ Swedish presidency of the Council of the European Union & European Union Agency for Fundamental Rights (FRA), "Conference on Institutional Protection of Fundamental Rights in Times of Crises," 10 April 2023.

¹⁵⁷ Government Bill 1975/76:209.

networks must, however, be in compliance with our Constitution and international conventions that Sweden is bound by (see the section “The right to life and personal security”).

High legislative pace and shortcomings in impact assessments

The principles of the rule of law also set the framework for how draft measures are prepared.

In Sweden, new laws are usually drafted by the Government submitting legislative proposals to the Swedish Parliament. Pursuant to Chapter 7, Section 2 of the Instrument of Government, the Government should ensure that a matter has been considered from different perspectives before a decision is made. The Swedish review system for new legislation therefore generally means that a report from an inquiry goes out for referral with authorities, municipalities and civil society before the Government takes a position on the proposals. This means that the Government receives feedback on the proposals regarding how a societal problem can be solved, and its possible consequences, from a variety of perspectives. The decisions thereby achieve a higher quality, which is good for both democracy and the rule of law.¹⁵⁸ According to the Institute, the drafting requirement in the Instrument of Government and the constitutional practice developed in this area, largely meet the requirements for a democratic legislative process according to the principles of the rule of law that are laid down in international regulatory framework.¹⁵⁹

A meaningful referral procedure also presupposes that various actors have enough time to analyse the proposals and express their opinions on them. The main rule is that the referral period is no shorter than three months. In recent years, the referral period for several proposals has been shorter than this. The Institute has advised against a proposal on the introduction of security zones or bodily search zones on

¹⁵⁸ See the report 2008/09:KU10 p. 63.

¹⁵⁹ See, for example, the Venice Commission, Compilation of Venice Commission Opinions and Reports on Lawmaking Procedures and the Quality of Law (CDL-PI2[021]003), 29 March 2021, and OSSE/ODIHR, Guidelines on Democratic Lawmaking for Better Laws, 2024.

both formal and material grounds (see the section on “The right to life and personal security”). The formal grounds were that the requirements of the Instrument of Government on drafting legislation could not be considered to have been met as the response time for submitting a referral reply was unreasonably short. A short response time is, in the opinion of the Institute, at risk of denying important referral bodies the possibility of submitting thoroughly prepared referral replies, which in the long run may have a negative impact on the rule of law.¹⁶⁰

In criminal policy for example, the legislative pace has been so high that in several cases this fundamental requirement could not be met. Along with several other actors, the Institute has expressed concern that, for example, reforms need to be evaluated before new ones are initiated. The Institute has also pointed out that inquiries in the same or nearby areas have been under way in parallel. This means that the inquiries are unable to analyse what impact their proposals have on human rights, let alone the cumulative effect of a number of changes. This risks leading to the proposals, if implemented, becoming difficult to survey and apply in a legally certain manner¹⁶¹ (see the section “The right to life and personal security”).

The shortcomings in the analysis of the impact of legislative proposals on human rights have led the Institute, on several occasions during the year, to point out the need for a clear procedure on carrying out impact assessments of how legislative proposals and other measures relate to Sweden’s obligations in the human rights field.¹⁶²

¹⁶⁰ See the Institute’s referral statement on the memorandum *Säkerhetszoner – ökade möjligheter för polisen att visitera för att förebygga brott* [Security zones - increased possibilities for the police to conduct searches to prevent crime] (Ds 2023:31), 18 January 2024, ref. no. 1.1.2-634/2023. Cf. the statement of the Council on Legislation on 30 December 2022 on secrecy in the Swedish Social Insurance Agency’s handling of matters regarding electricity support and a rescinded obligation to submit a statement of earnings.

¹⁶¹ See the Institute’s referral statement on the draft legislative referral *Bättre möjligheter att verkställa frihetsberövanden* [Better possibilities to carry out detentions], 15 November 2023, ref. no. 1.1.2-526/2023.

¹⁶² See, for example, the Institute’s referral statement on the report *Ökat informationsflöde till brottsbekämpning – En ny huvudregel* [Increased information flow to law enforcement – A new general rule] (SOU 2023:69), 2023-12-20, ref. no. 1.1.2-633/2023.

Independence and impartiality of courts

A fundamental prerequisite for a functioning rule of law is that courts are independent and impartial. This is pursuant, for example, to Article 6 of the ECHR on the right to a fair trial, which states that the trial shall be held before an “independent and impartial court”.¹⁶³

The independence and impartiality of courts is also guaranteed through various provisions in the Instrument of Government. Pursuant to Chapter 1, Section 9 of the Instrument of Government, the courts shall in their activities take into account everyone’s equality before the law and observe objectivity and impartiality. Pursuant to Chapter 11, Section 3 of the Instrument of Government, no authority, or the Swedish Parliament, can decide how a court should rule in an individual case or how it should apply a rule.

During the year, a parliamentary committee presented proposals on various measures aimed at strengthening the independence of the courts.¹⁶⁴ Among other things, the Committee proposed that the first chapter of the Instrument of Government should state that the administration of justice is exercised by independent courts. In its referral statement, the Institute supported the proposal, but believes that it is important that the impartiality of courts should also be indicated in the provision. Courts should not only “observe” impartiality, but must also be, and appear to be, impartial. This is in line with the international commitments mentioned above.

Courts both being, and being perceived to be, impartial also raises the question of the Swedish system of lay judges appointed by the political parties. In rulings, lay judge have the same voting rights as the professional judge and thereby exercise power against individuals in the judgment. The question of lay judges’ impartiality and connection to political parties was highlighted during the year in the wake of the “snippa judgment”. In this judgment, a man was acquitted by the Court of Appeal for Western Sweden in a case involving the rape of a ten-year-old girl.¹⁶⁵

¹⁶³ Similar provisions exist, for example, in the International Covenant on Civil and Political Rights (Article 14) and the EU Charter of Fundamental Rights (Article 47).

¹⁶⁴ SOU 2023:12.

¹⁶⁵ The Court of Appeal for Western Sweden’s judgment on 23 February 2023 in case B 6074-22.

The judgment was severely criticised and covered in the media. One week after the judgment was pronounced, the two lay judges who had participated in the decision of the Court of Appeal left their assignments. They were both appointed after being nominated by the Social Democrats and resigned after being called to a meeting with the Social Democrats in Gothenburg.¹⁶⁶

In light of this, during the year, the Institute proposed that the Government should investigate how a new recruitment system for lay judges can be designed without the involvement of the political parties.¹⁶⁷

Fundamental freedoms and democracy

In Sweden, freedom of expression is generally well protected. Freedom of expression is also strongly linked to other fundamental freedoms, such as freedom of information, freedom of assembly, freedom of demonstration, freedom of association, freedom of religion and freedom of the press. In 2023, however, the Institute saw examples of the position of these fundamental rights being called into question and undermined. Issues related to media freedom, academic freedom and civic space were also raised during the year. In addition, the Institute draws attention to the fact that persons with disabilities have worse possibilities to participate in public and political life.

¹⁶⁶ “Nämndemän lämnar uppdrag efter snippadomen” [Lay judges leave assignment after the snippa judgment], Svenska Dagbladet, 2 March 2023.

¹⁶⁷ See the Institute’s referral statement on the report Förstärkt skydd för demokrati och domstolars oberoende [Strengthened protection for democracy and the independence of courts] (SOU 2023:12), 31 August 2023, ref. no. 1.1.2-187/2023 and En översyn av vissa frågor om offentliga biträden [A review of certain issues regarding public counsel] (Ds 2023:14), 30 October 2023, ref. no. 1.1.2-442-2023.

Fundamental rights and freedoms in Chapter 2, Section 1 of the Instrument of Government

Freedom of opinion

Section 1 Everyone shall be guaranteed the following rights and freedoms in his or her relations with public institutions:

1. Freedom of expression: the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;
2. Freedom of information: the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;
3. Freedom of assembly: the freedom to organise or attend meetings for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;
4. Freedom to demonstrate: the freedom to organise or take part in demonstrations in a public place;
5. Freedom of association: the freedom to associate with others for public or private purposes; and
6. Freedom of religion: the freedom to practise one's religion alone or in the company of others.

The limits of the freedom of expression are being tested

In 2023, several intensive debates were conducted around the limits of freedom of expression. The freedoms of expression and assembly are fundamental human rights and fundamental principles in a democratic country. However, in some cases, these freedoms can be restricted to protect the freedoms and rights of other people and to counter hate speech. For example, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) allows the freedoms of expression and assembly to be restricted for these reasons if the restriction is prescribed by law and necessary in a democratic society.¹⁶⁸ In addition to this, Sweden shall ensure that any spread of ideas based on racial hatred and the promotion of racist or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited in law.¹⁶⁹

The Quran burnings that have occurred around the country have prompted debate over a possible ban on burning the Quran and other religious t in public places. The debate has centred around two different issues, partly whether Quran burnings should be seen as incitement to racial hatred, and partly whether Sweden's security should be taken into consideration in permit reviews for public gatherings. In late summer, the Government commissioned a special investigator to review whether Sweden's security should be able to be taken into account in the permit review for public gatherings under the Public Order Act. One of the issues to be investigated is whether restrictions of the freedom of demonstration for national security reasons should only apply to foreign citizens.¹⁷⁰ The special investigator's report is to be presented no later than 1 July 2024.

In 2023, a judgment was pronounced that for the first time examined if burning the Quran can be considered to constitute incitement to racial hatred¹⁷¹. A man was convicted of incitement to racial hatred after burning a Quran together with bacon and then filming when the burned Quran was placed outside a mosque. The film was accompanied by the same anti-Muslim music that was played during the mass

¹⁶⁸ European Convention on Human Rights, Articles 10(2) and 11(2).

¹⁶⁹ International Covenant on Civil and Political Rights, Article 20(2) and the Convention on the Elimination of All Forms of Racial Discrimination, Article 4(a).

¹⁷⁰ Dir. 2023:123.

¹⁷¹ Linköping District Court's decision of 12 October 2023 in case no. B 1406-21.

shootings in two mosques in Christchurch, New Zealand, in 2019. In other words, the case contained several different components that together were considered to constitute incitement to racial hatred. However, it remains for the court to determine whether Quran burnings can constitute incitement to racial hatred in other contexts.

In 2023, several administrative court judgments were also announced in relation to Quran burnings. The Administrative Court of Appeal in Stockholm held that the police were mistaken when they refused permission for a public gathering to burn a Quran.¹⁷² In another case, the Supreme Administrative Court reiterated that restrictions to the freedoms of assembly and demonstration according to the Instrument of Government May only be made by law and for certain specifically stated purposes. The decision of the Police Authority to cancel a public gathering where the Quran was to be burned in reference to the statutory provision on when a public gathering May be dispersed was therefore without legal support.¹⁷³

The issue of Quran burnings also prompted a polarised debate in a quickly convened meeting of the UN Human Rights Council in July 2023. The Council adopted a resolution condemning the advocacy and expression of religious hatred, including the public desecration of the Quran. The Council called on states to pass national laws that make it possible to prosecute such acts.¹⁷⁴ The Institute commented on the resolution and then stressed that religious criticism must be permitted, at least in reasonable forms, but not expressions of hatred against religious groups¹⁷⁵ (see the section “Fundamental freedoms and democracy”).

Media freedom and national security

The Institute’s previous annual report described the introduction of the crime of foreign espionage and the debate that preceded it, and the fear that this restriction

¹⁷² Stockholm Administrative Court of Appeal’s decision of 12 June 2023 in case no. 2080-23.

¹⁷³ Supreme Administrative Court 2023 ref. 50.

¹⁷⁴ UN Human Rights Council, Resolution A/HRC/53/L.23, 7 July 2023. The resolution was adopted by 28 votes for, 12 against and 7 abstentions.

¹⁷⁵ Swedish Institute for Human Rights, *Mänskliga rättigheter och koranbränningar* [Human rights and Koran burnings], 5 July 2023.



of the freedom of expression could lead to human rights defenders and journalists refraining from exposing abuses for fear of prosecution. The law entered into force on 1 January 2023 and in April, the Swedish public service television station SVT announced that it had for the first time stopped a publication in reference to the new law.¹⁷⁶ The publication was about map images from a leak from the U.S. Department of Defense, the Pentagon, which was claimed to point to vulnerabilities in the Ukrainian energy supply. At the same time, SVT criticised politicians for not responding to the criticism from several referral bodies and opinion leaders who pointed out that the law on foreign espionage would probably lead to self-censorship, aggravate the work of journalists and a deteriorated situation for informants.

In another context in 2023, Sweden maintained that national security should be a reason for applying coercive measures against journalists. As one of seven countries, Sweden pushed for a new EU law aimed at protecting journalists to include an exception that makes it possible to monitor journalists for “reasons of national security”.¹⁷⁷ Organisations such as Reporters Without Borders are critical of such an exception, as it would pave the way for the monitoring of journalists and their sources.

The proposed new media law, the European Media Freedom Act (EMFA), aims to increase media freedom in Europe by strengthening the editorial independence of the news media, protecting journalists and their sources, and countering political and economic interference in the media. The bill has been drafted in light of the fact that more and more EU countries are restricting the freedom of the press and that it has been discovered that Member States have used the Pegasus spy programme to monitor journalists. Countries are allowed to have stricter rules than the new law prescribes provided that they provide a stronger protection for freedom of the media, comply with EU legislation and do not restrict the free movement of media services.

At the time of writing, the bill’s exception for national security has been replaced by wording stating that the law respects the national obligations of Member States in

¹⁷⁶ “Spionerilag stoppar SVT-publicering” [Espionage law stops SVT publication], Sveriges Radio, 29 April 2023.

¹⁷⁷ “EU Capitals want Media Law Carve-Out to Spy on Reporters” Politico, 20 June 2023; “Seven EU Member States want to Legalise Spying on Journalists,” European Federation of Journalists Blog, 12 December 2023.

accordance with Article 4(2) of the Treaty on the European Union, especially their powers to ensure “essential state functions”.¹⁷⁸ According to Article 4(2), special functions must be respected the purpose of which is to ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security.¹⁷⁹ In practice therefore, it is possible for Sweden and other Member States to make exceptions to the Media Act in reference to national security, taking into account the EU Charter and the European Convention. The act is expected to be formally adopted in the spring of 2024.

Academic freedom

According to Article 15 of the International Covenant on Economic, Social and Cultural Rights, the State must respect “the freedom necessary for scientific research and creative activities”. The autonomy of universities is a prerequisite for academic freedom.¹⁸⁰ In a current ranking from the European University Association, Sweden is ranked 21st regarding the universities’ organisational autonomy, which is significantly lower than other Nordic countries. This is largely due to the Government’s statutory influence over the universities in the appointment of board members and the election of the vice-chancellors.¹⁸¹

In a referral reply for the Government’s upcoming research and innovation policy bill, the Institute has called on the Government to promote and safeguard academic freedom and strengthen the universities’ autonomy.¹⁸²

¹⁷⁸ European Council 5622/24, 19 January 2024.

¹⁷⁹ Treaty on European Union, Article 4(2).

¹⁸⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 13, 8 December 1999, UN Doc. E/C.12/1999/10, para. 40.

¹⁸¹ European University Association, University Autonomy in Europe IV: The Scorecard 2023, 2023.

¹⁸² See the Institute’s referral reply on the Government’s upcoming research and innovation policy bill U2023/01467, ref. no. 1.1.2-343/2023.

Freedom of religion and belief

The right to freedom of thought, freedom of conscience and freedom of religion is protected by the UN Universal Declaration of Human Rights (Article 18) and the European Convention (Article 9). This includes the right to exercise one's religion or belief through teaching, devotional practice, worship and religious customs, either alone or in community with others, either in public or in private. The freedom to exercise one's religion alone or together with others is also protected by Chapter 2, Section 1 of the Instrument of Government.

In the past year, issues related to the freedom of religion and belief, as well as discrimination and intolerance on the basis of religion have been high on the political agenda in Sweden.

The right of Muslims to practice their religion together with others has been called into question in politics. For example, the party leaders of the Swedish Democrats stated that Sweden needs to introduce a stop to the establishment of new mosques in Sweden and begin to “confiscate and demolish mosque buildings where anti-democratic, anti-Swedish, homophobic, anti-Semitic propaganda or general disinformation about Swedish society is spread”.¹⁸³ This prompted the Prime Minister to emphasise that places of worship will not be demolished in Sweden and that violent extremism should be combated within the framework of democracy and the rule of law.¹⁸⁴

On 11–20 October 2023, the UN Special Rapporteur on freedom of religion or belief conducted an extensive country visit to Sweden. The background of the visit was the resolution on Quran burnings adopted by the UN Human Rights Council in July 2023, but aimed to provide a broad overview of the challenges linked to issues of religion and human rights. During the visit, the Special Rapporteur met representatives of the Government, several authorities, religious communities and civil society organisations. The Special Rapporteur also visited the Institute for a round-table discussion with researchers and independent experts in the area in Sweden.¹⁸⁵

¹⁸³ Speech at the Sweden Democrats' Party Conference, 25 November 2023.

¹⁸⁴ “Kristersson: ‘Här river vi inte gudstjänstlokaler’” [PM Kristersson: ‘Here, we do not demolish places of worship’], Omni, 25 November 2023.

¹⁸⁵ Swedish Institute for Human Rights, *Flera utmaningar för religions- och trosfrihet i Sverige* [Several challenges to freedom of religion and belief in Sweden], 27 October 2023.

At the end of her visit, the Special Rapporteur provided preliminary observations and recommendations. The Special Rapporteur stressed the importance of understanding freedom of religion and belief as a broad human right and strengthening its protection. She also expressed concern over increased hatred and threats directed at religious communities, as well as the need for public support for them. The Special Rapporteur called for continued dialogue and cooperation between authorities and religious communities and stressed the importance of considering regional and local differences in the conditions for expressing one's faith or conviction in Sweden. She concluded by emphasising the importance of strengthening accountability for human rights at every level of society. A report was submitted to the UN Human Rights Council in March 2024.¹⁸⁶

Judgment on religious symbols during working hours

In a case at the Labour Court in January 2024, it was found that a female security guard in the Stockholm Metro was not subjected to discrimination when she was not allowed to wear a Muslim headscarf during work. The employer had adopted a neutrality policy that meant that wearing visible political, philosophical or religious symbols was not permitted to during working hours. The Court stated that it is clear that political, philosophical and religious symbols in certain situations can be perceived as a provocation by people with opposing sympathies and beliefs, which could increase the risk of threats and violence.¹⁸⁷ The judgment prompted some criticism among legal scholars, who argued that the proportionality review, or balancing of interests, to be done in the event of indirect discrimination plays an important role in not completely eroding the prohibition of discrimination. In the long run, it can also raise questions about what grounds of discrimination other than gender and religion can provoke and lead to undesirable reactions.¹⁸⁸

¹⁸⁶ Report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, Visit to Sweden, 1 March 2024, UN Doc. A/HRC/55/47/Add.2.

¹⁸⁷ Labour Court, judgment no. 71/23, case no. B 50/22, 13 December 2023. On several occasions, the European Court of Human Rights and the European Court of Justice have addressed the issue of the conditions for an employer's use of a neutrality policy. See, for example, the European Court of Human Rights, *Eweida, et al. v. United Kingdom*, no. 48420/10 et al., 15 January 2013, and the European Court of Justice (Grand Chamber) of 14 March 2017, *G4S Secure Solutions, C-157/15, EU:C:2017:203*.

¹⁸⁸ Sabina Hellborg, "Risken för våld rättfärdigar slöjförbud" [The risk of violence justifies a veil ban], JUNO, published digitally, 8 January 2024.

Hatred and threats directed at Jews and Muslims

In 2023, Jews and Muslims in Sweden testified to an increased occurrence of anti-Semitism and anti-Muslim racism. Jewish congregations and synagogues have been threatened and attacked several times in recent years. Jewish organisations and individual Jews have also been subjected to threats and hatred. At least one congregation has had to cease activities.

At the end of 2023, experiences of anti-Semitism and Islamophobia increased further, following the Hamas attack on Israel on 7 October and Israel's subsequent military operations in Gaza.

A study conducted by the Official Council of Swedish Jewish Communities showed that a majority of the members of the Jewish congregations in Stockholm, Gothenburg and Malmö feel that it has become less safe to live openly with a Jewish identity after 7 October.¹⁸⁹ Several Jewish congregations cancelled their public events and the Jewish congregation in Gothenburg called on its members not to wear Jewish symbols openly.¹⁹⁰

For a long time, Muslim mosques and congregation halls have been subjected to attacks and threats.¹⁹¹ In 2023, several high-profile events occurred, including a Quran burning outside Stockholm's mosque in connection with the Eid al-Adha holiday in July 2023.¹⁹² In the autumn of 2023, the entrance to Stockholm's mosque was vandalised with Islamophobic messages.¹⁹³ In November and December 2023,

¹⁸⁹ Official Council of Swedish Jewish Communities, Antisemitism i Sverige i svallvågorna av sjunde oktober [Anti-Semitism in Sweden in the wake of October 7], 20 November 2023.

¹⁹⁰ "Judiska församlingens uppmaning i Göteborg: Prata inte hebreiska och lämna judiska symboler hemma" [Jewish congregation's recommendation in Gothenburg: Don't speak Hebrew and leave Jewish symbols at home], SVT Nyheter, 11 October 2023.

¹⁹¹ See, for example, CEMFOR, Moskéers och muslimska församlingars utsatthet och säkerhet i Sverige [The vulnerability and security of mosques and Muslim congregations in Sweden], Uppsala University, 2018.

¹⁹² "Koranbränning utanför Stockholms moské – arrangör misstänks för hets mot folkgrupp" [Koran burning outside Stockholm's mosque – organiser suspected of incitement to racial hatred], SVT Nyheter, 28 June 2023.

¹⁹³ "Både judar och muslimer i Stockholm vittnar om ökat hat" [Both Jews and Muslims in Stockholm testify to increased hatred], SVT Nyheter, 13 November 2023.

premises belonging to the Somali Association in Södertälje were subjected to several attacks, in which stones and pork were thrown in through the windows.¹⁹⁴

The Institute views the increased exposure to racism that Jews and Muslims are experiencing in Sweden with great concern. At a parliamentary seminar in December to mark the 75th anniversary of the UN Universal Declaration of Human Rights, discussions were held about where the line runs for hatred, threats and polarising rhetoric.¹⁹⁵ The Institute has also initiated various studies that concern the security of minorities and other groups in vulnerable situations.¹⁹⁶

Freedom of religion

The right to religious freedom is protected in the Instrument of Government and several international conventions. The international protection of religious freedom comprises a right to practice one's religion or faith individually or in community with others, including through worship and observance of religious customs (UN Universal Declaration of Human Rights, Article 18; ECHR, Article 9; International Covenant on Civil and Political Rights, Article 18).

The UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Conviction (1981) specifically protects the right to establish and maintain places for worship and religious gatherings (Article 6(a)).

¹⁹⁴ “Griskött kastades in i Somaliska föreningens moské i Södertälje” [Pork was thrown into the Somali Association’s mosque in Södertälje], SVT Nyheter, 27 December 2023.

¹⁹⁵ Swedish Institute for Human Rights, Press Release: “Riksdagsseminarium om hat, hot och polariserande retorik i Sverige” [Parliamentary seminar on hatred, threats and polarising rhetoric in Sweden], 1 December 2023.

¹⁹⁶ Swedish Institute for Human Rights, Pledge submitted by the Swedish Institute for Human Rights to the Human Rights 75 Secretariat, 2023.

Judgments of civil disobedience

The right to peaceful gatherings is protected in the International Covenant on Civil and Political Rights (ICCPR), Article 21, and in Swedish constitutional provisions on the freedoms of assembly and demonstration. This is a right that creates conditions for the individual to express opinions individually, or together with others, and to participate in societal development.

In more and more places around the world, environmental defenders are protesting the lack of action to tackle climate change and environmental problems. The term “environmental defenders” is applied to people who seek information, public influence or redress in climate and environmental issues. According to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), the State is required to ensure that persons who exercise their right to information, public influence or redress in accordance with the provisions of the Convention are not in any way penalised, persecuted or harassed for this.¹⁹⁷

Environmental defenders’ protests take different forms. A number of environmental defenders choose to demonstrate, while others instead protest through actions that constitute civil disobedience. Civil disobedience can be defined as someone deliberately and publicly conducting a peaceful act of protest on an issue that is of public interest, and where the act constitutes a violation of the law.¹⁹⁸ One fundamental principle of civil disobedience can be said to be that anyone who performs an illegal act bears legal responsibility for that act. It should be noted that even peaceful action in some cases can have consequences for the freedoms and rights of others.

Persons who engage in civil disobedience in the form of non-violent acts do not lose their international human rights protection. For example, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention emphasises that protests in the form of civil disobedience constitute a legitimate exercise of the

¹⁹⁷ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), Article 3(8).

¹⁹⁸ UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Position paper: State repression of environmental protest and civil disobedience: a major threat to human rights and democracy, February 2024.

right to peaceful assembly as long as they are peaceful. This applies even if civil disobedience leads to disruptions to, for example, traffic or normal economic activities.¹⁹⁹

During the year, there have been statements by politicians and government representatives where climate activists who practice peaceful civil disobedience have been referred to as criminals, security risks, saboteurs of democratic political processes and destroyers of society, and compared with “totalitarian forces”.²⁰⁰ Politicians have also made proposals of stiffer penalties and compulsory detention of environmental and climate activists.²⁰¹ Both the Council of Europe’s Commissioner for Human Rights and the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention expressed concern at increasing negative and derogatory rhetoric from public sources in 2023.²⁰²

A number of judgments have been pronounced in the district court and court of appeal where people who participated in climate-related protests, mainly on motorways and traffic routes in rush hour traffic, have been charged primarily with crimes such as sabotage and refusal to follow a police order.²⁰³ The protests have aimed to create opinion on the climate crisis and the emergency that the protesters feel Sweden is experiencing, as expressed in several court hearings. The outcome of the judgments is not consistent as charges resulted in both acquittal and conviction. In terms of the penal provision on sabotage, the reasoning has centred around whether

¹⁹⁹ Ibid. Also see the UN Committee on Civil and Political Rights, General Comment No. 37, 17 September 2020, UN Doc. CCPR/C/GC/37 (2020), para.13, 15, 16 and 47.

²⁰⁰ “Klimataktivisterna som blev sabotörer” [Climate activists who became saboteurs], Sveriges Radio Konflikt, 19 January 2024; “Ministrar kritiserar klimataktivist: Stör demokratin” [Ministers criticise climate activists: Disrupting democracy], Tidningen Syre, 7 October 2023; “Jurister kritiserar rubriceringen sabotage mot klimataktivist” [Lawyers criticise the sabotage classification of climate activists], Tidningen Syre, 20 January 2024; Ulf Kristersson’s Instagram account 4 October 2023.

²⁰¹ Interpellation 2023/24:74 answered on 9 November 2023; “Strömmer (M) vill se hårdare straff för klimataktivist” [Strömmer (of the Moderate Party) wants to see tougher sentences for climate activists], Altinget, 10 November 2023.

²⁰² Dunja Mijatović, “Crackdowns on Peaceful Environmental Protests Should Stop and Give Way to More Social Dialogue,” Council of Europe, Human Rights Comment, 2 June 2023; Michel Forst, “The Criminalisation of Environmental Defenders is Not an Adequate Response to Civil Disobedience,” Domani, 11 April 2023.

²⁰³ Chapter 13, Section 4 and Chapter 16, Section 3 of the Swedish Penal Code.

the protest is to be considered a serious disruption. Guidance in preparatory work and practice on what this entails is missing, but in rulings from lower courts, it has been considered that there should be a disruption of greater dignity.²⁰⁴ The courts have come to different conclusions regarding the issue of whether a serious disruption arose, even if the circumstances in the cases were similar. Those who have been convicted of the crimes of sabotage and/or refusal to follow a police order have mainly been sentenced to probation and/or daily fines.

If charges and penalties for protests that use peaceful civil disobedience become disproportionate, there is a risk that the climate and environmental movement will be prevented from conveying their message and that the freedom of demonstration will be undermined. During the year, several lawyers pointed out that the penal provisions on sabotage should be seen in the light of the Constitution and relevant international conventions and should therefore be applied with restraint.²⁰⁵

Civic space

The objective of Swedish civil society policy is to improve the conditions for civil society, as a central part of democracy.²⁰⁶ Civil society plays a crucial role in promoting human rights and democratic development. Through an active and free civil society, conditions are created for people to influence decisions that concern them and contribute to the realisation of human rights and societal development in general.

For civil society to be able to be an active actor, legislation promoting freedom of expression and freedom of association is required, as well as conditions for funding

²⁰⁴ Svea Court of Appeal's judgment on 22 May 2023 in case no. B 2870–23 and Svea Court of Appeal's judgment on 7 July 2023 in case no. B 554–23.

²⁰⁵ Thomas Bull, *Saboterad demonstrationsfrihet? [Sabotaged demonstration freedom?]* in Moa Dahlin, et al. (eds.), *Commemorative volume to Elisabeth Rynning: Integritet och rättssäkerhet inom och bortom den medicinska rätten [Integrity and legal certainty within and beyond medical law]* (Uppsala: Iustus, 2023), pp. 57–66; “Jurister ifrågasätter sabotageåtal mot miljöaktivister” [Lawyers question sabotage charges against environmental activists], *Sveriges Radio*, 20 January 2024.

²⁰⁶ Government Bill 2009/10:55.

the activities. In addition, a secure environment is needed that protects civil society representatives and members from hatred and threats, as well as opportunities for collaboration and dialogue with other societal actors.

During the year, the European Commission highlighted Sweden's new terrorist legislation in its annual report on compliance with rule of law principles in the EU (see the section "The right to life and personal security"). The Commission pointed out that the effects of the law on civil society organisations have not been clarified and calls on Sweden to continue to ensure that legislative proposals that concern the funding and activities of civil society do not unduly affect the work of civil society.²⁰⁷

In 2023, civil society funding was characterised by increased uncertainty affected by the economy and political decisions. Large cuts in government support for study associations and the repeal of support for ethnic associations are affecting many activities throughout the country. This risks ultimately leading to limited access to rights in areas such as education and culture.²⁰⁸

In the Institute's dialogues with civil society in 2023, there has been recurring testimony of increased hatred and threats against representatives of civil society organisations and social movements, human rights defenders and people belonging to different minorities. A harsher debate climate, not least on social media, creates anxiety and in some cases leads to self-censorship. This impression is supported in

²⁰⁷ European Commission, The rule of law situation in the European Union COM(2023) 800 final - SWD(2023) 801-827 final.

²⁰⁸ Along with the libraries, the study associations are the only cultural activities that exist in all Swedish municipalities and are thereby of major significance to access to culture, especially in the countryside. See, for example, the Swedish Agency for Cultural Policy Analysis, *Kulturens geografi: Tillgång till kulturutbud i landets kommuner* [Geography of culture: Access to cultural offerings in Sweden's municipalities], 2019. The study associations especially reach people who are far from the labour market with further training. See, for example, the National Council of Adult Education, *Folkbildningsrådets samlade bedömning: Folkbildningens betydelse för samhället 2022* [National Council of Adult Education's collective assessment: The significance of formative education to society in 2022], 2023.

several reports showing that hatred and threats to civil society and its representatives is a widespread problem.²⁰⁹

One positive development is that the EU has agreed on a directive to combat unfounded legal processes that aim to silence journalists or civil society actors, known as SLAPPs.²¹⁰

EU Anti-SLAPP Directive

At the end of 2023, the EU agreed on an initial binding directive to counteract unfounded or abusive court proceedings used to intimidate and silence people or organisations, known as “strategic lawsuits against public participation” (SLAPP).

The Anti-SLAPP Directive contains rules on early dismissal of manifestly unfounded claims, remedies against abusive court proceedings and protection against third-country judgments that will not be recognised or enforced in the EU.

After the Directive has been formally adopted, the Member States must implement it in their national legislation.

²⁰⁹ See, for example, Civil Rights Defenders, När samhället tystnar: en rapport om hat och hot mot oberoende opinionsbildare i det svenska civilsamhället [When society falls silent: a report on hatred and threats to independent opinion-makers in Swedish civil society], 2019; LSU, Vi sluter oss inåt; en kartläggning av hat och hot mot Sveriges ungdomsrörelse [We draw inward: a survey of hatred and threats to Sweden’s youth movement], 2020; Swedish Agency for Youth and Civil Society, Kartläggning av hat och hot mot det civila samhället [Mapping of hatred and threats to civil society], 2022; Nysta, Nystarapporten, Civilsamhällets svar på hur vi kan stärka samhällskontraktet, demokratin och välfärden [The Nysta Report, Civil society’s response to how we can strengthen the societal contract, democracy and welfare], 2021; Volontärbyrån, Hot och hat mot ideellt engagemang [Threats and hatred of non-profit commitment], 2021.

²¹⁰ Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”).

Reduced opportunities for persons with disabilities to participate in democracy

According to Article 29(a) and (b) of the Convention on the Rights of Persons with Disabilities (CRPD), the State is obliged to actively promote an environment where persons with disabilities can participate effectively and fully in the management of public affairs, without discrimination and on equal terms with others, and encourage their participation in public affairs.

The voter turnout among persons with disabilities in the Parliamentary elections of 2022 was lower than in the rest of the population, 76 per cent compared with 87 per cent. The more extensive the disability, the lower the voter turnout.²¹¹ New research shows that persons with disabilities have less confidence in democratic elections and are less satisfied with democracy than people who do not have disabilities.²¹²

The Swedish Election Authority's follow-up of the 2022 elections indicated that insufficient accessibility to polling stations, inadequate voting assistance and inadequate information created barriers in the 2022 elections.²¹³ There is also a need to strengthen the possibility for people with visual impairment to vote while maintaining polling secrecy.²¹⁴

Moreover, there is a lack of independent scrutiny when municipalities do not offer fully accessible polling stations. During the year, the Institute highlighted the need to strengthen the possibilities for demanding accountability when gaps in

²¹¹ Statistics Sweden, *Analys av valdeltagande vid de allmänna valen 2022* [Analysis of voter turnout in the 2022 general elections], 31 May 2023.

²¹² SOM-Institutet, *Funktionsnedsättning i Sverige: Levnadsförhållanden, opinion och deltagande* [Disability in Sweden: Living conditions, opinion and participation], 2023.

²¹³ Swedish Agency for Participation, *Uppföljning av funktionshinderspolitiken* [Follow-up of disability policy], 2023; Swedish Disability Rights Federation, *Hinder för att rösta i valet 2022* [Obstacles to voting in the 2022 elections], 2022.

²¹⁴ SOU 2021:96, Swedish Association of the Visually Impaired, "Starka reaktioner när synskadades rösträtt bortprioriteras av regeringen" [Strong reactions when the right to vote of the visually impaired is prioritised away by the Government], 25 November 2022.

accessibility prevent persons with disabilities from participating in democracy on equal terms with others.²¹⁵

Many persons with disabilities receive sickness benefits. In the Institute's dialogue with civil society, it emerged that persons with disabilities refrain from involvement in volunteering and actively participating in association life. One reason given is the fear that the Swedish Social Insurance Agency may deem that involvement in volunteering indicates a work capacity, which means that sickness benefits are at risk of being withdrawn.²¹⁶

Access to justice

In 2023, a number of government inquiries were initiated that in various ways affect access to justice. Access to justice is one of the fundamental prerequisites for the rule of law. This concerns the individual's right to have his or her case heard in court, and includes, among other things, the right to effective remedy, a fair trial, as well as the right to counsel if necessary.

The right to a fair trial is a cornerstone in a democracy and crucial to limit the risk of abuse by the State. The State's power to arrest, prosecute and punish an individual is the ultimate form of government power. This authority must be exercised with restraint and there must be guarantees to protect the rights of the accused throughout the criminal justice process. The right to a fair trial is therefore regulated in both the Constitution and several of the international conventions Sweden is bound by.²¹⁷

²¹⁵ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 6 February 2024.

²¹⁶ Swedish Institute for Human Rights, Minutes from follow-up meeting prior to a report to the UN on the situation in Sweden for persons with disabilities, ref. no. 3.1.2-356/2023.

²¹⁷ See, for example: Chapter 2, Sections 9-11 of the Instrument of Government. European Convention on Human Rights (ECHR), Article 6, and the International Covenant on Economic, Social and Cultural Rights (ICCPR), Article 14.

In order to have access to justice, individuals who believe that their rights have been violated must have the possibility of effectively claiming their rights. Both the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) require Sweden to provide an effective remedy for every person whose rights have been violated.²¹⁸

Criticism of anonymous witnesses

In 2023, an inquiry proposal was presented to introduce a system of anonymous witnesses.²¹⁹ According to the proposal, a court should be able to decide that a witness should be heard anonymously in certain exceptional situations. The issue of anonymous witnesses concerns important aspects of the right to a fair trial, including that:

- ▶ the person accused must have the right to interrogate witnesses cited against him or her or have them interrogated.
- ▶ a party to a case must have full insight into the circumstances that may form the basis of the court's ruling.
- ▶ the defendant should not have less possibilities than the prosecutor to pursue his or her action, i.e. the principle of equality of the parties (equality of arms).

The Institute considered that the inquiry's proposal had taken these important principles into account and highlighted the European Court of Human Rights' case law in detail. However, the Institute noted that the law would most likely have a very small effect since the possibilities of using anonymous witnesses in practice would be extremely limited since procedural safeguards must be taken into account. In cases where anonymous witnesses would be allowed to be used, the evidential value would also be very low and thereby have a very small impact on a judgment. Since the law would in principle not have any effect, the Institute recommended against the proposal to introduce an anonymous witnesses law. Many other referral bodies

²¹⁸ ECHR, Article 13 and ICCPR, Article 2(3).

²¹⁹ SOU 2023:67.

also rejected the proposal, including the Parliamentary Ombudsmen (JO) and the Swedish Bar Association.

Proposal on children's right to file a complaint with the UN

One of the issues that the UN Committee on the Rights of the Child raised in its concluding observations and recommendations to Sweden concerned the lack of possibilities for children to effectively claim their rights themselves.²²⁰ One of these was that Sweden did not ratify the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, a document that allows individuals to file an appeal with the UN Committee on the Rights of the Child if it is believed that the rights under the Convention have been violated, and all domestic legal remedies have been exhausted. In August 2023, a government inquiry was presented that proposed that Sweden should accede to the protocol.²²¹ According to the inquiry, this may mean that children are guaranteed, in the individual case, a final review of an alleged violation of rights. The inquiry considered that ratification may have other important effects. One is that it may be easier to identify structural deficiencies in the possibility for children to assert their rights. Another is that it will be possible to get better guidance regarding how the Convention is to be interpreted and applied in individual cases.²²² The Institute supports the proposal that Sweden ratify the Third Optional Protocol (see the section on the "Institute's recommendations").

The UN Committee on the Rights of the Child also recommended that the Ombudsman for Children be given the task of receiving, investigating and handling complaints from children. This is something that the Ombudsman for Children has also repeatedly brought up with the Government, but has not yet been heard.²²³

²²⁰ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, UN Doc. CRC/SWE/co/6-7, 7 March 2023, para.12.

²²¹ SOU 2023:40.

²²² SOU 2023:40 p. 277 ff.

²²³ Ombudsman for Children, Barn och ungas klagomöjligheter [Children and young people's complaint possibilities], 2016; Barnombudsmannens årsrapport 2020: Dom tror att dom vet bättre [2020 Annual Report of the Ombudsman for Children: They think they know better], 2020.

The Committee also proposed that it should be made easier for children to file complaints with authorities and stressed how important it is for all children to know that they have the right to complain and receive the support they need to do so.²²⁴ The aforementioned government inquiry proposed that a government-funded pilot should be established with children's rights agencies that serve as independent children's ombudsmen.

Ratification: A state becomes bound to an international agreement only after it has undergone a process of ratification or accession. In Sweden, approval from the Swedish Parliament is usually required before the Government can make a decision to ratify an agreement.²²⁵

Exhausting legal remedies: Anyone who wants to file an appeal with, for example, the European Court of Human Rights or one of the UN monitoring committees must first have exhausted their national legal remedies. This means that one must have turned to a body that could have corrected the situation. In practice, this means that one must have tried to assert one's right in the courts, right up to the highest instance.

The right to appeal an authority decision is being tried

The right to have one's case heard by a court is an important part of the right to a fair trial. For example, Article 6 of the ECHR states that in the review of one's civil rights and obligations, everyone shall be entitled to a fair and public trial within a reasonable period of time. During the year, this issue was raised in the European Court of Human Rights when a review of Sweden began in a case concerning four researchers deemed by Karolinska Institutet (KI) to have contributed to research misconduct. The researchers had alerted the vice-chancellor of serious research irregularities, but KI was of the opinion that this should have happened earlier. According to the researchers, the decision had major negative consequences for their

²²⁴ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, UN Doc. CRC/SWE/co/6-7, 7 March 2023, para. 12.

²²⁵ Kristina Svahn Starcksjö, Instrument of Government (1974:152), Chapter 10, Section 3, Lexino 2024-03-11 (JUNO).

research careers. The Administrative Court in Stockholm dismissed the researchers' appeal of KI's decision. According to the Administrative Court, the decision could not be appealed. The Administrative Court of Appeal in Stockholm and later the Supreme Administrative Court did not take up the case, which means that the lower court's decision stands. In the autumn of 2023, the European Court of Human Rights sent specific questions to Sweden if Article 6 of the ECHR was applicable in the current case, and if so, if the applicant would have had access to judicial review.²²⁶ The Government will respond in the spring of 2024.

The right to an effective remedy is being tried

In Swedish procedural law, there is a provision that means that when the person who has been sued agrees to pay damages, the court shall generally judge accordingly without taking a position on the merits of the case.²²⁷ This applies even if the person who has been sued does not admit that they made mistakes, but only pays damages. This is called "orent medgivande" in Swedish [approximately 'no-fault concession'].²²⁸

One such no-fault concession was reviewed during the year by the Court of Appeal for Scania and Blekinge.²²⁹ The case concerned a woman who claimed that during childbirth, she was forced to have a bodily intervention against her will. She felt that her protection of physical integrity under Article 8 of the ECHR had been violated. The regional healthcare authority agreed to pay the claimed damages, but indicated that this should not be perceived as an admission that it had been in the wrong. Kristianstad District Court ruled that it would be contrary to Article 13 of the ECHR not to examine if the woman had been violated even though the regional healthcare authority had agreed to pay damages (although without admitting that

²²⁶ European Court of Human Rights, *Grinnemo et al. v Sweden*, no. 37988/21, communicated 18 September 2023.

²²⁷ Chapter 42, Section 18, Paragraph 3 of the Code of Judicial Procedure.

²²⁸ The question of no-fault concessions has been reviewed by the EU Court of Justice; see the EU Court of Justice ruling (Grand Chamber) of 15 April 2021 in case C-30/19, *Braathens*, EU:C:2021:269.

²²⁹ Court of Appeal for Scania and Blekinge decision of 20 December 2023 in case no. Ö 4017-23.

they had done wrong). The Court of Appeal affirmed the District Court's decision that the woman cannot be considered to have had access to an effective remedy, i.e. that she did not have an opportunity to claim her rights effectively.²³⁰

Important case regarding legal costs

In 2022, the Supreme Administrative Court decided that a person could not receive compensation for her legal costs in a case against the Swedish Tax Agency that she won.²³¹ Instead, she was referred to initiate a new process if she wanted to claim damages from the State. The woman therefore sued the State in Stockholm City Court with support from the Centrum för rättvisa. In 2023, she filed a claim for damages against the State in the hope of being able to obtain compensation for her costs.²³²

This case is probably the first of its kind and the outcome will be important for many others who have won administrative cases, but have not demanded or received compensation for their legal costs. The case illustrates how difficult it is to obtain compensation for one's legal costs in most types of administrative cases despite winning the case and raises the question of whether it is consistent with the rules on a fair trial that individuals should be forced to pay their legal costs when it is the authorities that have done wrong.

²³⁰ Article 13 of the ECHR states that anyone whose rights and freedoms are violated shall have access to an effective remedy before a national authority.

²³¹ Administrative Court ruling on 4 March 2022 in case no. 6184-19.

²³² Centrum för rättvisa, Sylvie v. State, Centrum för rättvisa website, downloaded 1 March 2024.

The right to life and personal security

The Swedish political debate in 2023 has largely been characterised by questions about crime and law enforcement. The main reason for this is the many murders and attempted murders that could be linked to conflicts between different criminal networks. Targets for the acts of violence were not only people related to various criminal gangs, but often also their relatives. Many of the victims of the deadly violence were children, as were many of the perpetrators.

The State has an obligation to maintain public order, protect people from the violation of their rights and maintain the principles of the rule of law. However, not all means are allowed in law enforcement. The Institute has emphasised the importance of a human rights perspective in law enforcement, and questioned whether several of the law enforcement measures proposed are in accordance with human rights. It is also important that the measures put in place are proportionate, designed according to thorough analyses and that the long-term effects of the proposals have also been analysed.

Human rights and the fight against criminal networks

The deadly violence linked to criminal networks was one of the largest societal problems in Sweden in 2023. More than 50 people were killed and more than 100 were injured. More bombings were carried out than ever before.²³³ Victims of the violence were often people linked to one of the networks, but also relatives, neighbours and others.

Victims and perpetrators of the deadly violence were often children, some only in the lower-secondary (middle-school) age. A study from the Swedish National Council on Crime Prevention (Brå) shows that some of those who are particularly vulnerable to recruitment are children who have already committed less serious

²³³ 363 shootings, 53 killed and 109 injured and 149 bombings during the year, according to information on the Swedish Police Authority website, Sprängningar och skjutningar – polisens arbete [Explosives and shootings - the work of the police], downloaded on 8 February 2024.

crime or have close relatives, often brothers, who are already members of the networks. Many of them have had a hard time completing compulsory school. Participation in the network is not always voluntary. Sometimes real or fabricated debts to the network can prevent them from leaving, and sometimes those who want to leave can be subjected to threats of violence.²³⁴

On 1 July 2023, a new crime was introduced: “involvement of a minor in crime”. This means that anyone who involves a child in crime or criminal activity can be sentenced to prison for a maximum of four years. In order to sentence someone for the crime, the child is not required to have committed a completed crime, nor is it required that any coercion or deception has taken place. The first judgment was issued in September 2023 (see Chapter 16, Section 5a of the Criminal Code).

The Institute has worked to contribute a human rights perspective on this issue, in light of the fact that many very invasive measures have been discussed. In addition to proposals on more stringent sentences and more coercive measures, it has been discussed to make it possible for the Swedish Armed Forces to assist the Police Authority in the work against the criminal gangs.²³⁵ The Institute has pointed out that, even if the State has an obligation to ensure the human rights of all residents, including the right to life and the possibility of moving freely in society, all measures implemented to increase security and reduce crime must nonetheless be consistent with the Constitution and Sweden’s obligations under international conventions. This may be a difficult balance, but the same approach also applies in other societal challenges and in crises when the foundations of the democratic social order are tested.²³⁶

When legislative proposals that have a law enforcement purpose are not deemed to be compatible with, for example, the Instrument of Government, the European

²³⁴ National Council on Crime Prevention, *Barn och unga i kriminella nätverk: En studie av inträde, brott, villkor och utträde* [Children and adolescents in criminal networks: A study of entry, crime, conditions and withdrawal], 2023.

²³⁵ Prime Minister Ulf Kristersson’s address to the nation, 28 September 2023.

²³⁶ Swedish Institute for Human Rights, *Det gängrelaterade våldet och mänskliga rättigheter* [The gang-related violence and human rights], 9 October 2023.



Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) or the UN Convention on the Rights of the Child, the Institute has therefore recommended against them. The Institute has also advised against cases where the proposals have not been built on thorough analyses and where consequences for human rights have not been sufficiently analysed. This does not mean that the Institute opposes the ambition of reducing the violence linked to the criminal networks. On the contrary, this is a very important task for the Government and the Swedish Parliament. Solutions must, however, be found within the framework of what is consistent with the Constitution and the international commitments Sweden is bound by. The Institute therefore welcomes the commitment of the Government to fully respect human rights and the rule of law in its national strategy against organised crime.²³⁷

Local banishment and security zones

A fundamental principle of the rule of law is the presumption of innocence. It means that the person suspected or charged with a crime must be considered innocent until the guilt is proven in court. However, when someone is suspected of a more serious crime, there is the possibility of using various coercive measures, such as arrest and detention, to ensure that prosecution can take place. Such use of coercion must be regulated by law and surrounded by various procedural safeguards.

During the year, several proposals were presented that aim to limit the freedoms and rights of persons who are either suspected or convicted of crime. The Institute believes that such proposals are problematic and are at risk of undermining the presumption of innocence. One example is a new law that gives prosecutors an opportunity to impose a preventative stay ban on certain people that began to apply on 1 February 2024.²³⁸ This law means that persons who are neither convicted nor suspected of a crime could be issued a prohibition from being in a particular area for six months. Such a prohibition may be issued if there is a tangible risk that criminal

²³⁷ Motståndskraft och handlingskraft – en nationell strategi mot organiserad brottslighet [Resilience and capacity to act – a national strategy against organised crime], Skr 2023/24:67.

²³⁸ Act on Preventive Stay Bans, Lag om preventiva vistelseförbud (2024:7). See Government Bill 2023/24:57.

activities could be conducted that can be linked to conflicts between different criminal groups or otherwise seriously damage public safety, and it is feared that the person will deliberately promote this criminal activity. The Institute believes that this law enables disproportionate and legally uncertain restrictions on the freedom of movement and the right to private and family life.²³⁹

Another proposal is about introducing so-called bodily search or security zones if a conflict between criminal groups entails risks of shootings or bombings in an area. Under this proposal, the police would have greater powers than normal for a limited period of time to frisk people and search vehicles.²⁴⁰ The Institute questioned the proposal, partly because the existing regulations already give the police the right to conduct bodily searches and search vehicles if it can be assumed that weapons or other objects will be encountered that can be used to damage someone's life or health (see the section "Principles of the rule of law").²⁴¹

New trade-offs between personal privacy and law enforcement

In recent years, a number of proposals on law enforcement measures have been presented all of which have a major impact on personal privacy. On 1 October 2023, temporary legislation entered into force that allowed law enforcement agencies to use preventive coercive measures if there is a tangible risk that there will be extensive serious criminal activity within an organisation or group.²⁴² Only a few weeks later, new proposals were presented that would further extend the possibilities of the use of preventive coercive measures.²⁴³ The Institute has questioned both the

²³⁹ See the Institute's referral statement on the promemoria *Vistelseförbud på allmänna platser och vissa andra platser* [Preventative stay-bans in public places and certain other places] (Ds 2023:17) Dnr 1.1.2-340/2023.

²⁴⁰ Ds 2023:31.

²⁴¹ It is worth noting that the Parliamentary Ombudsman concluded that the rules lack clarity and are difficult to implement and recommended an overview. See Parliamentary Ombudsman 2023 p. 515.

²⁴² Changes to the Act on Measures to Prevent Certain Particularly Serious Crimes (2007:979) (SFS 2023:537), see Government bill 2022/23:126.

²⁴³ SOU 2023:60.

proportionality and the necessity of, for example, the introduction of the preventive coercive measures outside preliminary investigations of crime.²⁴⁴

The Institute also questioned other proposals that can have a very extensive impact on personal privacy. This involved the suitability of giving the police access to biometric data on millions of people in registers prepared for other purposes, such as the passport register.²⁴⁵ The Institute also questioned proposals that aimed to provide the social services with greater possibilities to conduct checks in criminal records, since the proposals provided room for arbitrary assessments and routine privacy violations.²⁴⁶ In the view of the Institute, lawmakers should promptly and carefully consider the collective impact on rights of the measures implemented, prepared and planned to combat crime, for individuals and for society at large. Many of the measures may affect people in different ways depending on, for example, their age, place of residence or ethnic background. It is also important to consider what the risks are if these various tools are made permanent, and continue to be available to law enforcement agencies in the future when organised crime and criminal networks are not seen as a societal threat of the same magnitude as today.²⁴⁷

Personal privacy has also been threatened outside the area of purely penal law. In a decision from September 2023, the Parliamentary Ombudsmen criticised Södertälje Municipality for continuously checking if municipal employees were guilty of crime without the employee's consent. An external company received personal data for the employees and did searches in a database of documents from courts and authorities. The Parliamentary Ombudsmen stated that the measure lacked legal support and

²⁴⁴ See the Institute's referral statement on the report "Utökade möjligheter att använda preventiva tvångsmedel" [Expanded possibilities of using preventive coercive measures] (SOU 2023:60), ref. no. 1.1.2-499/2023.

²⁴⁵ See the Institute's referral statement on the report "Biometri – för en effektivare brottsbekämpning" [Biometry – for more effective law enforcement] (SOU 2023:20), ref. no. 1.1.2-324/2023.

²⁴⁶ See the Institute's referral statement on the report "Fler verktyg i socialtjänsternas arbete för att förebygga brott och stärka skyddet för barn" [More tools in the work of the social services to prevent crime and strengthen the protection of children] (Ds 2023:15), ref. no. 1.1.2-509/2023.

²⁴⁷ See, for example, the Institute's referral statement on the report "Utökade möjligheter att använda preventiva tvångsmedel" [Extended possibilities of using preventive coercive measures] (SOU 2023:60), ref. no. 1.1.2-499/2023.

conflicted with the protection of personal integrity and private life in the Instrument of Government and the ECHR.²⁴⁸ In response to the Parliamentary Ombudsmen's criticism, the Prime Minister later announced that the Government would appoint an inquiry with the aim of amending the law so that background checks of this kind could be possible.²⁴⁹

Men's violence against women

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, is the first international convention specifically intended to combat violence against women. The Istanbul Convention highlights violence against women and girls as one of the most widespread and systematic violations of human rights globally. It entered into force in April 2014 and has been ratified by Sweden. In 2023, the Council of the European Union approved the EU's accession to the Convention.²⁵⁰

The Istanbul Convention monitoring committee, GREVIO, conducted a baseline study on Sweden's compliance with the Convention in 2019. GREVIO called on Sweden to strengthen the work against violence against women and domestic violence, including through better coordination between different actors. The committee also called on Sweden to ensure that individual cases are handled without discrimination and stigmatisation, and to increase the capacity of law enforcement

²⁴⁸ JO 2023 p. 512.

²⁴⁹ "Kommunens olagliga kontroller: nu vill regeringen ändra lagen" [The municipality's illegal inspections: now the Government wants to change the law], Telgenytt, 18 November 2023. The inquiry was appointed at the beginning of 2024, see Ministry of Justice, Uppdrag att förbättra bakgrundskontroller i kommunerna [Assignment to improve background checks in the municipalities], 22 February 2024.

²⁵⁰ Council of the European Union, Combating violence against women: Council adopts decision on EU accession to the Istanbul Convention, 1 June 2023.

agencies to handle violence against women.²⁵¹ In 2023, GREVIO began a thematic review of countries' work to build trust by delivering support, protection and justice. Sweden submitted its documentation for the thematic review in 2023 and the committee's conclusions are expected in 2024.²⁵²

Violence in close relationships, including men's violence against women, is still a widespread societal problem in Sweden. According to the National Council on Crime Prevention, the number of reported assault offences against women or girls increased by 15 per cent between 2013 and 2022.²⁵³ Around 80 per cent of the assault offences reported by adult women had been committed by a person known to them.²⁵⁴ At the same time, it is difficult for the victims to obtain redress and, after a preliminary positive effect, the Police Authority's intensified effort to improve the investigations in these crimes has levelled off or declined since 2020 according to Amnesty Sweden.²⁵⁵

Women with disabilities have a special vulnerability when it comes to violence in close relationships, including honour-related violence and oppression and genital mutilation. Studies and civil society reports show that this group is often dependent on the perpetrator or perpetrators of the violence. Various forms of exposure to

²⁵¹ GREVIO (Baseline) Evaluation Report, Sweden, Council of Europe: GREVIO/Inf(2018)15, 2019. In its review of Sweden, the UN Committee on the Elimination of Discrimination against Women (the CEDAW Committee) also highlighted the need to strengthen the work against violence against women. Concluding observations on the tenth periodic report of Sweden, 24 November 2021, UN Doc. CEDAW/C/SWE/CO/10.

²⁵² GREVIO, Report submitted by Sweden pursuant to Article 68, paragraph 4 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (1st thematic evaluation round), Council of Europe: GREVIO/Inf(2023)27, 2023.

²⁵³ National Council on Crime Prevention, Statistik om våld och misshandel [Statistics on violence and assault], 2023.

²⁵⁴ National Council on Crime Prevention, Statistik om våld i nära relationer [Statistics on violence in close relationships], 2023.

²⁵⁵ Amnesty International, Sweden: Insufficient implementation of the Istanbul Convention: Amnesty International submission to the GREVIO on the implementation of the Council of Europe Convention on preventing and combatting violence against women and domestic violence in Sweden, 2024.

violence can also be more difficult to discover due to society's preconceived notions about persons with disabilities.²⁵⁶

Honour-related violence and oppression continue to be a prioritised area for the Government.²⁵⁷ In 2023, a government inquiry proposed that “checks of virginity” and “hymenoplasty” should be criminalised. The Institute welcomed the proposals, but emphasised the importance of expanded information efforts and other preventive measures to avoid stigmatisation and “othering” of people within affected groups.²⁵⁸

In 2023, a government inquiry proposed strengthened tenancy protection for women who are victims of violence.²⁵⁹ The Institute supported the inquiry's proposal, but believes that more extensive measures are needed to ensure that these women's rights are fully met.²⁶⁰

²⁵⁶ Runa Baianstovu, et al., *Det hedersrelaterade våldets och förtryckets uttryck och samhällets utmaningar* [The expression of honour-related violence and oppression and the challenges of society] (Örebro: Örebro University Press, 2019); Tjevers rätt i samhället, Gömd och glömd: Hedersrelaterat våld och förtryck mot vuxna med intellektuell funktionsnedsättning [Girls' rights in society, Hidden and forgotten: Honour-related violence and oppression against adults with intellectual disabilities], 2020; Tjevers rätt i samhället, Trippelt utsatt – Hedersrelaterat förtryck och våld bland ungdomar med intellektuell funktionsnedsättning [Girls' rights in society, Vulnerable three-fold – Honour-related oppression and violence among young people with intellectual disabilities], 2020; National Centre against Honour-based Violence and Oppression, *Hedersvåld och intellektuell funktionsnedsättning* [Honour-based violence and intellectual disabilities], 2020.

²⁵⁷ Government of Sweden, Press Release “Arbetet mot hedersrelaterat våld och förtryck intensifieras” [Work against honour-related violence and oppression is being intensified], 12 January 2024.

²⁵⁸ See the Institute's referral statement on the report “Förstärkt skydd för den personliga integriteten: Behovet av åtgärder mot oskuldskontroller, oskuldsintyg och oskuldsingrepp samt omvändelseförsök [Reinforced protection for personal privacy: The need for measures against virginity checks, virginity certificates and virginity interventions and conversion therapy] (SOU 2023:37), ref. no. 1.1.2-573/2023.

²⁵⁹ Ds. 2023:18.

²⁶⁰ Swedish Institute for Human Rights, Statement on the memorandum “Stärkt hyresrättsligt skydd för våldsutsatta kvinnor” [Strengthened rental law protection for women who are victims of violence] (Ds 2023:18), ref. no. 1.1.2-473/2023.

Proposal to criminalise conversion therapy

Many countries around the world have passed legislation to criminalise something that is most often called conversion therapy in English. This involves someone questioning and using pressure, threats or coercion to try to get someone else to deny or change their sexual orientation, gender identity or gender expression in various ways. This is a violation of the individual's fundamental right to personal integrity and self-determination. The conversion therapy usually takes place in a phase in life when identity and self-esteem are developing. The consequences can be life-long.

Conversion therapy occurs in Sweden, but it is difficult to say to what extent. The Swedish Agency for Youth and Civil Society (MUCF) has attempted to map its occurrence, through dialogue with actors and interviews with support services for young people in vulnerable situations. Five per cent of the LGBTQ persons who responded to the MUCF national youth survey, said that they were at some point subjected to something that can be classified as conversion therapy. This involves everything from abuse to forced marriages, social isolation or exclusion, or attempts to “cure” through contact with doctors, prayer or rituals.²⁶¹

Conversion therapy is rooted in discrimination based on sexual orientation, gender identity and expression, and the physical and psychological damage that arises. May mean that conversion therapy can also constitute torture or inhuman or degrading treatment or punishment. According to the UN's independent expert on protection from violence and discrimination based on sexual orientation and gender identity, conversion therapy May also entail a violation of the right to the best possible physical and mental health, including physical and psychological integrity. The expert advocates criminalisation to make it easier for the victims to obtain redress, but also as part of stopping the occurrence.²⁶² These are rights covered by the Instrument of Government, but also by the European Convention and several of the UN conventions for the protection of human rights.

²⁶¹ Swedish Agency for Youth and Civil Society, *Unga hbtq-personers utsatthet för omvändelseförsök i Sverige* [Young LGBTQ people's exposure to conversion therapy in Sweden], 2022.

²⁶² Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity, *Practices of so-called “conversion therapy”*, 2020, UN Doc. A/HRC/44/53.

A public inquiry was commissioned to examine if conversion therapy should be criminalised and came to the conclusion that criminalisation is not appropriate. The inquiry considered that the most serious means used to influence children and young people are already crimes. Acts that are not as invasive, such as verbal influence and rituals of various kinds, would be difficult to investigate and prove according to the inquiry. In its referral reply, the Institute stated that the consequences of conversion therapy are so serious that there are strong reasons for criminalisation, not least for the purposes of education and clarity.²⁶³

Criticism of new terror crime

The UN Member States have agreed that human rights are an indispensable part of all efforts to combat terrorism. They have therefore emphasised that all anti-terrorist measures implemented must be consistent with international human rights commitments.²⁶⁴

On 1 January 2023, an amendment to the Constitution entered into force that makes it possible to restrict the freedom of association for organisations engaged in or supporting terrorism.²⁶⁵ The change forms the basis for the introduction of a crime called participation in a terrorist organisation. The new provision entered into force on 1 June and penalises anyone who participates in the activities of a terrorist organisation in a manner that is intended to promote, strengthen or support the organisation.²⁶⁶

The Council on Legislation expressed sharp criticism of the Government's proposal and considered that it should not be used as a basis for legislation. It was argued that

²⁶³ See the Institute's referral statement on the report "Förstärkt skydd för den personliga integriteten: Behovet av åtgärder mot oskuldskontroller, oskuldssintyg och oskuldssingrepp samt omvändelseförsök [Reinforced protection for personal privacy: The need for measures against virginity checks, virginity certificates and virginity interventions and conversion therapy] (SOU 2023:37), ref. no. 1.1.2-573/2023.

²⁶⁴ See, for example, The United Nations Global Counter-Terrorism Strategy, UN General Assembly Resolution 60/288, 8 September 2006.

²⁶⁵ See Chapter 2, Section 24, Paragraph 2 of the Instrument of Government, as amended by SFS 2022:1565; see Government bill 2022/23:73.

²⁶⁶ Section 4 a of the Terrorist Offences Act (2022:666) introduced through SFS 2023:262.

the legislative amendment would entail too far-reaching criminalisation, and that it was doubtful if the proposal met the requirements of clarity that must be imposed on criminal law.²⁶⁷

The legislation has also received international criticism. In the annual report on compliance with rule of law in the EU, the European Commission wrote that the effect on civil society organisations was not clear.²⁶⁸ In July 2023, four of the UN Special Rapporteurs in the field of human rights wrote to the Government and questioned whether the new offence was consistent with human rights and fundamental rule of law requirements.²⁶⁹ In a response letter, the Government said that the criminalised area was well defined and the law otherwise was well-balanced.²⁷⁰

The Institute believes that the critical comments submitted by the Council on Legislation and the Special Rapporteurs are well-founded and that there are therefore strong reasons to review the legislation in these parts as soon as possible.

Swedish children in Syria

In Syria, more than 50,000 people, mainly women and children, have been detained for over five years in prisons and camps in the north-eastern part of the country after the Islamic State (IS) collapsed. Among them are a number of Swedish citizens, including several children. The UN Committee on the Rights of the Child has

²⁶⁷ See the Council on Legislation's statement on 1 March 2023, En särskild straffbestämelse för deltagande i enterroristorganisation [A special penal provision for participation in a terrorist organisation].

²⁶⁸ European Commission, The Rule of Law Situation in the European Union COM(2023) 800 final - SWD(2023) 801-827 final.

²⁶⁹ Joint Communication from Special Procedures (the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right to privacy) UN Doc. OL SWE 2023/2.

²⁷⁰ Response from the Ministry for Foreign Affairs "The Special Rapporteurs to the Joint Communication OL SWE 2023/2", 26 July 2023. UD 2023/10611.

recommended Sweden to implement and prioritise measures to return them to Sweden.²⁷¹

In July 2023, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism visited the camps and prisons in north-eastern Syria where the Swedish citizens are detained. The Special Rapporteur described that people are subjected to both arbitrary mass imprisonment and disappearances, as well as structural and systematic discrimination. The Special Rapporteur equated their treatment with torture, cruel, inhuman and degrading treatment.²⁷² The detainees are deprived of their fundamental right to live a dignified life with access to water, food, health care and education. After the visit, the Special Rapporteur called on Sweden to ensure that all citizens are taken home from camps and prisons in north-eastern Syria, under controlled conditions.²⁷³

During the year, the Institute contacted the Ministry of Foreign Affairs to initiate a dialogue on what is being done to meet the UN recommendations on returning the children to Sweden.²⁷⁴

²⁷¹ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, 7 March 2023, UN Doc. CRC/C/SWE/CO/6-7.

²⁷² UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms, Technical Visit to the Northeast of the Syrian Arab Republic, End of Mission Statement, 21 July 2023.

²⁷³ Fionnuala Ní Aoláin, et al., "Sverige tar nya steg i kampen mot terrorism – ta hem svenskar i nordöstra Syrien" [Sweden takes new steps in the fight against terrorism – bring Swedes home in north-eastern Syria], *Sydsvenskan*, 10 August 2023.

²⁷⁴ Swedish Institute for Human Rights, Förfrågan om uppföljning av FN:s rekommendationer avseende svenska medborgare i nordöstra Syrien [Request for follow-up of UN recommendations regarding Swedish citizens in north-eastern Syria], Letter to the Ministry for Foreign Affairs, 12 October 2023, ref. no. 2.7.4-496/2023.

Technology and digitalisation

Technological development has the potential to improve people's lives through greater access to healthcare, education and participation in society, not least for young people and persons with disabilities. At the same time, the rapid digitalisation creates risks concerning the right to a private life. While technological innovations such as AI are opening new doors to combat human rights violations and promote global communication, they also create risks of surveillance and discrimination. A survey conducted by the Institute in 2023 highlighted digitalisation as one of the main sources of concern for persons with disabilities and as a serious barrier to full participation in society.²⁷⁵

Digital exclusion

Sweden is far ahead in the transition to a cash-free society. It is well known that such a transition entails risks of digital exclusion. In the debate, the focus often is on elderly people with a lack of knowledge of new technology. However, current research shows that digital exclusion in Sweden is largely due to social and economic disadvantage. Age is a factor that gives rise to digital exclusion, but also disability, mental illness, migration status, gender, homelessness and poverty. Many of those who are dependent on cash cannot afford a smart phone, lack official income, are not accepted as bank customers or lack a permanent address where a bank card can be sent. Children in public care are another group that suffers from digital exclusion. They may find it difficult to access bank cards, electronic identification documents, such as BankID and mobile applications for money transfers, such as Swish since these services require the consent of guardians and a physical visit to the bank with both guardians.²⁷⁶

In a report from 2023, the county administrative boards showed that those who do not have access to digital payment services are finding it increasingly difficult to handle everyday tasks, such as paying bills, taking public transport or paying for parking. The

²⁷⁵ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige för personer med funktionsnedsättning* [Knowledge and experiences of human rights in Sweden for persons with disabilities], upcoming report.

²⁷⁶ SOU 2023:66.

report showed that access to cash withdrawals deteriorated during the year. The cash dispensers (ATMs) that are available are often moved to shopping centres and malls, locations that many people perceive as insecure and inaccessible and have limited opening hours. The report also notes that the rapid transition to digital payment services is increasing both the individual's and society's dependence on a functioning power supply, the internet and stable electronic communications. This in turn leads to new risks to, for example, the right to receive financial compensation for work, the right to property and the right to be able to effectively participate in a free society.²⁷⁷

The organisation Begripsam has previously reported on how persons with disabilities use the internet. Many have problems with systems for self-identification when, for example, connecting to the bank, making an appointment at the health centre, shopping on the internet, or having to log in for other reasons. When the areas of use of these services grow, it means that those who find it difficult to use them are being excluded from more and more contexts.²⁷⁸

In the autumn of 2023, a government inquiry presented a proposal to introduce a State electronic ID. The Institute shares the inquiry's assessment that this is an important step to reduce digital exclusion, not least among the elderly, persons with disabilities and people with coordination numbers with verified identity. At the same time, the Institute points out that the ambition of achieving greater inclusion through a State eID could be undermined if it is not free for the user.²⁷⁹

Artificial intelligence (AI) in law enforcement

During the year, there have been proposals to convert the passport register into a searchable biometric register.²⁸⁰ This would be used to compare images of people

²⁷⁷ County administrative boards, *Bevakning av grundläggande betaltjänster* [Monitoring of basic payment services], 2023.

²⁷⁸ Begripsam, *Svenskarna med funktionsnedsättning och internet* [Swedes with disabilities and the internet], 2019.

²⁷⁹ Swedish Institute for Human Rights, Referral reply to the interim report "En säker och tillgänglig statlig e-legitimation" [A secure and accessible State electronic ID] (SOU 2023:61), ref. no. 3.2.1-54/2024.

²⁸⁰ SOU 2023:32.

from crime scenes using AI-based facial recognition with images in the passport register to match possible perpetrators. There have also been requests to use artificial intelligence in order to discover false certificates, manipulated information and suspicious behaviours.²⁸¹

The use of AI in law enforcement is an area that the European Network of National Human Rights Institutions (ENNHRI) generally advises against. This applies to various forms of facial recognition, the creation of extensive databases with biometric data and the use of AI in models to detect suspicious behaviours. When AI is used in law enforcement or to control migration, it weakens the protection of the individual's personal integrity, and there is a risk of discrimination and a risk that it results in systematic violations of human rights. The Council of Europe's Commissioner for Human Rights warned against major risks early on, both of a risk of systematic discrimination and serious integrity violations in the use of these technologies, and has called on the Member States to observe extreme caution before they are implemented.²⁸²

Controversial proposal on AI in the fight against sexual abuse of children online

In 2022, the European Commission proposed a regulation to prevent and combat the sexual abuse of children online. It is called the permanent Child Sexual Abuse Material (CSAM) Regulation but is also referred to as Chat Control 2.0. The regulation contains various proposals. The most debated proposal would require all internet companies in the EU to find and report sexual abuse material and grooming, i.e. when an adult contacts a child for sexual purposes. This is to be done by using AI tools to scan all chat-, e-mail- and public cloud storage services, including encrypted services. The tracing is to take place on all or part of the service, which means that users' private communication is searched without a concrete suspicion of a crime. Several international children's rights organisations, including ECPAT, have welcomed the regulation and believe that the proposals have great potential to strengthen the protection of children's rights in the EU. It is estimated that more

²⁸¹ SOU 2023:52.

²⁸² Council of Europe's Commissioner for Human Rights, *Unboxing Artificial Intelligence: 10 steps to protect Human Rights*, 2019.

than 60 per cent of all electronic material that shows sexual abuse of children is on servers in the EU. It is believed that more uniform rules and cooperation between countries could lead to identifying more victims, reporting more crimes and prosecuting more perpetrators.²⁸³

However, the regulation has also met with very harsh criticism. According to the European Data Protection Board (EDBP) and the European Data Protection Supervisor (EDPS), the proposal to scan services using AI entails serious risks to fundamental rights, such as the right to privacy, integrity and data protection. The effectiveness of the AI technology is questioned and the proposed regulation is considered to be too far-reaching and unclear. According to EDBP and EDPS, the regulation does not meet the requirements of proportionality and necessity.²⁸⁴

The UN Office of the High Commissioner for Human Rights (OHCHR) has warned that mass monitoring of the type proposed risks having far-reaching negative consequences for the freedoms of expression and association if people generally begin to limit their digital communications. The OHCHR has also highlighted the value of encrypted channels for human rights defenders and to provide journalists with the possibility to guarantee source protection. The OHCHR has also warned that government surveillance that is initially tailored to discover one certain kind of material is likely to be expanded to more types of content in the future, which increases the risk of human rights violations.²⁸⁵ According to the UN Committee on the Rights of the Child, measures to identify and report sexual abuses and abuse material in encrypted communication must be strictly limited according to the principles of legality, necessity and proportionality.²⁸⁶ In February 2024, the European Court of Human Rights ruled that legislation that gives authorities general access to

²⁸³ ECPAT, Open letter to the European Union: Civil society organisations welcome the European Commission’s proposal to prevent and combat sexual abuse of children, 1 June 2022.

²⁸⁴ EDPB-EDPS Joint Opinion 4/2022 on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, 28 July 2022.

²⁸⁵ UN Human Rights Council, The right to privacy in the digital age: Report of the Office of the United Nations High Commissioner for Human Rights, 4 August 2022, UN Doc. HRC/51/17.

²⁸⁶ UN Committee on the Rights of the Child, General comment no. 25 on the rights of the child in relation to the digital environment, 22 March 2021, UN Doc. CRC/C/GC/25.

electronic communications without adequate protective measures entails a violation of Article 8 of the ECHR on the right to privacy. The Court also pointed out that encrypted services promote the freedom of expression and protect individuals against the abuse of information technology, such as hacking, fraud and improper disclosure of confidential information.²⁸⁷

The European Parliament was also strongly critical of the European Commission's proposed regulation. At the beginning of 2024, the Member States had not agreed on an approach to the proposed CSAM Regulation.²⁸⁸

In the Institute's opinion, this is an example that very clearly shows the importance of legislative proposals being preceded by a careful analysis of their consequences for human rights.

Deprivation of liberty

Longer detention periods and sentences lead to overcrowding in Swedish detention centres and prisons. Overcrowding can lead to violence and tension and impedes the possibilities for inmates to receive care and treatment and maintain contact with the outside world. In 2023, the Institute recommended against a proposal that children between the ages of 15 and 17 who are convicted of a crime should be sentenced to prison instead of institutional care of young offenders.

Overcrowded prisons and detention centres

According to Article 10 of the International Covenant on Civil and Political Rights (ICCPR), all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The main purpose of the prison system is the rehabilitation and reintegration of the inmates back into society.

²⁸⁷ European Court of Human Rights, *Podchasov v Russia*, no.33696/19, 13 February 2024.

²⁸⁸ European Parliament, *Child sex abuse online: effective measures, no mass surveillance*, 14 November 2023.

According to the Council of Europe Committee for the Prevention of Torture (CPT), overcrowding threatens the well-being of both inmates and staff and can provide a breeding ground for tension and violence.²⁸⁹ It can also affect the possibilities of contact with the surrounding world and family, and access to employment and treatment programmes that are intended to facilitate the reintegration of the inmates into society. It can also have a direct negative impact on the health of inmates, including access to healthcare services. According to, e.g., the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),²⁹⁰ and recommendations from international monitoring committees, states should make greater use of measures or sanctions that do not entail deprivation of liberty for persons suspected or convicted of crime.²⁹¹ Sweden has also received recommendations from the UN Committee against Torture (CAT) to identify alternatives to detention in prisons and detention centres.²⁹²

In recent years, the prisons and detention centres of the Swedish Prison and Probation Service (SPPS) have been overcrowded.²⁹³ In 2023, the number of inmates, and consequently the shortage of space, increased further. More than one hundred per cent of the permanent places in prisons and detention centres have been occupied during the year.²⁹⁴

In recent years, the Swedish Prison and Probation Service has taken various steps to increase capacity. In the detention centres (remand prisons), it has been a matter of placing two people in a cell built for one person (double occupancy), or placement in visitor rooms or sobering cells. This means that the inmate ends up in

²⁸⁹ Council of Europe Committee for the Prevention of Torture (CPT), Combating prison overcrowding: Extract from the 31st General Report of the CPT (CPT/Inf [2022] 5), 21 April 2022.

²⁹⁰ United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), adopted through UN General Assembly Resolution 45/110, 45/110, 14 December 1990.

²⁹¹ See, for example, the Council of Europe Committee for the Prevention of Torture in CPT/Inf (2022) 5, paras. 100-107.

²⁹² UN Committee against Torture, Concluding observations on the eight periodic report of Sweden, 21 December 2021, UN Doc. CAT/C/SWE/CO/8, paras. 14 and 24 b.

²⁹³ Swedish Prison and Probation Service, *Kriminalvård och statistik 2022* [Correctional care and statistics 2022], 2023.

²⁹⁴ Swedish Prison and Probation Service, *Årsredovisning 2023* [Annual Report 2023].

an environment that does not meet the standard of a normal detention centre cell. It also increases the risk of isolation since such locations often do not have common spaces or exercise facilities.²⁹⁵

Double occupancy also takes place in the prisons, sometimes in cells that do not live up to international recommendations on size and placement of toilets in a manner providing privacy.²⁹⁶ A shortage of staff as a result of the occupancy situation also caused the SPPS to extend the maximum time that inmates may be locked up at night. The Parliamentary Ombudsmen pointed out that a shortage of staff is never an acceptable reason for keeping detainees in seclusion, and that the SPPS must organise its operations in a way that makes the enforcement of the sentences safe, humane and effective.²⁹⁷

The main reason behind the high occupancy is not increased crime, but mainly longer detention periods and longer prison sentences. The need for capacity in detention centres and prisons is also expected to increase even more in the coming years, not least based on the reforms that are expected to follow in connection with the implementation of the agreements of the Government parties and the Sweden Democrats in the Tidö Agreement.²⁹⁸ The Swedish Prison and Probation Service plans to have 27,000 detention centre and prison places in 2033 compared with around 9,000 in 2023.²⁹⁹

Other solutions to the capacity shortage are also being planned by the Government. One is to enter into agreements with other countries to allow people to serve their sentences there.³⁰⁰ The Institute sees major risks with such a development. Similar

²⁹⁵ See, for example, JO record in ref. no. O 21-2023.

²⁹⁶ JO record in ref. no. O 9-2023.

²⁹⁷ JO 2023 p. 198.

²⁹⁸ Swedish Prison and Probation Service, *Kriminalvårdens kapacitetsbehov till följd av Tidöavtalet* [Swedish Prison and Probation Service' capacity needs as a result of the Tidö Agreement], ref. no. KV 2023-669.

²⁹⁹ Swedish Prison and Probation Service, *Kriminalvårdens kapacitetsrapport 2024–2033* [Swedish Prison and Probation Service capacity report 2024-2033], ref. no. KV 2023-14991, 2023.

³⁰⁰ Ministry of Justice, press release “Nu utreds möjligheterna att hyra anstaltsplatser utomlands” [The possibilities of renting prison capacity abroad are being investigated], 18 December 2023.

measures have previously been implemented in other countries, which resulted in the rights of detainees being violated without the possibility of effectively demanding accountability and supervision. An agreement on placement of Norwegian prisoners in the Netherlands between 2015 and 2018 was ended for this reason.³⁰¹

The Institute looks with concern at the development towards increased deprivation of liberty and the resulting overcrowding, and believes that there is reason to work more with alternatives to detention measures in accordance with the international recommendations in this area.

Detention of young offenders

In the autumn of 2023, the SPPS reported that around one hundred children were in custody at the same time, more than ever before.³⁰²

The deprivation of liberty of a child is something that is only permitted in exceptional circumstances according to the UN Convention on the Rights of the Child. According to the Convention, the deprivation of liberty of a child may only take place in accordance with law and may only be used as a last resort and for the shortest appropriate time. When children are detained, there are special requirements on what the environment they are in should look like and how they should be treated. The child's right to development, education, health and contact with the outside world are important factors, as well as that they should not be placed with adults unless it is for the best of the child.³⁰³

However, the authorities do not live up to these standards, even though they are Swedish law and are reflected in Swedish law. One factor behind this is that serious crime among young people has recently increased sharply. In 2020, 127 children

³⁰¹ Sivilombudet, Sharing our insights on extraterritorial prison agreements, 18 January 2023.

³⁰² "Kriminalvården: Aldrig förr har så många barn suttit häktade," [Swedish Prison and Probation Service: Never before have so many children been held in detention], Sveriges Radio, 18 October 2023.

³⁰³ UN Convention on the Rights of the Child, Article 37.

between the ages of 15 and 17 were suspected of murder or attempted murder. Between 1 January and 30 November 2023, the corresponding number was 307.³⁰⁴

When a child is suspected of such crimes, the child may be apprehended, arrested or detained. Since 2021, children who are detained may only be placed in police custody if it is absolutely necessary.³⁰⁵ The environment there is seen as unsuitable, as it is messy, loud and entails proximity to people who are under the influence of drugs or alcohol. In a review, the Parliamentary Ombudsmen noted that the 2021 amendment had had limited impact. There are still police jails where children are regularly placed in jail cells, something that has to do with the police not having adapted facilities to receive multiple children in custody at the same time and that, due to the overcrowding, the SPPS does not have the ability to make places available in prisons.³⁰⁶

If a detained person becomes isolated, it can damage his/her physical and mental health and constitute a violation of his/her right to protection from being subjected to cruel, inhuman or degrading treatment or punishment. Children who are placed in detention centres may not be isolated, and for a few years, there has been a legislative provision that states that children in detention centres must spend at least four hours with staff or someone else every day.³⁰⁷ However, the Swedish Prison and Probation Service is unable to meet this requirement, and have pointed out that there are not enough facility capacity and staff.³⁰⁸ According to the Parliamentary Ombudsmen, a lack of resources or practical or organisational conditions are not acceptable reasons for not meeting the requirement on measures to break isolation.³⁰⁹

The children and young people, who are convicted of serious crimes committed between the ages of 15 and 17 who receive a custodial sentence, are generally

³⁰⁴ “Unga misstänkta för inblandning i mord ökar kraftigt” [Young people suspected of involvement in murder are growing sharply], SVT Nyheter, 18 December 2023

³⁰⁵ Section 6 a of the Young Offenders (Special Provisions) Act (1964:167).

³⁰⁶ See JO record in ref. no. O 12-2023.

³⁰⁷ Chapter 2, Section 5a of the Detention Act (2010:611).

³⁰⁸ See, for example, Swedish Prison and Probation Service, Extra resurser för att bryta barns isolering [Extra resources to break children’s isolation], 29 November 2023.

³⁰⁹ JO record in ref. no. O 21-2023.

sentenced to institutional care of young offenders. The Swedish National Board of Institutional Affairs (SiS) is responsible for the sentence enforcement, which takes place in one of SiS' special youth homes. In the autumn of 2023, information came forth that SiS cannot ensure a safe environment in the youth homes' wards for young people sentenced to institutional care.³¹⁰ SiS's ability to prevent escapes and break-outs has also been questioned, as has the authority's ability to offer an enforcement that reduces the risk of the inmate relapsing into crime.³¹¹

In an inquiry presented in 2023, it was proposed that the sentence of institutional care of young offenders should disappear, and that anyone receiving a custodial sentence for a crime committed between the ages of 15 and 17 should instead be sentenced to prison. According to the inquiry's proposal, special youth wards should be established in some of the prisons of the SPPS.³¹² The Institute advised against the proposal with reference to the fact that placement in prison has a severely negative effect on rights such as children's health and development and the possibility of being re-integrated into society. The inquiry had also not shown that the proposal was consistent with the best interests of the child. The Institute therefore called for a more comprehensive review of the criminal justice system for children and adolescents.³¹³ Several other referral bodies presented similar comments.³¹⁴

One of the shortcomings in the investigation that was pointed out by the Institute was that it is not possible to foresee the consequences of the implementation of

³¹⁰ "SiS lät bli att polisanmäla minst 30 misshandelsfall" [SiS failed to report at least 30 cases of assault], Sveriges Radio, 7 December 2023; "Ivo: Sis-personalen har tappat kontrollen i Tysslinge" [Health and Social Care Inspectorate: Sis personnel have lost control in Tysslinge], Sveriges Radio, 12 December 2023.

³¹¹ A review of the percentage of recidivism in recent years shows that the percentage that relapses into crime after completing the sentence of institutional care of young offenders is very high. Of those who completed a sentence of institutional care of young offenders between 2015 and 2018, seven out of ten had relapsed into crime. For the young people who have ties to gang crime, it was nine out of ten. Acta Publica, *Dömda till vård [Sentenced to Care]*, 2023.

³¹² SOU 2023:44.

³¹³ See the Institute's referral statement on the report "En översyn av regleringen om frihetsberövande påföljder för unga" [A review of the regulation on custodial sentences for young people] (SOU 2023:44), ref. no. 1.1.2-420/2023.

³¹⁴ For example, the Ombudsman for Children and the Parliamentary Ombudsmen (JO).

the proposal. This is partly because several other legislative initiatives are under way at the same time that concern issues regarding the length of sentences and the regulations for parole. One inquiry is also tasked with reviewing the possibility of reducing the age of criminal responsibility,³¹⁵ contrary to recommendations from the UN Committee on the Rights of the Child to Sweden in February 2023.³¹⁶

Victimisation and violence in compulsory care

The Convention on the Rights of the Child, incorporated into Swedish law since 2020, has several provisions that concern the rights of children who are deprived of liberty. According to Article 37 of the Convention, children May only be deprived of their freedom if it is a last resort, and if so, for the shortest appropriate time. The child must be treated with respect for the inherent dignity of the human being and in a manner that takes into account the needs of people of their age. No child May be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

In the special youth homes of the Swedish National Board of Institutional Care (SiS), children and young people can receive compulsory care with the support of the Care of Young Persons (Special Provisions) Act (LVU) or to enforce the sentence of institutional care of young offenders after being convicted of crime. For a long time, repeated examinations have shown shortcomings in how SiS uses various coercive measures, such as solitary confinement, where the child or adolescent is separated from both staff and other inmates for a period of no more than four hours, and care in isolation, where the child or adolescent is prevented from meeting other inmates for longer periods.³¹⁷ Examinations in recent years have also shown that there are cases where children and adolescents are kept in solitary confinement for longer than is permitted, and that physical coercive measures, such as restraint

³¹⁵ Dir. 2023:12.

³¹⁶ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, 7 March 2023, UN Doc. CRC/C/SWE/CO/6 - 7, para. 45.

³¹⁷ Sections 15 b-d of the Care of Young Persons (Special Provisions) Act (1990:52) (LVU).

and being knocked down, are used without legal support.³¹⁸ Children and young people also describe that there are cases where staff threaten to use coercive measures and where coercive measures are used as punishment.³¹⁹ It also happens that very young children are placed in the youth homes: in one inspection, the Parliamentary Ombudsmen noted that a nine-year-old, who was placed in a ward for 13–16-year-olds, received care in isolation, to ensure the child's safety.³²⁰

SiS's inability to maintain security in some of the youth homes was also highlighted on several occasions. In a Parliamentary Ombudsmen inspection of a youth home in SiS's highest security class with many admitted children and adolescents with ties to criminal groups, it turned out that admitted children and adolescents were left alone in riot-like situations and that it occurred that both children and adolescents and staff were subjected to threats and violence by detainees. The Parliamentary Ombudsmen therefore questioned if the home could offer safe and secure care and treatment.³²¹ In other cases, it is the staff that undermines security. A survey showed that around five reports were made per month of sexual abuse or sexual violence against children or adolescents at SiS special youth homes during the period 1 January 2019 to 4 May 2022. In a majority of the reviewed reports, the reported perpetrators were staff at the youth homes.³²²

In addition to the very serious shortcomings in the care and treatment at the special youth homes described above, the Institute also looks with concern at the fact that

³¹⁸ Health and Social Care Inspectorate, Tillsyn av SiS särskilda ungdomshem 2021–2022. Redovisning av regeringsuppdrag S2021/03345 [Supervision of SiS special youth homes 2021-2022. Report of Government assignment S2021/03345], 2023, p. 3. Children's Rights Bureau, '...och jag kunde inte andas' – En granskning av våld mot barn på de statliga ungdomshemmen ['...and I couldn't breathe' – A review of violence against children in State youth homes], 2021, p. 90 f.

³¹⁹ Swedish National Board of Institutional Care, Tvångsvårdade ungdomars erfarenheter av personalens bemötande vid SiS- och BUP-institutioner [Young people in compulsory care's experiences of their treatment by the staff at institutions run by SiS and child and adolescent psychiatric services], 2023, p. 56.

³²⁰ JO record in ref. no. O 5-2023.

³²¹ See, for example, JO record in ref. no. O 25-2023.

³²² Children's Rights Bureau, "Vem ska tro på mig? En granskning av sexuella övergrepp på de statliga ungdomshemmen" [Who would believe me? An examination of sexual abuse at the state youth homes], 2023, p. 44.

the detention of some of the children and adolescents who are cared for in the youth homes continues for longer than necessary. For example, the Parliamentary Ombudsmen identified that children and adolescents continue to receive compulsory care at locked units even though they were deemed to have been able to be discharged.³²³ SiS has also noted that there are many adolescents in homes who could be discharged, and that this contributes to other children and adolescents having to wait for a place in homes.³²⁴ In the view of the Institute, this must be considered to be in conflict with that stated in the Convention on the Rights of the Child that the deprivation of liberty shall be for the shortest appropriate time.

In February 2024, an inquiry was appointed with the task of reviewing the assignment and organisation of the state youth care services. The review aims to ensure that children and young people in compulsory care in the future shall receive care, school and treatment that is safe and of good quality.³²⁵ However, the Institute notes that there is still no strategy to abolish the use of intervention measures that restrict the freedom of children and young people in social youth care. For example, no concrete steps have been taken to ban the solitary confinement of children in accordance with the recommendations made by the UN Committee on the Rights of the Child to Sweden in February 2023.³²⁶ Instead, the development has moved towards expanding the use of the coercive measures according to LVU.³²⁷

³²³ See, for example, JO record in ref. no. O 20-2023.

³²⁴ See SiS response to the Swedish Institute for Human Rights on 3 July 2023, ref. no. 6.5-172/2023.

³²⁵ Dir. 2024:13.

³²⁶ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, 7 March 2023, UN Doc. CRC/C/SWE/CO/6-7, para. 23 (a).

³²⁷ Possibilities of conducting room searches and security checks were introduced in 2018, see Sections 17 b-c of the Care of Young Persons (Special Provisions) Act (1990:52) (LVU) and Government bill 2017/18:169. For the proposals submitted in 2023, see Ds 2023:20.

Economic, social and cultural rights

Human rights consist of both civil and political rights, as well as economic, social and cultural rights. They are indivisible and mutually dependent on each other.³²⁸ Economic, social and cultural rights include, for example, the right to education, work, health, housing, social protection and an adequate standard of living. These rights are protected by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966.

In a report to the UN Committee on Economic, Social and Cultural Rights (CESCR), the Institute shows several shortcomings in the protection of these rights in Sweden.³²⁹ Among other things, the Institute shows that the public's knowledge of economic, social and cultural rights is low and that there are major challenges in terms of the possibilities of effectively claiming these rights.³³⁰ The Institute also shows extensive problems with unequal access to rights, including in terms of work, health, housing and education.

The right to work

According to the Equality Ombudsman (DO), the risk of discrimination is high in Swedish working life. Reports show an increase in exploitation in working life and the share of jobs with precarious conditions. In 2023, there were also a record

³²⁸ Vienna Declaration and Programme of Action, adopted by the UN World Conference on Human Rights, 25 June 1993, UN Doc. A/CONF.157/23.

³²⁹ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 11 January 2024.

³³⁰ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023* [Knowledge and experiences of human rights in Sweden 2022-2023], 2023.



number of fatal accidents at work. The Institute highlighted the fact that more needs to be done to combat discrimination in working life and to ensure that the victim's perspective and human rights are met in the work against exploitation.

The right to work entails an obligation for the State to implement measures that aim to combat unemployment and to ensure favourable and fair terms of employment and safe and sound working conditions. This includes the right to form and join trade unions. The right to work is guaranteed in Articles 6, 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 27 of the Convention on the Rights of Persons with Disabilities (CRPD) and in conventions from the International Labour Organization (ILO) ratified by Sweden. Pursuant to Chapter 1, Section 2, Paragraph 1 of the Instrument of Government, public institutions must ensure the right to work.

Discrimination in working life

According to Article 2 of the ICESCR, it is a human right not to be discriminated against in the enjoyment of the right to work. Discrimination in working life is also prohibited, which is laid down in the ILO Convention (No. 111) and in the Discrimination Act. Nevertheless, there is still discrimination in working life.

Working life is the area of society that accounts for the largest share of the complaints filed with the Equality Ombudsman (DO).³³¹ Of the complaints concerning working life filed with the Equality Ombudsman in 2022, most were related to ethnic background, gender or disability. The complaints were usually about discrimination in recruitment or the employer's obligation to investigate and resolve such matters.

According to the Swedish Work Environment Authority, people born outside Sweden generally feel that they have a worse working environment than people born in Sweden. The percentage that says that they have been subjected to offensive special treatment at the workplace is twice as large among people outside Sweden.³³²

³³¹ Equality Ombudsman, The State of Discrimination 2023, 2023.

³³² Swedish Work Environment Authority, Fokus på utrikes föddas arbetsmiljö [Focus on the work environment of people born outside Sweden], 2023.

People with Arabic or Muslim names, especially men, are subjected to extensive discrimination in the labour market, in connection with recruitment. Such discrimination is also perceived in matters of promotion and division of work.³³³

A survey from the EU Agency for Fundamental Rights (FRA) shows that nearly a quarter of Roma or Travellers in Sweden have experienced discrimination when they applied for work in the previous year. Among the women who participated in the survey, 42 per cent said that they had paid work, while the corresponding figure among men was 52 per cent. The study also shows that one in three young Roma or Traveller (aged 16-24) were not working or studying at the time of the study.³³⁴

A research report from the County Administrative Board of Stockholm shows that Afro-Swedes have lower wages and greater difficulty to advance to higher positions compared with others with the same level of education. This applies regardless of whether the person was born and raised in Sweden or not. For example, the disposable income for those with doctorate degrees is 39 per cent lower for Afro-Swedes than for the rest of the population, according to figures from Stockholm County. This constitutes a clear indication of discrimination. Afro-Swedes also have significantly more days in unemployment than the rest of the population and are overrepresented in low-status and low-wage occupations³³⁵ (see the section “Discrimination, racism, hatred and threats”).

Young LGBTQI persons more often have experience of being unfairly treated by someone at work compared with other young people.³³⁶ An experimental study indicates that transgender persons are at a high risk of being discriminated against in recruitment processes.³³⁷

³³³ Equality Ombudsman, *The state of discrimination 2023*, 2023.

³³⁴ EU Agency for Fundamental Rights (FRA), *Roma and Travellers in six countries*, 2022.

³³⁵ County Administrative Board of Stockholm, “Antisvart rasism och diskriminering på arbetsmarknaden” [Antiblack racism and discrimination in the labour market], 2021.

³³⁶ Swedish Agency for Youth and Civil Society, “Unga hbtqi-personers levnadsvillkor” [Living conditions of young LGBTQI persons], 2022.

³³⁷ Ali Ahmed, Per A. Andersson and Mark Granberg, “Transpersoner diskrimineras i rekryteringsprocessen” [Transgender persons are discriminated against in the recruitment process], *Ekonomisk debatt* 1, 2021.

Research indicates that persons with disabilities tend to be removed in recruitment processes.³³⁸ Studies also show that women with disabilities have more limited access to the labour market and have a lower employment rate both in comparison with men with disabilities, as well as compared with women and men in the rest of the population.³³⁹

The Swedish Work Environment Authority's latest work environment study shows that among those who report that they have been subjected to discrimination at their workplace, age is the most common basis for discrimination. Both young and old report that they are discriminated against on the basis of age, above all women. Women and young people (16-29 years) say to a greater extent that they are subjected to discrimination at the workplace. As in earlier years, sexual harassment is reported at the workplace. More than one in ten women report that they have been victimised in the past 12 months, and young women are victimised most.³⁴⁰ In its report to the UN Committee on Economic, Social and Cultural Rights, the Institute recommended that the State implement further measures to combat the occurrence of discrimination in working life.³⁴¹

³³⁸ Equality Ombudsman, *Rekrytera utan att diskriminera – Vad visar forskning?* [Recruit without discrimination – What does research show?] 2023.

³³⁹ Swedish Gender Equality Agency and Swedish Agency for Participation, *Ekonomisk jämställdhet för kvinnor med funktionsnedsättning: Kartläggning av utmaningar för att nå det andra jämställdhetspolitiska delmålet* [Economic equality for women with disabilities: Mapping of challenges to achieve the second gender equality policy sub-target], 2019. Also Statistics Sweden, *Situationen på arbetsmarknaden för personer med funktionsnedsättning 2022* [Situation in the labour market for persons with disabilities 2022], 2023.

³⁴⁰ Swedish Work Environment Authority, *Arbetsmiljön 2021* [Working Environment 2021], rev. 2023. The respondents are persons registered in the population register aged 16-74 who are employed (skilled workers).

³⁴¹ Swedish Institute for Human Rights, *Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden*, 2024.

Women's rights in working life

According to Article 7 of the ICESCR, the State has a special responsibility to ensure that women are guaranteed terms of employment that are no worse than men's and receive equal pay for equal work. In Sweden, women at the group level still earn less than men.³⁴² Income has increased for a long time in all household types in Sweden, but the increase has been the lowest among single women with children.³⁴³ In addition, women continue to be responsible for the majority of unpaid household and care work.³⁴⁴ This affects the pensions, where women's pensions are around 30 per cent lower than men's.³⁴⁵

Women with disabilities have more limited opportunities to gain access to the labour market and are at a higher risk of poverty than both men with disabilities and women and men without disabilities.³⁴⁶

Many foreign-born women, especially those who come from countries outside Europe, are far from the labour market.³⁴⁷ In May 2023, a government inquiry presented proposals on measures to enable more newly arrived women to enter the

³⁴² National Mediation Office, Löneskillnader mellan kvinnor och män 2022 [Pay gap between women and men 2022], 2023; Swedish Gender Equality Agency, Steg framåt och nya utmaningar – resultatrapporten 2023 [Steps forward and new challenges – Results report 2023], 2023.

³⁴³ Swedish Social Insurance Agency, Barnhushållens ekonomi – Resultatindikatorer för den ekonomiska familjepolitiken [The finances of the households with children – Performance indicators for economic family policy], 2023.

³⁴⁴ Swedish Gender Equality Agency, Livspusslet som inte går ihop [The Life puzzle that does not fit together], 2023.

³⁴⁵ Swedish Pensions Agency, Korta pensionsfakta [Brief pension facts], downloaded 12 March 2024.

³⁴⁶ Swedish Gender Equality Agency, Kvinnor med funktionsnedsättning missgynnas ekonomiskt: Analys i korthet [Women with disabilities are disadvantaged financially: Analysis in brief], 2019. Swedish Gender Equality Agency and Swedish Agency for Participation, Ekonomisk jämställdhet för kvinnor med funktionsnedsättning: Kartläggning av utmaningar för att nå det andra jämställdhetspolitiska delmålet [Economic equality for women with disabilities: Mapping of challenges to achieve the second gender equality policy sub-target], 2019.

³⁴⁷ SOU 2023:24 p. 124–125.

labour market.³⁴⁸ This need has previously been pointed out by the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), which in 2021 recommended Sweden to implement measures to give this group of women better access to formal employment.³⁴⁹ The Institute welcomed several of the proposals, such as expanding the target group for the introduction programme and enabling extended establishment efforts for those who do not have an upper-secondary education. However, the Institute questioned proposals that refugees and persons in need of protection should only have the right to establishment compensation at a lower level and also not have the right to an establishment supplement.³⁵⁰ The Institute also considered that there was a lack of a disability rights perspective and measures to counteract the risks of discrimination on the basis of ethnic background and gender in the meeting with authorities.³⁵¹

Unequal access to work

According to Article 6 of the ICESCR, the State has a responsibility to secure the right for everyone to be able to earn a living through freely chosen or accepted work. As part of this, the State must work for an even development in the economic, social and cultural areas, as well as full employment on terms that ensure that every individual enjoys the fundamental political and economic freedoms.

³⁴⁸ Swedish Women's Lobby, "Snabbspår & stickspår - En jämställdhetsgranskning av etableringsinsatser i budgetpropositionen för 2017" [Fast track & side tracks - A gender equality review of establishment efforts in the budget bill for 2017], 2017. Swedish Gender Equality Agency, "Mellan tillit och misstro - Utrikes födda kvinnor om sina behov och hinder i relation till arbetsmarknadsetablering" [Between trust and distrust - Foreign-born women about their needs and barriers in relation to labour market establishment], 2023.

³⁴⁹ UN Committee on the Elimination of Discrimination against Women, Concluding observations on the tenth periodic report of Sweden, UN Doc. CEDAW/C/SWE/CO/10, 24 November 2021, para. 33.

³⁵⁰ The Institute noted that earlier inquiries and evaluations underscored the importance of an individual introduction benefit at a sufficient level, for both men and women, as an incentive for the implementation of introduction programmes. The inquiry did not clearly show why this conclusion is no longer relevant.

³⁵¹ See the Institute's referral statement on the interim report "Etablering för fler – jämställda möjligheter till integration" [Establishment for more people – equal opportunities for integration] (SOU 2023:24), ref. no. 1.1.2-339/2023.

Statistics from Statistics Sweden show that the number of people unemployed increased in 2023.³⁵² According to Statistics Sweden, foreign born persons have a weaker footing in the labour market, which means that they are at risk of being hit harder by a continued increase in unemployment. Foreign born persons, especially women, were hit harder by unemployment during the COVID-19 pandemic than those born in Sweden. Since then, the recovery has been positive, up to 2023 when the trend turned again.³⁵³ At the end of January 2024, more than 356,000 people were registered as unemployed, which is an increase of 15,000 people compared with the same period in 2023. The number of people registered unemployed increased most among men, which is linked to the fact that certain male-dominated industries, such as the construction industry, were strongly impacted by the deteriorating economic situation.³⁵⁴

The right to work is met to a significantly lower extent for persons with disabilities than for the rest of the population. According to Statistics Sweden, persons with disabilities are on average less satisfied with their working environment than people without disabilities.³⁵⁵ According to the Swedish Agency for Participation, society's efforts to ensure the right to work for persons with disabilities need to be multiple in number and of a different nature to meet different needs. Support for individuals needs to be able to be made available quickly so that offers of employment can be made (see the section "Rights for persons with disabilities").³⁵⁶

The Institute has recommended the State to adopt an action plan for the employment of persons with disabilities in the regular labour market, and to develop the regulation and supervision of systematic work environment management and the work to prevent discrimination on the basis of disability.³⁵⁷

³⁵² Statistics Sweden, Labour Force Surveys (LFS), September 2023.

³⁵³ Government Office, Press Release: "Arbetslösheten ökar och sysselsättningen minskar" [Unemployment is increasing and employment is decreasing], 8 November 2023.

³⁵⁴ Public Employment Service, Press Release: "Allt fler män arbetslösa" [More and more men unemployed], 13 February 2024.

³⁵⁵ Statistics Sweden, Statistics on Income and Living Conditions (SILC), 2022.

³⁵⁶ Swedish Agency for Participation, Uppföljning av funktionshinderspolitiken: Strategi för systematisk uppföljning av funktionshinderspolitiken 2022 [Follow-up of disability policy: Strategy for systematic follow-up of disability policy 2022], 2023.

³⁵⁷ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 2024.

Uncertain conditions in working life

The right to enjoy fair and favourable terms of employment is regulated in Article 7 of the ICESCR and is a prerequisite for the realisation of other rights, such as the right to a reasonable standard of living through reasonable compensation. According to the CESCR Committee, the increasingly complicated employment contracts, such as short-term and zero-hour contracts, atypical forms of employment and increased unwillingness to sign collective agreements, are at risk of leading to insufficient protection for fair and favourable terms of employment.³⁵⁸ In the autumn of 2023, the IF Metall trade union took industrial action in the form of a strike at the electric car company Tesla's Swedish workshops to obtain a collective agreement for the employees in Sweden. A number of other trade unions engaged in solidarity action.³⁵⁹

A growing group receives their income from various forms of so-called gig jobs or platform work.³⁶⁰ This type of work is characterised by a lack of employment status and uncertain income.³⁶¹ In 2023, a review from the Swedish Tax Agency showed that there is widespread fraud among food delivery companies, including in the reporting of wages and employer's contributions.³⁶² Young and foreign-born persons are overrepresented in this type of job, few are in a union and collective agreements rarely occur.³⁶³

³⁵⁸ UN Committee on Economic, Social and Cultural Rights, General comment No. 23 on the right to just and favourable conditions of work (article 7), 27 April 2016, UN Doc. E/C.12/GC/23.

³⁵⁹ IF Metall, Aktuellt: IF Metall i strejk på Tesla [IF Metall on strike at Tesla], 14 February 2024; "Fackförbund hoppas att Tesla pressas av nya stridsåtgärder" [Trade union hopes that Tesla is pressured by new industrial action], Dagens Nyheter, 5 January 2024.

³⁶⁰ Räddningsmissionen, Exploatering av arbetskraft i Sverige [Exploitation of labour in Sweden], 2023.

³⁶¹ SOU 2022:45.

³⁶² Swedish Tax Agency, Riktad kontrollinsats av matbuds företag [Targeted inspection effort of food delivery companies], 2023.

³⁶³ Forte, Arbetsvillkor och arbetsförhållanden inom gig-ekonomin [Terms of employment and working conditions in the gig economy], 2019.

Work-related deaths, injuries and diseases

No one should have to get sick, be injured or die from their work. The right to safe and healthy working conditions is included in Article 7 of the ICESCR and is a prerequisite for the realisation of other rights, such as the right to the best possible physical and mental health. At the national level, this is regulated in the Work Environment Act (1977:1160). According to the Government's work environment strategy, there is a zero vision against accidents and death at work. It is the employer's responsibility to investigate, assess and remedy the risks that exist at every workplace. This is to take place regularly, in dialogue with the employees.

Despite this, 30-50 people die every year in work-related accidents in Sweden, according to the Swedish Work Environment Authority. In December 2023, five people died in an accident at a construction site where they worked. The total number of workplace-related deaths in Sweden amounted to a total of 64 in 2023. More men than women are killed in fatal accidents at work, and the most deaths are among those aged 55–64.³⁶⁴

In addition to fatal accidents, work-related diseases or injuries annually account for the premature deaths of around three thousand people. Risk factors include high workloads, work-related stress, shift work, engine exhaust gases, noise, persistent physically heavy work, dust, asbestos, quartz and passive smoking. According to the Swedish Work Environment Authority, the largest increase in stress in recent decades is among employees in retail, hotels and restaurants, as well as in healthcare, nursing and education. Women are significantly more vulnerable to negative stress than men.³⁶⁵

³⁶⁴ Swedish Work Environment Authority, Statistics on fatal accidents at work, downloaded 15 February 2024.

³⁶⁵ Swedish Work Environment Authority, Ohälsosam arbetsbelastning vanligare orsak till dödlighet [Unhealthy workload more common cause of mortality], 2023.

The number of deaths at work has increased

Year	2020	2021	2022	2023
Count	29	48	49	64

Source: Swedish Work Environment Authority, Statistik om dödsolyckor i arbetet [Statistics on fatal accidents at work], downloaded 15 February 2024. The statistics cover the number of work-related deaths for employees, self-employed workers, conscripts, inmates in prisons and others, employees in foreign companies that are active in Sweden, but registered in other countries and some students. Fatal accidents commuting to and from work and deaths from occupational diseases, for example as a result of heart attacks, asbestos exposure, etc. are not included.

Exploitation in working life

In order to strengthen the criminal protection against the exploitation of people at work, the crime of human exploitation was introduced in Swedish law on 1 July 2018.³⁶⁶ However, in an interim report by the Delegation against work-related crime, the Delegation assesses that the criminal protection against labour exploitation should be reviewed since it has proven difficult to hold anyone accountable for these crimes.³⁶⁷

In 2023, the media highlighted several cases where migrant workers were subjected to exploitation in working life. There have been reports of human trafficking for sexual purposes and prostitution in massage parlours, deficiencies in security and the housing situation for guest workers in the industrial transition in northern Sweden and the vulnerable financial situation of berry pickers.³⁶⁸

³⁶⁶ Chapter 4, Sections 1 a and 1 b of the Criminal Code.

³⁶⁷ SOU 2023:8.

³⁶⁸ “Många larm: Människor utnyttjas när norra Sverige byggs ut” [Many alarms: People are exploited as northern Sweden is being expanded], SVT Nyheter, 19 December 2023; “Mögel och tränga bås – så bor gästarbetarna i norr när industrin ställer om” [Mould and cramped booths – how guest workers in the north live as industry makes its transition], SVT Nyheter, 19 December 2023. “Bärplockare åker hem skuldsatta – expertens oro: Kan bli ett nytt kaosår” [Berry pickers go home in debt – the expert’s concerns: May be a new year of chaos], SVT Nyheter, 8 July 2023. Police Authority, “Varför tog ni just oss? Alla håller ju på med det! – Slutrapport från Projekt Människohandel” [Why did you just take us? Everyone is doing it! – Final report from the Human trafficking project], 2023

According to a situation report from eight authorities, the risk of human exploitation in working life is large and is growing. Unreported cases are also deemed to be very extensive. Many vulnerable people do not have access to support interventions because they do not sound the alarm themselves due to their vulnerable position. Those exploited are asylum seekers and irregular migrants. This is especially frequent in the body care industry, agriculture and forestry, berry picking, chicken farms and the construction industry. Sometimes employees are forced to live at their workplace and work for a minimum or non-existent salary. Sometimes the salary goes to repay debts for getting the job. Physical and sexual violence occurs, as well as threats of deportation.³⁶⁹ Those affected by exploitation usually lack legal support and have little possibility of getting their unpaid salary if they are not members of a union, which is rarely the case for migrant workers. Furthermore, trade union support for irregular migrants is limited.³⁷⁰

On 1 November 2023, legislative and regulatory amendments entered into force that entail a sharply increased maintenance income requirement for labour immigrants. According to the new requirement, labour immigrants must have a salary that amounts to at least 80 per cent of the median salary in Sweden. According to the Government, the aim of the change is to reduce the low-skilled labour migration and combat fraud and abuse linked to labour migration.³⁷¹ In the bill, as a consequence of the increased maintenance income requirement, it is mentioned that the already uneven gender distribution with fewer women who are granted work permits than men may increase³⁷² (see the section “Migration”).

In its alternative report to the UN Committee on Economic, Social and Cultural Rights, the Institute pointed out the need for the measures that the State takes to combat exploitation in working life to take full account of the victim’s perspective and human rights. The Institute also believes that adequate resources should be

³⁶⁹ Swedish Work Environment Authority, etc. Situation Report 2021 for the inter-agency work against fraud, rule violations and crime in working life, 2022.

³⁷⁰ Räddningsmissionen, *Exploatering av arbetskraft i Sverige* [Exploitation of labour in Sweden], 2023.

³⁷¹ Ministry of Justice, Press Release: “Försörjningskravet för arbetskraftsinvandrare höjs” [The maintenance requirement for labour immigrants is being raised], 29 September 2023.

³⁷² Government Bill 2021/22:284 p.16.

allocated to the supervisory authorities and the judiciary as a whole to ensure that the protection against exploitation in working life is effective.³⁷³

The right to health

Sweden has a long way to go to achieve the Health and Medical Services Act's objectives of good health and care on equal terms for the entire population. There are differences at a group level in how people perceive their health, and also differences in access to healthcare. There are shortcomings in elderly people's access to human rights in health and social care. In 2023, the Institute noted that more needs to be done to ensure the right to accessible and equal health and medical care, and to combat stereotypical and offensive treatment and discrimination in healthcare.

The right to health entails a right for everyone to enjoy the best possible physical and mental health. This entails an obligation for the state to conduct a policy that leads to the best possible health for all people and to implement measures to improve and create access to healthcare. The right to health is guaranteed in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 25 of the Convention on the Rights of Persons with Disabilities (CRPD) and Article 24 of the Convention on the Rights of the Child. Pursuant to Chapter 1, Section 2, Paragraph 1 of the Instrument of Government, public institutions must ensure the right to health.

³⁷³ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 2024.

Care equality

The objective for healthcare is good health and care on equal terms for the entire population.

Care must be provided with respect for the equal value of all people and for the dignity of the individual. The person with the greatest need for health and medical care shall be given priority to care.

Chapter 3, Section 1 of the Health and Medical Services Act (2017:30)

Health inequality

There are differences in how different groups perceive their health. Around 80 per cent of people with post-secondary education feel that they have good health, while this percentage is around 60 per cent among people with only pre-secondary education.³⁷⁴

Mental illness is increasing mainly among adolescents and young adults, and girls and young women are overrepresented.³⁷⁵ Young LGBTQI persons experience worse mental and physical health compared with other young people.³⁷⁶

The health situation differs between women and men. Mental health among women has deteriorated. Differences in health between men and women are affected by how healthcare is designed. Health is also largely affected by factors such as wage

³⁷⁴ Public Health Agency of Sweden, Nationella folkhälsoenkäten – Hälsa på lika villkor [National Public Health Survey – Health on Equal Terms], 2020.

³⁷⁵ Swedish Gender Equality Agency, Psykisk ohälsa hos ungdomar och unga vuxna [Mental illness among adolescents and young adults], 2020.

³⁷⁶ Swedish Agency for Youth and Civil Society, “Unga hbtqi-personers levnadsvillkor” [Living conditions of young LGBTQI persons], 2022.

differences, financial stress and duplication of work in the form of gainful employment, household responsibilities and parenthood.³⁷⁷

Among national minorities, a larger percentage of Sámi and Sweden-Finns say that they suffer from a long-term illness compared with the rest of the population. Within these groups, there is also a higher percentage that has seriously considered or attempted to commit suicide compared with the rest of the population. 38 per cent of the Roma in Sweden report that they suffer from serious limitations due to health problems compared with 13 per cent of the entire population in Sweden. The life expectancy in 2019 was 80.6 years for men in general in Sweden and 84.1 years for women. For men in the group Roma and Travellers, it was 69 years and for women in this group, it was 74 years.³⁷⁸

Differences in access to care

According to Article 2 of the ICESCR, it is a human right not to be discriminated against in the enjoyment of the right to health. Discrimination is also prohibited in healthcare, which is laid down in the Discrimination Act and the Health and Medical Services Act.

Despite this, there are differences in access to care in Sweden. The Swedish Agency for Health and Care Services Analysis has shown that women born in Sweden and those born outside Sweden generally receive different care and have different care results. The Agency assesses that this can partly be explained by linguistic and

³⁷⁷ Swedish Agency for Health and Care Services Analysis, Över tiden – En uppföljning av satsningen på kvinnors hälsa [Over time – A follow-up of the women's health initiative], 2023; Swedish Gender Equality Agency, Psykisk ohälsa och andra aspekter av hälsa: Uppföljning av det jämställdhetspolitiska delmålet om en jämställd hälsa [Mental illness and other aspects of health: Follow-up of the gender equality policy sub-target for equal health], 2021.

³⁷⁸ EU Agency for Fundamental Rights (FRA), Roma and Travellers in six countries, 2022; Public Health Agency of Sweden, Hur mår personer med finländskt ursprung? [How do people of Finnish origin feel?], 2019; Public Health Agency of Sweden, Hur mår samer i Sverige? [How do the Sámi in Sweden feel?], 2023.



cultural accessibility barriers and shortcomings in communication rather than differences in the women's preferences and needs.³⁷⁹

Women with disabilities have worse physical and mental health than the rest of the population.³⁸⁰ A follow-up of the Government's initiative in healthcare for women from 2015 to 2022, which includes agreements with the Swedish Association of Local Authorities and Regions (SALAR), shows, however, that very few regions have made any efforts to particularly strengthen the health of women with disabilities.³⁸¹

Access to and quality of maternity care varies in relation to geography and socio-economic factors. There are large differences in the distance to the nearest maternity ward even though research shows that a longer distance to maternity care increases the risks to both the woman and the child.³⁸² Complications during pregnancy and childbirth are also affected by factors, such as country of origin and birth, education level and economic status.³⁸³

Health and social care for the elderly and support for self-determination for the elderly entail growing challenges in Sweden, as life expectancy increases. This places great demands on public institutions to ensure access to high-quality health and social care for all who need it. Today, there are already serious shortcomings in terms

³⁷⁹ Swedish Agency for Health and Care Services Analysis, *Över tiden – En uppföljning av satsningen på kvinnors hälsa* [Over time – A follow-up of the women's health initiative], 2023.

³⁸⁰ Public Health Agency of Sweden, *Hälsa hos personer med funktionsnedsättning* [Health of persons with disabilities], downloaded 29 October 2023; Swedish Agency for Participation, *Uppföljning av funktionshinderspolitiken* [Follow-up of the disability policy], 2023; Swedish Agency for Participation, *Jämställdhetsintegrering i Myndigheten för delaktighet* [Gender mainstreaming in the Swedish Agency for Participation], 2022.

³⁸¹ Swedish Agency for Health and Care Services Analysis, *Över tiden – En uppföljning av satsningen på kvinnors hälsa* [Over time – A follow-up of the women's health initiative], 2023.

³⁸² Hilde Marie Engjom, et al., *Availability and Access in Modern Obstetric Care: A Retrospective Population-Based Study*, *BJOG: An International Journal of Obstetrics & Gynaecology* 121, no. 3 (2014): 290-299.

³⁸³ Swedish Agency for Health and Care Services Analysis, *Över tiden – En uppföljning av satsningen på kvinnors hälsa* [Over time – A follow-up of the women's health initiative], 2023.

of the rights of the elderly in health and social care. Drug management in special housing for the elderly is deficient. Many people receive medicines that should be avoided, which can lead to unnecessary side effects, impaired health and unnecessary hospitalisations. Palliative care also has shortcomings. It is estimated that for 75 per cent of elderly people who have died, there are no documented end-of-life discussions that are intended for the patient to be able to influence their final stages in life³⁸⁴ (see the section on “The rights of elderly people in health and social care”).

Stereotypical notions linked to ethnicity in healthcare mean that people are not always addressed according to their individual needs, which can affect the quality of care and lead to inadequate treatment.³⁸⁵ In the Government’s Action Programme against Afrophobia, there are descriptions of experiences of offensive personal treatment in healthcare, including maternity care.³⁸⁶ 14 per cent of Roma and Travellers report that they have felt discriminated against in healthcare.³⁸⁷

In 2023, the Government announced that it wants to limit the right to publicly funded interpreters for people with residence permits and Swedish citizenship. The default will be that individuals will primarily pay for interpretation services. The initiative has been criticised by civil society and employee organisations as it risks limiting the right to health for affected patients.

The Institute has called on the UN Committee on Economic, Social and Cultural Rights (CESCR) to ask the State what steps it intends to take to ensure the right to accessible and equal healthcare, and to combat stereotypical and offensive personal treatment and discrimination in healthcare.³⁸⁸

³⁸⁴ Health and Social Care Inspectorate, Tillsyn av medicinsk vård och behandling vid särskilda boenden för äldre (SÅBO) [Supervision of medical care and treatment in special housing for the elderly], 2022.

³⁸⁵ Living History Forum, Erfarenheter av rasism i kontakt med svenska myndigheter och andra offentliga verksamheter – en kunskapsöversikt [Experiences of racism in contact with Swedish authorities and other public services – a knowledge overview], 2021.

³⁸⁶ Government Offices, Åtgärdsprogram mot afrofofi [Action Programme against Afrophobia], 2022.

³⁸⁷ EU Agency for Fundamental Rights (FRA), Roma and Travellers in six countries, 2022.

³⁸⁸ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 11 January 2024.

Transgender health

Young LGBTQI persons have worse mental and physical health than other young people, and depression, suicidal thoughts and attempted suicide are more common.³⁸⁹ It is common for transgender persons to be met by long waiting times and a lack of knowledge of their care needs, which contributes to heightened insecurity and reduced health.³⁹⁰ In 2023, various changes were announced that are intended to address these problems. From 1 January 2024, a gender dysphoria investigation and certain gender affirming treatments will be categorised as national highly specialised care. The hope behind the proposal is that healthcare will achieve higher quality care and become more equal, regardless of where one lives.³⁹¹ The Swedish National Board of Health and Welfare was also assigned the task of conducting an information initiative for health and social care personnel to ensure a better personal treatment of people with gender dysphoria.³⁹²

³⁸⁹ Swedish Agency for Youth and Civil Society, “Unga hbtqi-personers levnadsvillkor” [Living conditions of young LGBTQI persons], 2022.

³⁹⁰ Transammans, *Vikten av kunskap och gemenskap: En rapport om erfarenheter och behov hos närstående till transpersoner* [The importance of knowledge and community: A report on experiences and needs of relatives of transgender persons], 2023.

³⁹¹ National Board of Health and Welfare, Press Release: “Unikt beslut fattat för vård vid könsdysfori” [Unique decision made for care in gender dysphoria], 8 March 2023. As well as RFSL, Aktuellt: “Viss vård vid könsdysfori blir nationell högspecialiserad vård” [Some care in gender dysphoria becomes national highly specialised care], 14 December 2023.

³⁹² Ministry of Employment and the Ministry of Health and Social Affairs, Press Release: “Vården ska bli mer inkluderande mot personer med könsdysfori” [Healthcare should become more inclusive to people with gender dysphoria], 12 November 2023.

National highly specialised care is care that is complex or rarely occurring that can be conducted at a maximum of five units in the country. The concentration makes it easier to maintain expertise and develop and maintain a good quality of care without limiting access. Source: National Board of Health and Welfare.

Gender dysphoria is a mental suffering or a deteriorated ability to function in everyday life that is caused by the gender identity not agreeing with the gender assigned legally at birth. Gender dysphoria can be physical or social. Many transgender persons have gender dysphoria. There are also many transgender persons who do not. Source: National Board of Health and Welfare and RFSL.

An important part of transgender persons's living conditions and the right to gender identity is the possibility of changing legal gender. In several countries, legal gender is now entirely up to the individual to decide.³⁹³ Other countries still tie legal gender to other requirements, such as a medical diagnosis. Anyone who wants to change their legal gender in Sweden needs to apply for a permit to do so from the Legal Council at the National Board of Health and Welfare. The process can take a very long time. A permit is granted if certain requirements are met, including that the person has long felt that they belong to the other sex, act in accordance with that gender identity and must be assumed to live in that gender identity in the future. The person must be over 18 years of age, and contact with an investigation team is usually required for at least two years before the application.³⁹⁴

Sweden was the first country in the world to have a law that provided the possibility of genital surgery and a change in the legal gender. The issue of replacing the original law from 1972 with a more modern gender identity law has been repeatedly

³⁹³ Council of Europe Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), Thematic Report on Legal Gender Recognition in Europe: First thematic implementation review report on Recommendation CM/Rec(2010)5, 2022.

³⁹⁴ See the Act (1972:119) concerning recognition of legal gender in certain cases (Legal Gender Recognition Act), as well as the National Board of Health and Welfare Council for Certain Legal, Social and Medical Matters (Legal Council), Recommendations on opinions in cases concerning the recognition of gender identity, 2 May 2022.

discussed for a long time. The Swedish Parliament is expected to make a decision on a proposal for a new gender identity law in 2024.³⁹⁵

The rights of elderly people in health and social care

The National Board of Health and Welfare's status report on health and social care for the elderly draws attention to the fact that the quality of care is generally high and that the elderly are satisfied with the care they receive.³⁹⁶ Sweden has also historically ranked highly in international comparisons of healthcare.³⁹⁷

However, there are several areas where improvements are needed if the elderly in need of comprehensive care are to be able to fully have their human rights recognised and met. These include accessibility, information, planning, coordination, participation and the possibility of having a permanent care contact. The Swedish Association of Local Authorities and Regions (SALAR) notes that Swedish health care is not optimally designed for people who have multiple diseases and who need interventions from several healthcare providers at the same time.³⁹⁸ In addition, there are challenges in terms of equal care, both due to differences between different municipalities and regions and due to discriminatory structures and attitudes in society. Ageism in particular affects how the elderly person is treated in the meeting with health and social care.

³⁹⁵ Camilla Waltersson Grönvall, et al., "Det ska bli enklare att byta juridiskt kön" [It will be easier to change legal gender], Expressen, 15 September 2023.

³⁹⁶ 77 per cent of elderly people are satisfied with their elderly home. The corresponding percentage for the home-help service was 86 per cent. However, the assessment from relatives is not as positive. National Board of Health and Welfare, Vård och omsorg för äldre: Lägesrapport 2023 [Health and social care for the elderly: Situation Report 2023], 2023.

³⁹⁷ See, for example, Swedish Association of Local Authorities and Regions, Svensk sjukvård i internationell jämförelse 2018 [Swedish health care in international comparison 2018], 2018.

³⁹⁸ Swedish Association of Local Authorities and Regions, Vård och omsorg i hemmet 2019: Svårigheter och framgångsfaktorer [Health and social care in the home in 2019: Difficulties and success factors], 2020.

Ageism has been defined as prejudice or stereotypical notions that are based on a person's age that can lead to discrimination.³⁹⁹ In terms of elderly people, it may involve stereotypical ways of viewing the group as fragile, sick, asexual, dependent, alone or as a burden on society. The term can also refer to the exclusion of the elderly, such as being under-represented in political decision-making bodies or not being invited to participate in opinion polls.⁴⁰⁰ The latter results in the opinions among people who exceed the opinion poll's age limit not being taken into account.

Ageism is a substantial risk factor for abuse of elderly people. This was confirmed by the UN's Independent Expert on the enjoyment of all human rights by older persons in a report to the UN Human Rights Council in September 2023. The report describes what abuse of the elderly can look like in the world today and goes through preventive and protective measures.⁴⁰¹

In relation to the right to health, ageism can show itself in attitudes in health and social care when staff work based on prejudiced notions of the capacity of the elderly. This can be expressed in an infantilising language or expectations that the elderly cannot express their wishes and needs, which are thereby not included in the planning of health and social care, which affects the right to influence.⁴⁰² The World Health Organisation has shown that old ageism, which is often invisible and unnoticed, can contribute to worse health, social isolation and earlier death.⁴⁰³ Age is one of the grounds of discrimination in Swedish law, but deliberate and unconscious ageism risks undermining the protection of the human rights of older people in practice.

There are differences, due to age, in the support provided in accordance with the Act concerning Support and Service for Persons with Certain Functional Impairments

³⁹⁹ Lars Andersson, *Ålderism [Ageism]* (Lund: Studentlitteratur, 2008); Håkan Jönsson (ed.), *Perspektiv på ålderismen [Perspectives on ageism]* (Lund: Social Work Press, 2021).

⁴⁰⁰ See, for example, Barbro Westerholm and Ingrid Kinne Lindgren, *Bort med ålderismen: Så får vi ett Sverige för alla åldrar [Down with ageism: How we achieve a Sweden for all ages]* (Stockholm: SPF Seniorerna, 2023).

⁴⁰¹ Independent Expert on the enjoyment of all human rights by older persons, *Violence against and abuse and neglect of older persons*, 7 August 2023, UN Doc. A/HRC/54/26.

⁴⁰² Katarina Sjögren Forss, *The Importance of Addressing Ageism in Swedish Healthcare*, *Nordic Journal of Nursing Research* 40, no. 3 (2020): 113-115.

⁴⁰³ World Health Organization, *Global Report on Ageism*, 2021.

(LSS), and in the Social Services Act (SoL).⁴⁰⁴ The support for elderly people to handle everyday activities looks different depending on when and how the need for support arose. For older persons with disabilities that were congenital or arose before they turned 66, systems targeted at persons with disabilities can continue to be applied in old age. However, there is a rule that means that those who have not applied for personal assistance before their 66th birthday cannot be granted such assistance. After this age, anyone with personal assistance cannot receive more hours regardless of need. Many elderly people with extensive health and social care needs have some form of disability that has arisen after the age of 66. They are consigned to supportive interventions provided through the more general social services regulations, which lack a clear disability rights perspective and also have a lower level of ambition regarding the quality of life to be achieved through the interventions. The Institute believes that the view of disability and human rights that permeates the Convention on the Rights of Persons with Disabilities has not been sufficiently integrated into the policy for the elderly. This also means that the services and support offered to older people are not characterised by a clear rights perspective.

The COVID-19 pandemic highlighted shortcomings in relation to the elderly people's human rights in health and social care in Sweden.⁴⁰⁵ In recent years, several inquiries have highlighted these shortcomings and submitted proposals for new legislation for older people. One proposal on a special elderly care act was presented in 2022, but at the end of 2023, the Government announced that they would not proceed with the proposal.⁴⁰⁶ A proposal on a new Social Services Act is expected to be presented in 2024.⁴⁰⁷ Adopting clear rights-based legislation, based on Sweden's international law obligations, would, in the Institute's opinion, be an important step in ensuring human rights for elderly people.

⁴⁰⁴ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 2024.

⁴⁰⁵ SOU 2020:80.

⁴⁰⁶ SOU 2022:41. As well as the Government's response to written question 2023/24:298, 6 December 2023.

⁴⁰⁷ Government Offices, Press Release: "Regeringen banar väg för ny socialtjänst" [Government paves the way for new social services], 23 September 2023.

The international protection of the human rights of elderly people is fragmented. At the same time, the issue of the human rights of the elderly became more prominent in the 2000s. In 2010, the UN General Assembly appointed a special task force to identify gaps in the protection of older people's human rights and consider measures, including reviewing the possibility of further instruments. An independent expert on the human rights of elderly people was established under the UN Human Rights Council in 2013.⁴⁰⁸

Demands for an international convention on the rights of older persons grew stronger during the same period. The advocates include the UN High Commissioner for Human Rights, civil society organisations representing the elderly, national human rights institutions and a number of individual states.⁴⁰⁹

In an official letter to the UN Open-ended Working Group on Ageing, the Swedish Government expressed the position in October 2023 that there are no specific gaps in the international framework for human rights in terms of the rights of older people.⁴¹⁰ Accordingly, Sweden does not support a convention on the rights of older persons, but according to the letter supports processes that underscore the importance of issues related to the protection of the rights of the elderly and mutual learning between the UN member states.

In 2023, the Institute began a study on human rights for older people with extensive needs for health and social care. With the study, the Institute wants to draw attention to the fact that elderly people must be treated and addressed as the individuals they are.

⁴⁰⁸ The mandate was established through UN Human Rights Council Resolution 24/20, 8 October 2013.

⁴⁰⁹ Among the EU Member States, Slovenia, Germany and Austria.

⁴¹⁰ Government Offices, Identification of possible gaps in the protection of the human rights of older persons and how best to address them – answers from Sweden to the Open-ended Working Group on Ageing, 2 October 2023.

Worse health and access to care for persons with disabilities

Persons with disabilities have worse physical and mental health than the rest of the population.⁴¹¹ Among other things, a survey from the Swedish National Board of Health and Welfare shows that people with mental disabilities and with various forms of housing interventions have significantly worse health compared with the rest of the population.⁴¹²

Not having one's need for medical care met is more common among persons with disabilities than in the rest of the population and there are differences in the care provided.⁴¹³ A survey from the Swedish National Board of Health and Welfare shows that the personal treatment in healthcare entails difficulties for people with mental disabilities. There is a need to implement measures to improve access to healthcare for adults who live in housing for persons with disabilities according to LSS. The challenges include limited access to doctors, digital barriers and barriers to knowledge, skills, communication and coordination.⁴¹⁴

The extensive lack of access to psychiatric care in Sweden affects persons with disabilities in particular since mental illness is widespread within this group. There are generally long waiting times for investigation and treatment in both child and

⁴¹¹ Swedish Agency for Participation, Uppföljning av funktionshinderspolitiken, Strategi för systematisk uppföljning av funktionshinderspolitiken 2022 [Follow-up of disability policy: Strategy for systematic follow-up of disability policy 2022], 2023; Public Health Agency of Sweden, Underlag till nationell strategi för psykisk hälsa och suicidprevention, Slutredovisning av regeringsuppdrag 2023 [Documentation for the national strategy for mental health and suicide prevention, Final report of Government assignment 2023], 2023.

⁴¹² National Board of Health and Welfare, Hälsotillståndet bland personer med psykisk funktionsnedsättning [State of health of persons with mental disabilities], 2023.

⁴¹³ See, for example, the Swedish Agency for Health and Care Services Analysis, Över tiden – En uppföljning av satsningen på kvinnors hälsa [Over time – A follow-up of the women's health initiative], 2023. National Board of Health and Welfare, Hälsotillståndet bland personer med psykisk funktionsnedsättning. Aspekter av betydelse [State of health among person with mental disabilities. Aspects of significance], 2023.

⁴¹⁴ National Board of Health and Welfare, Vårdkontakter i LSS-boende [Healthcare contacts in LSS housing], 2023.

adult psychiatric services.⁴¹⁵ The differences are also large across the country, both in terms of waiting times and supply.⁴¹⁶ Coordination is deficient between actors and great responsibility is placed on the individual and relatives. The consequences are that interventions are delayed, ineffective or completely unrealised.⁴¹⁷ There are descriptions of a lack of coordination and insufficient knowledge that lead to people with intellectual disabilities or autism being referred to psychiatric care instead of receiving the right support measures from the social services, resulting in an increased risk that coercive measures are applied.⁴¹⁸

⁴¹⁵ See, for example, the Health and Social Care Inspectorate, *Barn som mår psykiskt dåligt får vänta länge på hjälp. Iakttagelser i korthet* [Children with mental illness have to wait a long time for help, Observations in brief], 2022. Also refer to the Riksförbundet Attention, *Om vi bara hade fått hjälp tidigare* [If only we had received help earlier], 2023. The survey results show that only 17 per cent of all children were given time for investigation after up to three months of waiting and nearly one in four (24 per cent) had to wait for 4-6 months. 33 per cent of the children had to wait for more than 1-3 years for investigation. Despite the long queues for care, only 26 per cent received good or any information on what the care guarantee entails.

⁴¹⁶ Health and Social Care Inspectorate, *Vad har IVO sett 2021? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2021* [What did the Health and Social Care Inspectorate see in 2021? Observations and conclusions on the shortcomings of health and social care for the operating year 2021], 2022; Health and Social Care Inspectorate, *Vad har IVO sett 2020? Iakttagelser och slutsatser om vårdens och omsorgens brister för verksamhetsåret 2020* [What did the Health and Social Care Inspectorate see in 2020? Observations and conclusions on the shortcomings of health and social care for the operating year 2020], 2021.

⁴¹⁷ Health and Social Care Inspectorate, *De tar inte hand om hela mig. Samordning av insatser för barn med psykisk ohälsa behöver förbättras* [They don't take care of all of me. Coordination of interventions for children with mental illness needs to be improved], 2021; Health and Social Care Inspectorate, *Barn som mår psykiskt dåligt får vänta länge på hjälp* [Children who feel bad psychologically have to wait a long time for help], 2022.

⁴¹⁸ Swedish Institute for Human Rights, *Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024*, 6 February 2024.

In March 2023, the UN Committee on the Rights of the Child recommended Sweden to implement measures to strengthen psychiatric care and to prevent suicide and mental illness⁴¹⁹ (see section “Disability rights”).

The right to housing and social security

Homelessness and evictions are increasing in Sweden. Economic disadvantage has also increased at the same time that compensation levels have dropped in value and collective expenditure on the social safety net has decreased. The Institute has called on the UN Committee on Economic, Social and Cultural Rights (CESCR) to shed light on the extent to which this may constitute a retreat from Sweden’s obligations as regards economic and social rights.

The right to an adequate standard of living includes enough food and clothing, and a suitable home. The right to social security includes social insurance. The right to an adequate standard of living, including housing, and social security is guaranteed in Articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD) and Articles 26 and 27 of the Convention on the Rights of the Child. Pursuant to Chapter 1, Section 2, Paragraph 1 of the Instrument of Government, public institutions must ensure the right to housing and work for social care and security.

⁴¹⁹ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden, 7 March 2023, UN Doc. CRC/C/SWE/CO/6–7, para. 33.

Discrimination in the housing market

According to Article 2 of the ICESCR, it is a human right not to be discriminated against in the enjoyment of the right to housing. Discrimination in the provision of housing is also prohibited under the Discrimination Act.

According to the Equality Ombudsman (DO), most of the complaints in the area of housing are about discrimination on the basis of ethnic background or disability.⁴²⁰ A survey from the EU Agency for Fundamental Rights (FRA) shows that Roma are often subjected to discrimination in the housing market, and that 60 per cent of Roma and Travellers live in crowded conditions, compared with 15 per cent of the entire population.⁴²¹

Overcrowding is also a widespread problem in Sweden among people born outside Europe, especially among residents in areas with socio-economic disadvantage.⁴²²

Landlords often impose high income requirements on their tenants and sometimes do not accept sickness benefits and activity compensation as income, which generally affects persons with disabilities.⁴²³ Another problem is a lack of accessibility in the provision of housing, which is not covered by the Discrimination Act.⁴²⁴ In the Institute's survey of persons with disabilities, many of the responses were about concerns about a lack of accessibility in housing.⁴²⁵ One example that civil society organisations have highlighted as particularly worrying in this area is the

⁴²⁰ Equality Ombudsman, Statistik över anmälningar, tips och klagomål som inkommit till DO 2015–2020 [Statistics on reports, suggestions and complaints received by the Equality Ombudsman from 2015 to 2020], 2021.

⁴²¹ EU Agency for Fundamental Rights (FRA), Roma and Travellers in six countries, 2022.

⁴²² Statistics Sweden, Statistical Status Report on the Implementation of Agenda 2030 in Sweden, 2020.

⁴²³ Equality Ombudsman, Diskriminering vid tillhandahållande av hyresbostäder [Discrimination in the Provision of Rental Housing], 2021.

⁴²⁴ Equality Ombudsman's referral statement on the report "Sänk tröskeln till en god bostad" [Lower the threshold to a good home] (SOU 2021:14), 19 August 2022.

⁴²⁵ Swedish Institute for Human Rights, Rapport från Rivkraftspanelen, Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2023 för personer med funktionsnedsättning [Report from the Rivkraft Panel, Awareness and experiences of human rights in Sweden in 2023 for persons with disabilities], upcoming report.



gradual dismantling of clear regulation in terms of an accessible and usable physical environment.⁴²⁶

A narrow application of individually guided forms of support combined with an exclusive housing market leads to many persons with disabilities ending up in homes with special services, often in the form of group or satellite housing, where housing and disability support are linked together.

In its alternative report to the UN Committee on Economic, Social and Cultural Rights (CESCR Committee), the Institute pointed out that the State should take further steps to remove the obstacles that exist for certain groups to gain access to the housing market without discrimination.⁴²⁷

Evictions and homelessness on the rise

According to the Ombudsman for Children, the protection of children's right to an adequate and safe home is weak in Sweden.⁴²⁸ Since 2018, the number of children and adults affected by evictions has increased, after having previously decreased for a period of time.⁴²⁹ Evictions, especially where children are affected, are generally

⁴²⁶ See, for example, the Swedish Disability Rights Federation's referral statement on the "Boverkets förslag till föreskrifter om säkerhet vid användning av byggnader" [Swedish National Board of Housing, Building and Planning proposal on regulations on safety in the use of buildings], 16 June 2023; Swedish Disability Rights Federation's referral statement on Boverkets förslag till föreskrifter om tillgänglighet och användbarhet för personer med nedsatt rörelse- eller orienteringsförmåga i byggnader [Swedish National Board of Housing, Building and Planning proposal on regulations on accessibility and usability for people with reduced mobility or orientation ability in buildings], 25 August 2023; Swedish Disability Rights Federation, Skrivelse om att återinföra och uppdatera Riv hindren, riktlinjer för tillgänglighet [Official letter on reintroducing and updating 'Remove barriers, guidelines for accessibility'], 29 October 2019.

⁴²⁷ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 11 January 2024.

⁴²⁸ Ombudsman for Children, Referral of "Sänk tröskeln till en god bostad" [Lower the threshold to a good home] (SOU 2021:14), ref. no. 2022-0081, 19 August 2022.

⁴²⁹ Swedish Enforcement Authority, Vräkningar – utvecklingen sedan 2018 [Evictions – development since 2018], 2023.

linked to poverty, rent debts and shortcomings in the municipalities' eviction prevention work.⁴³⁰

Homelessness is a major problem in Sweden. The proportion of homeless people per inhabitants is higher than in other Nordic countries. In recent years, “structurally homeless” people, i.e. people who cannot find a home for economic reasons, have increased sharply. In this group, families with children with foreign backgrounds and women who are victims of violence are overrepresented.⁴³¹ There is a lack of comprehensive national data in terms of the number of adults and children who live in homelessness and informal settlements in Sweden, and their living conditions.

The basic problems in homelessness are, on the one hand, the lack of housing, especially housing with rents that people with low incomes can pay, and, on the other hand, high demands on income made by the property owners. A major challenge in addressing homelessness is that the support provided often focuses on relieving acute situations rather than offering sustainable, long-term solutions.⁴³² Current studies suggest that reforms are necessary to ensure that all residents of Sweden have their right to housing fulfilled. One option is to reinforce housing rights under the current laws. This would involve a thorough review of all pertinent regulations and efforts to clarify the responsibilities of different actors.⁴³³

The right to education

The disparities in school results between student groups and schools in Sweden have been increasing for a long time and schools are increasingly unable to compensate for the students' differing circumstances. There are reports of discrimination and harassment in schools, including in relation to disability, religion, ethnic background, gender identity and sexual orientation. More needs to be done to strengthen all students' right to education.

⁴³⁰ Forte, Research in brief no. 14: Homelessness, 2020.

⁴³¹ Ibid.

⁴³² Ibid.

⁴³³ Tim Holappa, Rätten till bostad i det sociala skyddsnetet [The right to housing in the social safety net], thesis from Stockholm University, 2023.

The right to education is guaranteed in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) and Articles 28 and 29 of the Convention on the Rights of the Child. Pursuant to Chapter 1, Section 2, Paragraph 1 of the Instrument of Government, public institutions must ensure the right to education. The right to education means that basic education must be compulsory, free of charge and accessible to everyone. The education shall aim to develop the child's full potential. The Education Act (2010:800) also regulates the right to equal access to education and the right of all students to equal education.

Discrimination and segregation in school

According to Article 2 of the ICESCR, it is a human right not to be discriminated against in the enjoyment of the right to education. Principles of non-discrimination in school are also guaranteed in the Discrimination Act and the Education Act.

The disparities between student groups and schools in Sweden have been increasing for a long time and schools are unable to compensate for the students' differing circumstances.⁴³⁴ The latest PISA study (Programme for International Student Assessment) shows that the results differences increased at the same time that the significance of students' socio-economic background increased in Sweden between 2018 and 2022. Compared with the other Nordic countries, Sweden has the worst results from an equivalence perspective.⁴³⁵ School segregation has a significant impact on students' future prospects, including level of education, work, health and the risk of ending up in crime.⁴³⁶

A large part of the discrimination reports to the Equality Ombudsman in the area of education is about harassment, from both teachers and students, which is related to religion or other beliefs. Some complaints are about Muslim girls experiencing

⁴³⁴ Swedish National Agency for Education, Den svenska skolan ger inte alla elever samma möjligheter [The Swedish school system does not provide all students with the same opportunities], 28 August 2023.

⁴³⁵ Swedish National Agency for Education, PISA 2022, 2023.

⁴³⁶ SOU 2020:28.

harassment because they wear a hijab. Other reports of harassment are linked to Judaism or being perceived to be Jewish.⁴³⁷

Many children experience a harsh racist jargon in school.⁴³⁸ Afro-Swedes are reported to be subjected to afrophobia.⁴³⁹ The EU Agency for Fundamental Rights (FRA) survey from 2022 shows that 20 per cent of the Roma parents in Sweden reported that they had experienced discrimination in the past year in connection with their contacts with the school authorities.⁴⁴⁰

According to the Swedish Agency for Youth and Civil Society (MUCF), young LGBTQI persons are more vulnerable than other young people to various kinds of violations in school, from both students and teachers. People with intersex variations, transgender persons and LGBTQI persons with disabilities are affected to a greater extent than others. Stereotypical gender norms still live on in schools and there are shortcomings in teaching about LGBTQI issues. Transgender persons report that sports lessons become inaccessible when solutions for changing clothes are not available.⁴⁴¹

The Institute sees major risks with a so-called information obligation for irregular migrants' access to the right to education (see the section "Migration").

In its alternative report to the UN Committee on Economic, Social and Cultural Rights (CESCR Committee), the Institute encourages the Committee to ask Sweden what measures it intends to implement to ensure all children's right to education regardless of status, and to combat discrimination and segregation in school.⁴⁴²

⁴³⁷ Equality Ombudsman, Diskriminering som har samband med religion eller annan trosuppfattning [Discrimination related to religion or other beliefs], 2022.

⁴³⁸ Ombudsman for Children, Om barns och ungas utsatthet för rasism [About the exposure of children and young people to racism], 2021.

⁴³⁹ Afrosvenskarnas riksorganisation, Alternative report to Sweden's 24th and 25th periodic report to the UN Committee on Elimination of Racial Discrimination, 2023.

⁴⁴⁰ EU Agency for Human Rights (FRA), Roma and Travellers in six countries, 2022.

⁴⁴¹ Swedish Agency for Youth and Civil Society, "Unga hbtqi-personers levnadsvillkor" [Living conditions of young LGBTQI persons], 2022.

⁴⁴² Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 11 January 2024.

The right to education for persons with disabilities

Children with disabilities mainly attend primary school or so-called adapted school. Regardless of the school form, children with disabilities have their right to education met to a lesser extent than other children.⁴⁴³

Most children with disabilities attend compulsory school. However, research shows that the requirements in the compulsory school curriculum, especially in terms of executive functions and the ability to apply complex cognitive processes, are set too high for many children.⁴⁴⁴ Another obstacle that students with disabilities face in compulsory school is that they are not offered adequate support measures to provide them with access to education to the same extent and of the same quality as other students.⁴⁴⁵ Incomplete grades in primary education have a major impact on the socio-economic situation of people in the long term and are one of the strongest risk factors for future psychosocial problems.⁴⁴⁶

Many children with intellectual disabilities attend adapted schools. Several of these schools are deficient in providing students with the best conditions for knowledge development, and many teachers lack the right qualifications.⁴⁴⁷ According to a 2022 report, only one in ten students worked in the autumn after they completed adapted upper-secondary school and one in three did not work, study or have daily activities.⁴⁴⁸

⁴⁴³ Swedish Institute for Human Rights, Annual Report 2023.

⁴⁴⁴ Ida Lindblad, et al., ”Har alla barn i grundskolan förutsättningar att klara nya läroplanens krav?” [Do all children in compulsory school have the conditions to pass the new curriculum’s requirements?], *Läkartidningen*, 1 February 2018.

⁴⁴⁵ National Agency for Special Needs Education and Schools, *Vad säger elever med funktionsnedsättning om trygghet, studiero och studiemotivation?* [What do students with disabilities say about security, a good study atmosphere and motivation to study], 2019.

⁴⁴⁶ National Agency for Special Needs Education and Schools, *Psykisk hälsa hos barn och elever med funktionsnedsättning: En kunskapssammanställning* [Mental health among children and students with disabilities: A knowledge compilation], 2021.

⁴⁴⁷ Swedish Schools Inspectorate, *Undervisningen i grundsärskolan – med särskilt fokus på årskurserna 6–9* [Education in special compulsory school – with a particular focus on grades 6–9], 2020.

⁴⁴⁸ Swedish National Agency for Education, *Arbete, studier och daglig verksamhet efter gymnasiesärskolan* [Work, studies and daily activities after upper-secondary school], 2022.

In its alternative report to the UN Committee on the Rights of Persons with Disabilities, the Institute called on the State to conduct a review of how the right to education is met for children with disabilities in adapted schools, special schools and compulsory schools.⁴⁴⁹

⁴⁴⁹ Swedish Institute for Human Rights, Supplementary information to the UN Committee on the Rights of Persons with Disabilities ahead of the second and third review process regarding Sweden in 2024, 6 February 2024.

The Institute's recommendations

In this annual report, the Institute has described some improvements in the human rights situation in Sweden, but we have also pointed out several shortcomings and challenges that concern the safeguarding of human rights in Sweden.

The Institute's conclusion is that the Government and the Swedish Parliament need to take a number of steps to strengthen the defence of human rights in Sweden. Together, these measures would provide good conditions to address the identified shortcomings and challenges. The measures to strengthen human rights need to be systematic and long-term and need to be conducted based on the obvious premise that human rights are universal, indivisible and mutually dependent on each other.

The Institute sees a need above all for the following efforts to strengthen the defence of human rights:

- ▶ New strategy and action plan for safeguarding human rights
- ▶ Strengthened legal protection for human rights
- ▶ Strengthened institutional protection of human rights
- ▶ Improved follow-up of the recommendations of international monitoring bodies
- ▶ Measures to increase knowledge and awareness of human rights

Develop a new strategy and action plan for human rights

Since the Government's strategy for the national work on human rights was adopted in 2016, nearly ten years have now passed.⁴⁵⁰ A strategy should be long-term, but also relevant. Since the strategy was adopted, Swedish society and the surrounding world have changed in various ways. As described in this report, there are new and extensive challenges to the safeguarding of human rights. The protection of human rights has also been developed in recent years. For example, the UN Convention on the Rights of the Child was incorporated as Swedish law and the Swedish Institute for Human Rights was established. At the same time, efforts linked to other ambitions expressed in the Government strategy from 2016 have either stopped or have not been implemented as clearly.

The Institute believes that the strategy from 2016 needs to be evaluated and followed up in its entirety. Such an evaluation should form the basis for the work of preparing a new strategy in broad and meaningful consultations with civil society and the public.

The Institute believes that a strategy should be supplemented with a concrete action plan in accordance with recommendations from the Office of the High Commissioner for Human Rights.⁴⁵¹ Such an action plan shall clarify concrete measures, the division of responsibilities and coordination.⁴⁵² The Swedish Parliament has an important role to play in the realisation of human rights in Sweden, as decision-makers on laws and budgets, and as auditors of the Government's work. The safeguarding of human rights is therefore benefited by establishing broad parliamentary support for the strategy.

⁴⁵⁰ Skr. 2016/17:29.

⁴⁵¹ In the 1993 Vienna Declaration and Action Programme, states are recommended to prepare national action plans for human rights. In the last ten years, the number of national action plans has increased and since 2019, the EU Agency for Fundamental Rights (FRA) has been a working group for national action plans for human rights.

⁴⁵² For an overview, see the Danish Institute for Human Rights, National Human Rights Action Plans: An Inventory, 2023. Sweden has had two action plans for human rights, 2002–2004 and 2006–2009.

The Institute recommends the Government to:

- ▶ evaluate and follow-up the national strategy for human rights from 2016 in its entirety.
- ▶ prepare a new strategy that is submitted to the Swedish Parliament for a decision.
- ▶ complement the strategy with an action plan with concrete measures to achieve strong and comprehensive protection of human rights in Sweden.

Strengthen the legal protection

Review the compliance of Swedish law with international convention commitments

Legislation is the State's main instrument for protecting human rights. In Sweden, human rights are protected through three of our constitutional laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was incorporated and protected by constitutional law in 1995, and Chapter 2, Section 19 of the Instrument of Government states that laws or other regulations May not be pronounced in violation of Sweden's commitments on the basis of the European Convention. In addition, the Convention on the Rights of the Child became Swedish law in 2020.⁴⁵³ In the application of EU law, the EU Charter of Fundamental Rights also applies.

⁴⁵³ Articles 1–42 are incorporated into Swedish law, which means that the Convention's essential articles are incorporated in their entirety. The administrative articles were not incorporated except Article 42 on the obligation of a State to make the provisions and principles of the Convention generally known among both children and adults and is a part of the implementation of the Convention and closely associated with Article 4. Also see Government Bill 2017/18:186 pp.80–82.

The strategy adopted by the Swedish Parliament to strengthen the rights of the child in Sweden sets out that a fundamental principle for the implementation of the Convention is that all legislation concerning children must be drafted in accordance with the Convention.⁴⁵⁴ However, it is fundamental, which is also emphasised in the Government's strategy for the national work on human rights, that all legislation is drafted in accordance with all of Sweden's international commitments on human rights. In addition, this latter strategy states that such conformity needs to be continuously reviewed and that there must also be an comprehensive institutional review of Sweden's international human rights commitments.⁴⁵⁵ It is the responsibility of the Government and the Swedish Parliament to ensure that Swedish legislation and other regulations comply with Sweden's international commitments on human rights.

According to the Institute, compliance should be continuously reviewed in relation to every legislative process, but also through recurring reviews. In terms of the Convention on the Rights of the Child, reviews of Swedish legislative and practical compliance have been done on a few occasions, most recently in 2020.⁴⁵⁶ Otherwise, no recurring reviews have been done of Swedish law's compliance with international human rights commitments.

In light of this, the Institute believes that it is high time that the Government carried out a review of the conformity between Swedish law and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which has not been done since the 1970s.⁴⁵⁷

The Institute also believes that there should be a review of how well Swedish law agrees with the Convention on the Rights of Persons with Disabilities, in order to highlight legislation and areas where there is no disability rights perspective and to contribute to the implementation of changes that strengthen individuals' right to support, self-determination and freedom.

⁴⁵⁴ Government Bill 2009/10:232 p. 11 f.

⁴⁵⁵ Skr. 2016/17:29 p. 10 f.

⁴⁵⁶ SOU 2020:63.

⁴⁵⁷ Cf. the UN Committee on Economic, Social and Cultural Rights, Concluding observations on the seventh periodic report of Sweden, UN Doc E/C.12/SWE/CO/7 para 5 (a), 1 March 2024.

Ensure analysis of human rights in the legislative process

In order for the legislation to be the main instrument to ensure human rights, the entire legislative chain, from inquiry directives to decisions in the Swedish Parliament, must be characterised by a human rights perspective. The committee system plays a central role in bringing knowledge and different perspectives into the political system and preparing documentation for the subsequent legislative work and the decisions of the Government and the Swedish Parliament in various areas.

The Institute notes that the principles of the rule of law are currently being challenged by the way legislation is being prepared. This is a serious problem since the proposed new legislation in far too many cases does not meet either the requirements in the Swedish Constitution or international regulations. In several cases, there has not been a thorough assessment of whether the proposals are in agreement with Swedish obligations concerning human rights (see the section “Principles of the rule of law”). The Institute therefore sees a need for a new impact assessment ordinance with a clear rule on presenting impact assessments on how, for example, legislative proposals relate to Sweden’s obligations in the area of human rights, also called “human rights impact assessment”.⁴⁵⁸

It is also important that referral bodies have enough time to analyse and express their opinions on the legislative proposals that are sent out for consultation. A short response time may mean that referral bodies do not have a real possibility to submit thoroughly prepared referral replies. This can ultimately have a negative impact on the rule of law principles.⁴⁵⁹

In this context, the strategy presented by the European Commission in December 2020 for the application of the EU Charter of Rights can also be mentioned. The

⁴⁵⁸ See the Institute’s referral statement on the memorandum Bättre konsekvensutredningar [Better impact assessments] (Ds 2022:22), 20 December 2022, ref. no. 1.1.2 - 407/2022.

⁴⁵⁹ See the Institute’s referral statement on the memorandum Säkerhetszoner – ökade möjligheter för polisen att visitera för att förebygga brott [Security zones - increased possibilities for the police to conduct searches to prevent crime] (Ds 2023:31), 18 January 2024, ref. no. 1.1.2-634/2023. Cf. the statement of the Council on Legislation on 30 December 2022 on secrecy in the Swedish Social Insurance Agency’s handling of matters regarding electricity support and a rescinded obligation to submit a statement of earnings.

strategy indicates that the Commission believes that Member States should use impact assessments and review procedures to ensure that national initiatives to implement EU law are consistent with the Charter of Fundamental Rights.⁴⁶⁰

Increase knowledge of human rights in the application of law

The fact that international conventions are not incorporated into Swedish law does not mean that they are of no significance to the decision-making of the authorities and courts. It is incumbent on Sweden, for example, to continuously ensure through legislation that the internal legal system is consistent with the country's international commitments. Courts, national authorities, regions and municipalities are also obliged to interpret Swedish internal legal rules as far as possible in such a way that they become consistent with Sweden's human rights treaty commitments (so-called treaty-compliant interpretation).⁴⁶¹ Since most conventions have not been incorporated and since international practice is rarely subject to legislation, treaty-compliant interpretation, in the opinion of the Institute, is of major significance to ensuring compliance with human rights.

In a 2017 survey of the courts' and authorities' application of the principle of treaty-compliant interpretation in relation to Sweden's treaty commitments on human rights, it was found that the authorities do not apply this principle and that the authorities do not actively choose any standpoints on how they should work with the conventions in decision-making.⁴⁶² The Institute believes that there is a need for greater knowledge among courts and authorities about Sweden's international commitments in the area of human rights to strengthen both interpretation and application of these commitments and to increase the occurrence of treaty-compliant interpretation.

⁴⁶⁰ European Commission, Strategy for the application of the EU Charter of Fundamental Rights, 2020/21: FPM51, 2 December 2020.

⁴⁶¹ Skr. 2016/17:29 p. 10 and 25 f.

⁴⁶² Uppsala University (Faculty of Law), Presentation of two inquiry assignments Ku2017/01391/DISK Ku2017/01390/DISK UFV 2017/1553 UFV 2017/1056, 29 December 2017.

The Institute recommends the Government to:

- ▶ review conformity between Swedish law and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- ▶ review how Swedish law conforms with the Convention on the Rights of Persons with Disabilities (CRPD).
- ▶ take steps to ensure that the requirements of the Instrument of Government regarding the preparation of legislative proposals are respected.
- ▶ ensure that a new impact assessment ordinance has a clear rule on presenting impact assessments on how, for example, legislative proposals relate to Sweden's obligations in the area of human rights, also called "human rights impact assessment".
- ▶ take steps to promote increased knowledge among courts and authorities about Sweden's international commitments in the field of human rights to provide better conditions for their implementation, not least through treaty-compliant interpretation.

Strengthen the institutional protection

Ensure independent and impartial courts

The rule of law principle, together with a democratic form of government, is a prerequisite for the implementation of human rights. The principle of the rule of law is a matter of all public authority being exercised within the scope of the legislation, and of all people being equal before the law. There should also be a clear division of

powers between the state actors, such as those that pass laws and courts. In addition, the arbitrary use of power must be prohibited and counteracted.

The rule of law principle is one of the EU's fundamental values, and the European Commission is investigating how the principle is complied with in the various Member States.⁴⁶³ In 2023, the European Commission recommended Sweden to implement measures to prevent corruption, reform the system of lay judges in the courts (see the section "Principles of the rule of law"), and to ensure conditions for a strong and vital civil society (see the section "Fundamental freedoms and democracy").

One of the rule of law issues highlighted by the Institute in 2023 is how to provide people with access to justice by ensuring that the judicial review is always done by independent and impartial courts.

Pursuant to Chapter 1, Section 9 of the Instrument of Government, the courts must in their activities take into account everyone's equality before the law and observe objectivity and impartiality. As presented (see the section "Principles of the rule of law"), the Institute believes that the independence and impartiality of the courts must be further strengthened. When a parliamentary committee proposed that a special provision be introduced in the Instrument of Government that the administration of justice be exercised by independent courts, the Institute therefore pointed out that this provision should also explicitly state that they should also be impartial. The Institute also proposed that there be an investigation of how a new recruitment system for lay judges can be designed without the involvement of the political parties.⁴⁶⁴

Improve opportunities to effectively claim one's rights

For human rights to be meaningful, there must be effective means for them to be able to be claimed in practice.

⁴⁶³ Treaty on European Union, Article 2.

⁴⁶⁴ See the Institute's referral statement on the report Förstärkt skydd för demokrati och domstolars oberoende [Strengthening the protection of democracy and the independence of the courts] (SOU 2023:12), 31 August 2023, ref. no. 1.1.2-187/2023.

The individual right of appeal to the monitoring committees of the UN is one of several important instruments for the rights to be able to be claimed in practice. In 2023, the Inquiry on improved opportunities for children to claim their rights under the Convention on the Rights of the Child submitted its report to the Government.⁴⁶⁵ The inquiry proposes that Sweden should ratify the Third Additional Protocol to the Convention on the Rights of the Child regarding an individual complaint procedure. To-date, 50 states have acceded to the Additional Protocol. Of the EU countries, 17 out of 27 countries have acceded, including Denmark and Finland. Like the inquiry, the Institute believes that it is important that rights can be subject to complaints in the UN.

Sweden has also not acceded to the Additional Protocol for ICESCR on the individual right of appeal. In an analysis from the Ministry of Health and Social Affairs from 2017, it is mentioned that the economic, social and cultural rights have the nature of objectives or programme declarations, that it is difficult to evaluate the implication and scope of the provisions of the Convention, and that social, economic and cultural rights in a broad sense are a matter of political considerations in the form of the distribution of economic resources and priorities between rights.⁴⁶⁶ The Institute believes that this kind of ranking of rights is obsolete and misleading, and does not take into account the fact that the rights must be seen as indivisible and mutually dependent on each other.⁴⁶⁷ Several of the economic, social and cultural rights are covered, for example, by the EU Charter of Fundamental Rights and the rights have been specified through case law over time. The possibility of effectively claiming these rights needs to be strengthened.

Firstly, the individual right of appeal may entail a path to redress for the individual when national legal remedies are missing or considered to be inadequate. Secondly, it can improve the knowledge and competence in national courts and authorities regarding how these rights are interpreted and applied. Last, but not least, such a

⁴⁶⁵ SOU 2023:40.

⁴⁶⁶ Ministry of Health and Social Affairs, Question about ratification of the Optional Protocol to the UN Convention on Economic, Social and Cultural Rights, Working Paper, 22 February 2017.

⁴⁶⁷ See the Vienna Declaration and Programme of Action, adopted by the UN World Conference on Human Rights, 25 June 1993, UN Doc. A/CONF.157/23.

right of appeal can contribute to exposing potential weaknesses at the national level in terms of the possibility of effectively claiming one's rights.

Ensure the independence of the Swedish Institute for Human Rights

Sweden long lacked an independent institute for human rights, as pointed out in a large number of UN recommendations. Now it is in place. National human rights institutions that meet all the requirements set according to the Paris Principles can obtain a recognised quality seal, so-called "A status", in the Global Alliance for National Human Rights Institutions (GANHRI). In April 2023, the Institute applied for membership in GANHRI. In connection with this, the Institute has analysed the possibilities of fully fulfilling the Paris Principles. Based on assessments from the international community, the overall conclusion is that the outlook should be considered to be good, but not given.

In an official letter to the Government in January 2024, the Institute pointed out that there is an immediate need to strengthen the implementation of the Paris Principles and thereby improve the conditions for the Institute to obtain membership and A status in GANHRI.

In the official letter, the Institute emphasises that by guaranteeing fundamental freedoms and rights, society's resilience to future crises increases, both national and international. An especially strong protection is therefore needed for the independent institutions that have a mandate to ensure that human rights are respected and protected. The Swedish Institute for Human Rights therefore believes that the Institute's independence needs constitutional protection.

According to the Paris Principles, a human rights institution must have an independent leadership. This means that the leadership must be independent of the Government and other parts of the State apparatus and completely exclude the Government's representatives and parliamentarians in a decision-making position. There is a need to strengthen the rules regarding the appointment and dismissal of the Institute's Board and Director, in order to more clearly ensure an open, broad,

merit-based, transparent and participatory process.⁴⁶⁸ The rules should also enable clear, public and objective criteria to identify and evaluate candidates and ensure gender equality and diversity in the composition of the Board.⁴⁶⁹ In the short-term perspective, this can take place in written procedures, and subsequently be clarified in the long term through legislation.

In addition, there is concern over shortcomings in the protection against uncalled-for and disproportionate budget cuts, i.e. for the Institute's financial autonomy. It is incumbent on the Swedish Parliament and the Government to assure the Institute of satisfactory funding, based on neutral assessments of the costs of the operations. In connection with the budget bill for 2024, the Government clearly stated that the Institute has a central role in promoting the safeguarding of human rights in Sweden. However, the Institute did not receive a response from the Government as to why the Institute's funding requests in the budget documentation for 2024–2026 were not granted.

⁴⁶⁸ Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) legal statement on the Act on the National Institute for Human Rights (2021:642).

⁴⁶⁹ GANHRI's Accreditation Committee SCA's general observations in 2018. SCA Rules of Procedures and General Observations.

The Institute recommends the Government to:

- ▶ work to strengthen the protection of the impartiality of the courts through the inclusion of a specific provision in the Instrument of Government stipulating that the administration of justice is exercised by courts that are both independent and impartial.
- ▶ appoint an inquiry to investigate how a new recruitment system for lay judges can be designed without the involvement of political parties.
- ▶ propose to the Swedish Parliament that Sweden ratify both the Third Additional Protocol to the Convention on the Rights of the Child concerning an individual complaint procedure and the Additional Protocol to the UN International Covenant on Economic, Social and Cultural Rights on a complaint procedure.
- ▶ commission the 2023 Committee on Freedoms and Rights to draw up proposals to strengthen the Institute's independence and its basis in the Paris Principles.
- ▶ clarify the rules for the appointment and dismissal of the Board members of the Institute.
- ▶ ensure the long-term financing of the Institute in accordance with the provisions of the Paris Principles on budgetary management and, by analogy, with the recommendation of the Venice Commission on minimum guarantees for the financing of ombudsman institutions.

Improve the follow-up of the recommendations of international monitoring bodies

Collective strategic work for human rights also requires systematic and clear handling of the recommendations Sweden receives from international monitoring bodies.

The Government's follow-up of the monitoring bodies' recommendations should include collaboration with national authorities, regions and municipalities, as well as civil society and independent actors, such as the Institute. Such collaboration is currently lacking, which makes it difficult to monitor the work being done. After the latest review in the UN Human Rights Council, the UN High Commissioner for Human Rights called on Sweden to establish a national mechanism to remedy this.⁴⁷⁰

In February 2023, the UN Committee on the Rights of the Child presented its conclusions from its review of Sweden's commitments under the Convention. The UN Committee on the Rights of the Child welcomed some of the steps taken since the last review in 2015, including the incorporation of the Convention into Swedish law, and the establishment of the Swedish Institute for Human Rights. However, the Committee pointed out several serious shortcomings, not least in terms of the situation of children and young people in alternative forms of care.

The recommendations of the Committee on the Rights of the Child are not the first of their kind. In the past decade, the UN's various monitoring committees have repeatedly expressed criticism of both placement and treatment of people in various forms of compulsory social or psychiatric care in Sweden. In 2023, the Institute therefore wrote to the Swedish National Board of Institutional Affairs (SiS) and the supervisory authority, the Swedish Health and Care Inspectorate (IVO), asking how the agencies follow up on recommendations from international reviews.⁴⁷¹ In the responses, it emerged that neither of the agencies had special procedures or processes

⁴⁷⁰ Letter by the UN High Commissioner for Human Rights to the Foreign Minister of Sweden, 4 December 2020.

⁴⁷¹ See the Institute's letters to the Health and Social Care Inspectorate ref. no. 6.1.5-171/2023 and SiS ref. no. 61.5-172/2023, 31 March 2023.

to follow up international recommendations on human rights. However, SiS pointed out that the agency has a process to take care of the results of inspections, including those that take the form of international inspections of the agency's institutions.⁴⁷² According to Health and Social Care Inspectorate, consideration is given to international recommendations in the agency's own risk analyses.⁴⁷³

The Institute recommends the Government to:

- ▶ create a national mechanism for the handling of recommendations from international monitoring bodies.

Increase knowledge and awareness of human rights

Several of the UN monitoring bodies in the area of human rights have stressed that Sweden needs to do more to increase awareness among public authorities at all levels, especially the regional and municipal level, of their responsibility to respect and uphold human rights.⁴⁷⁴ The Institute believes that it is important to clarify that all public operations, including the Government's and the Swedish Parliament's, must be permeated by a human rights perspective.

⁴⁷² Swedish National Board of Institutional Care's response ref. no. 6.1.5-172/2023, 3 July 2023.

⁴⁷³ The Health and Social Care Inspectorat's response in ref. no. 6.1.5-171/2023, 30 May 2023.

⁴⁷⁴ See the UN Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Sweden, 12 May 2014, UN Doc. CRPD/C/SWE/CO/1; UN Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Sweden, 6 March 2015, UN Doc. CRC/C/SWE/CO/5. UN Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of Sweden, 14 July 2016, UN Doc. E/C.12/SWE/CO/6; UN Committee against Torture, Concluding observations on the eighth periodic report of Sweden, 20 December 2021, UN Doc. CAT/C/SWE/CO/8.

In December 2023, the Government announced that the county administrative boards will be given a renewed assignment to support municipalities and regions in their work on human rights. At the same time, Uppsala University received a renewed assignment to implement training efforts on human rights for staff in a selection of government agencies, municipalities and regions.⁴⁷⁵

In 2023, the Institute published the results of an online survey of the public's knowledge of human rights.⁴⁷⁶ The report shows that a majority of those who responded to the survey feel they are aware of their human rights, but that the knowledge of specific rights and of the international conventions and other documents in which they are established varies widely. The right to asylum and several economic, social and cultural rights, such as the right to economic security and the best possible health, are less well known. A majority feel that there are obstacles to effectively claiming their human rights, or that they do not know if there are obstacles. Many feel that it is difficult to obtain information on how to effectively claim their rights and that it is difficult to have contact with authorities.

It is clear that measures are needed to increase public awareness of human rights and greater information on how they can be claimed.

The Institute recommends the Government to:

- ▶ increase efforts to raise the level of knowledge of human rights in public services.
- ▶ expand efforts to increase individuals' knowledge of their rights and how they can effectively claim their rights.

⁴⁷⁵ Government Office, Press Release: "Insatser för främjande av mänskliga rättigheter nationellt" [Actions for the promotion of human rights nationally], 28 December 2023.

⁴⁷⁶ Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023* [Knowledge and experiences of human rights in Sweden 2022–2023], 2023.

Needs	The Institute recommends the Government to:
New strategy and action plan	<ul style="list-style-type: none"> ▶ evaluate and follow-up the national strategy for human rights from 2016 in its entirety. ▶ prepare a new strategy that is submitted to the Swedish Parliament for a decision. ▶ complement the strategy with an action plan with concrete measures.
Strengthened legal protection	<ul style="list-style-type: none"> ▶ review conformity between Swedish law and the International Covenant on Economic, Social and Cultural Rights (ICESCR). ▶ review how Swedish law conforms with the Convention on the Rights of Persons with Disabilities (CRPD). ▶ take steps to ensure that the requirements of the Instrument of Government regarding the preparation of legislative proposals are respected. ▶ ensure that a new impact assessment ordinance has a clear rule on presenting impact assessments on how, for example, legislative proposals relate to Sweden's obligations in the area of human rights, also called "human rights impact analysis". ▶ take steps to promote increased knowledge among courts and authorities about Sweden's international commitments in the field of human rights to provide better conditions for their implementation, not least through treaty-compliant interpretation.

Needs	The Institute recommends the Government to:
Strengthened institutional protection	<ul style="list-style-type: none"> ▶ work to strengthen the protection of the impartiality of the courts through the inclusion of a specific provision in the Instrument of Government stipulating that the administration of justice is exercised by courts that are both independent and impartial. ▶ appoint an inquiry to investigate how a new recruitment system for lay judges can be designed without the involvement of political parties. ▶ propose to the Swedish Parliament that Sweden ratify both the Third Additional Protocol to the Convention on the Rights of the Child concerning an individual complaints procedure and the Additional Protocol to the UN International Covenant on Economic, Social and Cultural Rights on a complaint procedure. ▶ commission the 2023 Committee on Freedoms and Rights to draw up proposals to strengthen the Institute's independence and its basis in the Paris Principles. ▶ clarify the rules for the appointment and dismissal of the Board members of the Institute. ▶ ensure the long-term financing of the Institute in accordance with the provisions of the Paris Principles on budgetary management and, by analogy, with the recommendation of the Venice Commission on minimum guarantees for the financing of ombudsman institutions.
Improved follow-up of the recommendations of international monitoring bodies	<ul style="list-style-type: none"> ▶ create a national mechanism for the handling of recommendations from international monitoring bodies.
Measures to increase knowledge and awareness of human rights	<ul style="list-style-type: none"> ▶ increase efforts to raise the level of knowledge of human rights in public services. ▶ expand efforts to increase individuals' knowledge of their rights and how they can claim their rights.

Activities of the Institute





This part of the report presents elements of the Institute's activities of the past year. The first sections describe the Institute's work on the continued build-up and development of the activities, the way to international recognition, the establishment of the Advisory Council for Human Rights and the development of the Institute's role as an independent national mechanism under Article 33(2) of the Convention on the Rights of Persons with Disabilities (CRPD).

In addition, the Institute's work is briefly presented with follow-up of the previous annual report on the human rights situation in Sweden, other reports, studies and statements. The Institute's dialogues with civil society organisations and other actors, promotion efforts and international collaboration are also described. A more detailed presentation of the Institute's activities can be found in the Institute's Annual Report for 2023.⁴⁷⁷

Continued build-up and development of the operations

In the Institute's first year, there was intensive work to build up the operations, an effort that also continued in 2023.⁴⁷⁸ Something that characterised the build-up in addition to the development of the activities was recruitment of employees, as well as recruitment of a regular Director of the Institute. In the autumn of 2022, the Board made decisions on employment and on 20 January 2023, Fredrik Malmberg took office as Director of the Institute.

⁴⁷⁷ Swedish Institute for Human Rights, Annual Report 2023, ref. no. 1.3.1–606/2023.

⁴⁷⁸ Swedish Institute for Human Rights, Annual Report 2023.

In 2023, the Board also approved an organisation that entered into force in October 2023. The Institute's activities are organised into three units: the Management and Operational Support Unit, the International Community and Collaboration Unit and the Investigation and Analysis Unit.⁴⁷⁹ In 2023, additional employees and unit managers were recruited for all units. The unit heads took office in early 2024. In 2023, a coordinator was appointed responsible for the Institute's work to promote, protect and monitor the Convention on the Rights of Persons with Disabilities.

Aggravating circumstances

The Institute's build-up and operations were impeded in the spring of 2023 when the Government provided unclear information after political demands were made in April to shut down the Institute. In September in connection with the budget bill, the Government announced the assurance and safeguarding of an independent national institution for human rights.⁴⁸⁰ A similar announcement had been submitted in July to the UN High Commissioner for Human Rights, after the High Commissioner wrote a letter to the Government in May.

In its letter to the Government, the UN High Commissioner for Human Rights stressed that effective national human rights institutions that comply with the Paris Principles are crucial to the promotion and protection of human rights in all countries, even in countries with a long tradition of democracy and the rule of law. The High Commissioner also wrote: Fully respecting the sovereign right of the Government of Sweden to consider relevant budgetary allocations, measures to guarantee the funding and institutional independence of the Swedish Institute for Human Rights would send an important signal, and ensure that the Institute is a key pillar in the architecture for the promotion and protection for human rights domestically.⁴⁸¹

⁴⁷⁹ Swedish Institute for Human Rights, Rules of Procedure for the Institute for Human Rights, ref. no. 1.2.3–359/2023.

⁴⁸⁰ Government Bill 2023/24:1 Expense area 1, p. 97.

⁴⁸¹ Volker Türk in letter to Tobias Billström, 2 May 2023. [Reverse translation of translation by the Institute.]

Around the same time, in May 2023, around 55 civil society organisations in Swedish signed an open letter to the Prime Minister. The letter concluded with the following lines:

“The Government’s work to strengthen democracy must be based on the safeguarding of fundamental rights and freedoms. In such work, a national human rights institution in line with international requirements and the UN Paris Principles plays a central role. We call for a clear statement of position and an indication from the Prime Minister that the Swedish Institute for Human Rights in its current form and with undiminished resources will be able to continue its important work.”⁴⁸²

It can also be mentioned that the European Commission shortly thereafter, in July, submitted its annual report on compliance with the rule of law in the EU (Rule of Law Report). In the chapter on the development in Sweden, the Commission drew attention to the Institute’s role and preparations for accreditation.⁴⁸³

In July 2023, through the Minister for Foreign Affairs, the Government responded to the letter from the UN High Commissioner and pointed out in its response that the need to promote and defend human rights is greater than ever. In the letter, the Minister for Foreign Affairs further stated that

“the global promotion of human rights is a priority for my Government, including within our own borders. My Government’s view is that the Swedish Institute for Human Rights plays a central role in this work by monitoring, investigating and reporting on the respect for and implementation of human rights in Sweden.”⁴⁸⁴

⁴⁸² Open letter to the Prime Minister regarding the Swedish Institute for Human Rights, 2 May 2023.

⁴⁸³ European Commission, The rule of law situation in the European Union {COM(2023) 800 final} – {SWD(2023) 801–827 final}, 5 July 2023.

⁴⁸⁴ Tobias Billström in letter to Volker Türk, 10 July 2023. [Reverse translation of translation by the Institute.]

In connection with the presentation of the budget bill for 2024 in September 2023, the Government finally gave clear notice regarding the Institute's future. The budget bill showed that the Government believes that the Institute has a central role to play in fulfilling the objective of ensuring full respect for Sweden's international human rights commitments.⁴⁸⁵ In light of the above, it is self-evident that the situation in which the Institute was placed in 2023 May not be repeated. The issue of ensuring long-term funding has been raised in dialogue with the Government and in the letter that the Board submitted to the Government in December 2023 (see below).

The way to international recognition

In April 2023, there were around 120 national human rights institutions around the world. Among them, 88 were ranked as A status institutions, i.e. institutions that fully live up to the Paris Principles. Many of them are in the EU and the wider Europe. Sweden was one of the last countries in the EU to establish a national institution for human rights.

In 2023, the Institute applied for international recognition and the Institute's accreditation in the Global Alliance of National Human Rights Institutions (GANHRI) will be reviewed in 2024.⁴⁸⁶ At the time of the application, the Institute had just submitted its first annual report to the Government and sent it to the Swedish Parliament and became a member of the European Network of National Human Rights Institutions (ENNHRI) and was therefore formally eligible to apply for membership.

However, the extent to which an institution actually meets the Paris Principles is not determined either by the country's government, its legislative assembly or the institution's own leadership. It is reviewed by an international accreditation committee linked to GANHRI.

⁴⁸⁵ Budget Bill 2024, Expense Area 1 National governance, p. 97.

⁴⁸⁶ Swedish Institute for Human Rights, Proposal regarding accreditation, ref. no. 3.4.2–31/2024.

In 2023, the Institute began an in-depth analysis effort prior to the accreditation process. As part of this work, the Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) was asked to provide a legal opinion proposing measures that could clarify and strengthen the Institute's mandate and compliance with the Paris Principles.

In the legal opinion, ODIHR welcomes Sweden's decision to establish a national institution for human rights. The fact that the Institute's mission is protected by a law is also seen as something positive, as it is seen as a guarantee for a stable and independent operation. ODIHR also believes that the law has several advantages, including the broad mandate that gives the Institute the conditions to promote and protect human rights in accordance with the corresponding criteria in the Paris Principles. ODIHR also emphasises the provision that the Institute shall perform the task as an independent national mechanism for the Convention on the Rights of Persons with Disabilities, as one of the positive characteristics of the Act. At the same time, ODIHR highlights seven areas with improvement possibilities in the short and long term. They concern in particular the vague provisions regarding the appointment and dismissal of the Institute's Board members.⁴⁸⁷

In the autumn of 2023, the Institute invited representatives of the Government, the Swedish Parliament, civil society and the international community to a high-level webinar that was held on 18 October 2023. The aim was to obtain further knowledge of value prior to the accreditation and prioritise among the proposed measures expressed by ODIHR, the Office of the UN High Commissioner for Human Rights and other stakeholders that the Institute was in contact with. The conclusion from the high-level webinar was that there was strong support for ODIHR's recommendations and that the outlook for the accreditation process leading to A status can be considered good, but not given.

On this basis, the Institute's Board wrote to the Government about the immediate need to strengthen the implementation of the Paris Principles with measures that the Government should implement in the short term prior to the accreditation of the Institute being reviewed.⁴⁸⁸

⁴⁸⁷ ODIHR, Opinion on the Act on the Institute for Human Rights of Sweden, 28 August 2023.

⁴⁸⁸ Swedish Institute for Human Rights, Official letter 16 January 2024, ref. no. 3.4.2-31/2024.

The following measures were proposed in the letter:

- ▶ Commission the 2023 Committee on Freedoms and Rights to draw up proposals to of constitutional protection for the Institute's mission, independence and its basis in the Paris Principles.⁴⁸⁹
- ▶ Ensure the long-term financing of the Institute in accordance with the provisions of the Paris Principles on budgetary management and, by analogy, with the recommendation of the Venice Commission on minimum guarantees for the financing of ombudsman institutions.⁴⁹⁰
- ▶ Clarify the rules for the appointment and dismissal of the Board members of the Institute. In the short-term perspective, they can be clarified in written procedures, and subsequently be clarified in the long term through legislation.
- ▶ Also otherwise ensure favourable conditions for the Institute's possibilities of fulfilling the Paris Principles.

⁴⁸⁹ Ju 2023:05, dir. 2023:83.

⁴⁹⁰ Venice Commission, Principles on the Protection and Promotion of the Ombudsman Institution ("Venice Principles"), CDL-AD (2019)005, para. 21.

GANHRI

The Global Alliance of National Human Rights Institutions (GANHRI) is based in Geneva, Switzerland. The Accreditation Committee consists of experienced leaders from four national human rights institutions from as many continents and receives administrative and expert support from the UN Human Rights Office, which acts as the Secretariat of GANHRI and the Accreditation Committee.

If the Accreditation Committee assesses that an institution fully implements the Paris Principles, it is assigned the designation as an “A-status institution”. If there are gaps in compliance, the institution is instead designated as a B-status institution.

After an institution has completed its initial review by the Accreditation Committee, an abbreviated review takes place every five years. This applies to both A- and B-status institutions.

The Advisory Council for Human Rights

According to the Act on the Institute for Human Rights (2021:642), there shall be an advisory council that shall provide the Institute with knowledge and experience from the work of civil society and other actors with human rights. The preparatory work that preceded the Institute's formation states that this body shall be a permanent body to be called the Advisory Council for Human Rights.⁴⁹¹

Tasks and working methods of the Council

The Board decided on the establishment of an Council in the autumn of 2022 and the objective was for the Council to be in place no later than one year later. On 9 February 2023, the Board made a decision on the tasks and working methods of the Council.⁴⁹²

The Institute's rules of procedure provide that the Council shall have a broad composition and consist of at least 15 and at most 20 members.⁴⁹³ The Council members shall provide the Institute with the knowledge and experience of the work of civil society and other actors on human rights. The Council must also have at least two representatives from organisations representing persons with disabilities.⁴⁹⁴

The Board appoints members to the Council after an open nomination process. The members are appointed for terms of two years and meet four times a year.⁴⁹⁵ In the

⁴⁹¹ Government Bill 2020/21:143 p. 37.

⁴⁹² Swedish Institute for Human Rights, Board minutes number 2, 9 February 2023, ref. no. 1.2.1-17-2023-2.

⁴⁹³ Swedish Institute for Human Rights, Rules of Procedure for the Institute for Human Rights, ref. no. 1.2.3-359/2023.

⁴⁹⁴ Section 10 of the Act on the Institute for Human Rights (2021:642).

⁴⁹⁵ Half of the members were appointed on the first occasion for three years.

selection of members, special consideration must be given to the requirements of the Act and the Paris Principles on a broad composition, as well as the members' knowledge and experience of practical work on human rights in various sectors of society.

The Council's task is providing knowledge- and experience-based advice to the Institute to promote the safeguarding of human rights in Sweden. The Council shall be invited to provide advice and support in terms of:

the Institute's strategic direction,

- ▶ the focus of external analysis and prioritisation of rights areas,
- ▶ the monitoring of the implementation of the Convention on the Rights of Persons with Disabilities and
- ▶ the focus of the Institute's annual report.

In addition to this, the Council can be invited to provide advice and support with regard to:

- ▶ the focus for studies and reports,
- ▶ forms of dialogue and collaboration with civil society and other actors,
- ▶ forms of active involvement of civil society, especially persons with
- ▶ disabilities and the organisations that represent them,
- ▶ other issues that the Council considers to be important to the Institute's mission.

The Council is also tasked to:

- ▶ submit a proposal to the Government on members for the Institute's Board, and
- ▶ prepare formats to ensure that the Council's proposals on members of the Institute's Board are prepared in an independent and transparent manner with broad support.

Council members

In order to achieve a broad composition of the Council, the Institute issued an open call to recruit members in the spring of 2023.⁴⁹⁶ When the call was closed on 28 April 2023, 137 nominations had been received from civil society and private individuals.⁴⁹⁷

In June 2023, the Board appointed 20 members to the Advisory Council for Human Rights. The members appointed are representatives of civil society organisations, but also other actors, as well as private individuals. Four members are representatives of organisations that represent persons with disabilities.⁴⁹⁸ In the selection of members, special consideration was given to the legal requirement of a broad composition and the members' knowledge and experience of practical work on human rights in various sectors of society and the requirements of the Paris Principles.

⁴⁹⁶ Swedish Institute for Human Rights, Call for proposals, ref. no. 1.2.1-88/2023.

⁴⁹⁷ Swedish Institute for Human Rights, Nominations, ref. no. 1.2.1-88/2023.

⁴⁹⁸ Swedish Institute for Human Rights, Board minutes number 10, 22 June 2023, ref. no. 1.2.1-17/2023-10.

” **The Council members shall provide the Institute with the knowledge and experience of the work of civil society and other actors on human rights.**



Council meetings

The new Council held two ordinary meetings and one preparatory meeting in 2023. At the first ordinary meeting, the Council appointed Hewan Temesghen as the Chairman and Ignacio Vita as the Vice-Chairman. The members of the Council have been given the opportunity to provide advice prior to the Institute's development of a long-term strategy for its activities, as well as input for the Institute's annual report and reports with supplementary information to the UN Committee on the Rights of Persons with Disabilities and the UN Committee on Economic, Social and Cultural Rights.⁴⁹⁹ The Council has also initiated the work of nominating members to the Institute's Board.

The Council is convened by the Institute's Director and led by the Chairman of the Council. The Council meets four times a year.

Council members

Marie Cham	Balqis Lamis Khattab
Elias Fjellander	David Lega
Rebecka Forsgren	Jenny Nilsson
Yngve Gustafson	Kristina Patring
Stellan Gärde	Anna Quarnström
Karin Henrikz	Edward Summanen
Maria Johansson	Kaisa Syrjänen Schaal
Ola Junkka	Hewan Temesghen
Domino Kai	Ignacio Vita
Zandra Kanakaris	Therese Wappsell

⁴⁹⁹ Swedish Institute for Human Rights, Convening notice and agenda, item 3 memoranda, ref. no. 1.2.1-416/2023-2.

Interview with the Council's Chairman and Vice-Chairman

Hello Hewan Temesghen and Ignacio Vita, Chairman and Vice-Chairman of the Council. Tell us, who are you and what are your backgrounds in human rights?

Hewan: I've always been very committed and had a strong drive for the equal value of all, which influenced my choice of education, work and volunteering. I have over 20 years of experience in sustainability and human rights nationally and internationally, at an operational and strategic level, in the public, private and non-profit sectors. My involvement has been broad and covered various organisations and issues, such as human rights and international trade, racism and anti-discrimination issues, economic, social and cultural rights. My starting point has been that "everyone can do something, but together, we can do more".

Ignacio: I'm an experienced lawyer and leader with a focus on migration law, discrimination law and human rights. I previously worked in the legal system, the Government Offices and civil society, including as the Head of Unit at the Stockholm City Mission.

The Council was established in 2023 and has already met a few times. What issues did the Council focus on in the early days?

Hewan: Work in the Council got off to a running start. In that it's the first Council appointed, at the beginning it was about setting up the structure, working methods and mandates, and creating conditions for the Council members and the Institute's employees to get to know each other. From the very beginning, the members of the Council have contributed expertise and experience to the Institute for the writing of the report to the UN Committee on Economic, Social

and Cultural Rights and for the upcoming review of Sweden in the UN Committee on the Rights of Persons with Disabilities. There is a broad representation among the members of the Council that plays an important role in providing input on the current situation of human rights in Sweden, which was also valuable for the writing of the Institute's annual report in 2024.

What do you want to contribute as a member of the Council?

Hewan: At a time when more and strong voices are needed that safeguard human rights and democracy, I want to contribute to the Institute succeeding in the mission of capturing and reporting on how human rights are respected and realised and contribute to the clarity of the proposals on measures to the Government. This means that, as a Council member, I want to contribute my experience, expertise and networks, and especially contribute to highlighting perspectives from groups that are not always heard or made visible. In the role of Chair, I want to create inclusive meetings so that all the members can contribute in the best possible way and we can jointly achieve our mission as a Council. My hope is that the Institute will become a guiding light for others in the work for human rights.



Ignacio: In particular, I want to contribute to migrants' rights, experiences, vulnerability and strength being included in the Institute's discussions and strategic considerations, and that they are given a clear place in the Institute's review of how Sweden lives up to its international human rights obligations. Furthermore, I want to contribute a strategic approach where we set clear objectives and clear priorities for the Council's work to have an impact on the Institute's activities.

What issues do you see as priorities for the Council to work on in 2024?

Hewan: In 2024, I see that in addition to continuous updates on the human rights situation, we will prioritise making nominations to the Institute's Board, giving input on the Institute's strategy and contributing the special expertise of the members prior to writing the report to the UN Committee on the Elimination of Racial Discrimination (CERD).

Ignacio: The Council's most important task is to be an independent, critical and constructive voice in the Institute. We need to develop and strengthen this role. Our input should be well-founded, rooted in reality and sharp. For my part, I see the repressive policy on crime, the dehumanising migration policy, the growing economic inequality and racism, discrimination and hate crimes as issues I hope will be on our agenda.

” **In the role of Chair,
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Council.**

Independent national mechanism for the Convention on the Rights of Persons with Disabilities

According to the law that regulates the Institute's activities, it shall also perform the functions that an independent national mechanism has under Article 33(2) of the Convention on the Rights of Persons with Disabilities (CRPD). In 2023, the Institute continued its work of identifying and determining how the tasks of the Institute as an independent national mechanism under Article 33(2) of the CRPD are to be carried out.

In this work, the Institute follows two different tracks. The first track consists of focused work to promote, protect and monitor the implementation of the CRPD. The second track focuses on highlighting important perspectives with connections to persons with disabilities in all relevant contexts in the activities. In 2023, a coordinator was appointed to coordinate the work on the Institute's special mission as an independent national mechanism according to Article 33(2) internally, including the work being integrated into the whole operation.

Promoting, protecting and monitoring the Convention on the Rights of Persons with Disabilities

A central part of the focused work of promoting, protecting and monitoring the Convention on the Rights of Persons with Disabilities is preparing documentation

for the UN Committee on the Rights of Persons with Disabilities (UN CRPD). In 2023, the preparation of an alternative report with additional information to the Committee was a priority task for the Institute.

Reporting to the UN Committee on the Rights of Persons with Disabilities

In the preparation of the alternative report with additional information to the UN Committee on the Rights of Persons with Disabilities, two open dialogues with the disability rights movement were conducted, partly to obtain knowledge of shortcomings and challenges, and partly to obtain opinions on the principles for priorities within the framework of the limited scope in the report. In addition, a number of smaller meetings were also held with a special thematic focus or with a special organisation. The report was submitted to the Committee on 2 February 2024. The Institute also participated during the review of Sweden by the UN Committee on the Rights of Persons with Disabilities on 11-12 March 2024 in Geneva.

Collaboration to strengthen the implementation of the Convention on the Rights of Persons with Disabilities

Another central task in promoting, protecting and monitoring the implementation of the CRPD is to follow up on the recommendations of the UN CRPD Committee to Sweden to strengthen the implementation of the CRPD at the local, regional and national level.

In 2023, the Institute initiated work to be able to follow up on the recommendations of the UN CRPD Committee in 2024 and promote the implementation of the Convention through an annual conference in collaboration with other key actors for the implementation of the Convention in Sweden.

During the year, meetings were organised with civil society, with relevant authorities, including the Equality Ombudsman, the Ombudsman for Children and the Swedish Agency for Participation, and with the Government Offices to discuss the establishment of an annual conference in 2024.

The annual conference aims to contribute to the Institute's mission to promote, protect and monitor the Convention and to create an opportunity to follow up on the recommendations that the Committee makes to Sweden. The conference also aims to enable other actors responsible for working in various ways to ensure rights to clarify their roles, strengthen networks among themselves and increase knowledge of current issues in the area.⁵⁰⁰

Continued development of the dialogue with the disability rights movement

In this work, active participation of the disability rights movement is necessary. This is pursuant to both the consultation obligation and involvement obligation in Article 4(3) of the CRPD and the obligation to ensure that the organisations are involved and participate fully in the tasks according to Article 33(2) of the CRPD.

In order to meet these requirements, the Institute is working to establish a structured and foreseeable collaboration with the disability rights movement. An important actor in this context is the Institute's Advisory Council for Human Rights. More long-term forms of collaboration remain to be established in 2024 after the Committee's review of Sweden's compliance with the Convention.

Continued analysis work in relation to the Paris Principles

The work of otherwise identifying and establishing the Institute's task as an independent national mechanism for the Convention on the Rights of Persons with Disabilities has been included during the year as part of the analysis work under way on the extent to which the Institute lives up to the Paris Principles.

Within the scope of this work, the Institute identified a need for a compilation and analysis of relevant information, mainly from the UN Committee on the Rights of Persons with Disabilities and the Global Alliance of National Institutions for Human Rights (GANHRI) Accreditation Committee (SCA), as a basis for

⁵⁰⁰ Swedish Institute for Human Rights, Round-table discussion, ref. no. 3.3.2-495/2023.

continued development of the role of an independent national mechanism. In 2023, the Raoul Wallenberg Institute was therefore commissioned to make such a compilation. The assignment also included conducting a survey of the roles of various actors in connection with the implementation of Article 33(2). An interim report was submitted in December 2023 and a second one was submitted in February 2024. These reports aim to create good conditions for continued planning, development and prioritisation of the work of promoting, protecting and monitoring the CRPD in dialogue with the Institute's Advisory Council for Human Rights, the disability rights movement and other actors.

The Institute has also gathered experience from the Norwegian Gender Equality and Anti-Discrimination Ombud, which has the 33(2) mission in Norway, and the Norwegian Human Rights Institution (NIM), whose mandate covers the Convention on the Rights of Persons with Disabilities to the same extent as other conventions, and from the German Institute for Human Rights that has the 33(2) mission in Germany. The Institute also participates in a working group on the Convention on the Rights of Persons with Disabilities in the European Network of National Human Rights Institutions (ENNHRI). In addition, the Institute has begun a collaboration with the Nordic Welfare Centre on the implementation of the CRPD where Nordic experiences of the 33(2) assignment will be discussed.⁵⁰¹

The Institute will incorporate a disability rights perspective in its activities

The second track focuses on highlighting important perspectives related to persons with disabilities in all relevant contexts in the Institute's activities. In the implementation of the assignment as an independent national mechanism according to Article 33(2), the Institute strives to integrate a disability rights perspective into every part of its work. In this work, the Institute's special coordinator for the Convention on the Rights of Persons with Disabilities has an important role.

⁵⁰¹ Swedish Institute for Human Rights, Advice of the Nordic Welfare Center, ref. no. 3.5.2–100/2024.

Studies, reports and international monitoring

In 2023, a study was conducted on the knowledge and experiences of human rights in Sweden in 2023 for persons with disabilities through the Swedish Agency for Participation web panel “Rivkraft Panel”. The aim was to supplement the Institute’s study, which was conducted in the autumn of 2022, to investigate people’s knowledge of human rights. Parts of the results from the Rivkraft Panel were published in the Institute’s report Knowledge and experiences of human rights in Sweden in 2022-2023 and the results will be presented in their entirety in a report in 2024.⁵⁰²

The study shows that there are few people who have more detailed knowledge of the Convention on the Rights of Persons with Disabilities. One conclusion from the study is that persons with disabilities in Sweden today are still highly affected by the barriers described in the Convention and that these barriers stand in the way of the possibilities of full participation in society.

The Institute is currently conducting a larger study of the situation for older people with extensive social care needs from a rights perspective. More than 46 per cent of the elderly in the world have a disability, and elderly people make up the majority of the total population of persons with disabilities. As the population ages, the share of elderly persons with disabilities also increases. As the target group for the survey overlaps with the target group for the CRPD, the Institute can benefit from the perspectives that in the survey entails.⁵⁰³

With close ties to the survey on the rights of the elderly, the Institute has been involved in a cooperation project with the Faculty of Law at Lund University and the Raoul Wallenberg Institute (RWI). On behalf of the Institute, the report “Age and disability - An examination of Swedish law in accordance with the CRPD” was written by participants in the law programme’s special course on human rights practice (JUFN34), which is offered by RWI and the Faculty of Law. The aim of the report has been to map the standard set by the Convention on the Rights of

⁵⁰² Swedish Institute for Human Rights, *Kännedom om och upplevelser av mänskliga rättigheter i Sverige 2022–2023* [Knowledge and experiences of human rights in Sweden 2022-2023], ref. no. 3.1.1–436/2023.

⁵⁰³ Swedish Institute for Human Rights, *Information on the elderly population survey*, ref. no. 3.1.1-656/2023 and *Dialogue meeting*, ref. no. 3.1.2-405/2023.

Persons with Disabilities regarding the intersection between age and disability. The report has a special focus on access for elderly persons with disabilities to support services and care according to Swedish law and precedence, and compliance with law and precedence compared with the Convention. The reporter authors point out areas where they believe that Swedish law does not meet the requirements set in the Convention.⁵⁰⁴

In the report with additional information prepared by the Institute in 2023 and submitted to the UN Committee on Economic, Social and Cultural Rights at the beginning of 2024, issues related to the rights of persons with disabilities were also highlighted.⁵⁰⁵

A strategic and active referral body

The Institute responds to referrals with a clear connection to the national implementation of the Convention on the Rights of Persons with Disabilities, such as the inquiry that was referred in 2023 about a government responsibility for personal assistance – Increased equivalence, long-term sustainability and quality of personal assistance.⁵⁰⁶ In other issues regarding legislative proposals like the eviction of families when a youth commits crimes, welfare crime, incitement to racial hatred and establishment programmes for new arrivals, a disability perspective has been highlighted by the Institute.

Dissemination of knowledge through participation in seminars and other efforts

The Institute has participated in several conferences and held various presentations related to the implementation of the Convention on the Rights of Persons with

⁵⁰⁴ Swedish Institute for Human Rights, Human rights clinic agreement, ref. no. 4.1.1--367/2023.

⁵⁰⁵ Swedish Institute for Human Rights, Supplementary information to the UN Committee on Economic, Social and Cultural Rights for the consideration of the seventh periodic report of Sweden, 11 January 2024.

⁵⁰⁶ SOU 2023:9.

Disabilities in Sweden. The Director participated as a moderator at a conference organised by the European Disability Forum and the Swedish Disability Rights Federation during Sweden's EU Presidency in April 2023. A mini-seminar was also organised at the the Swedish Forum for Human Rights (MR-dagarna) in Helsingborg, about the Institute's work on the report to the UN Committee on the Rights of Persons with Disabilities. The Institute also held a presentation at the Nationell Samling för Delaktighet [National Assembly for Participation], which is the conference organised annually by the county administrative boards and the Swedish Agency for Participation. In addition to attending conferences and meetings, the Institute has commented in interview form on a report from the Health and Social Care Inspectorate on coercive and restrictive measures at LSS adult housing.⁵⁰⁷ The Institute was also interviewed in the journal Funktionshinderpolitik about the process of writing a report to the UN Committee on the Rights of Persons with Disabilities.⁵⁰⁸

⁵⁰⁷ The Swedish Institute for Human Rights, "Allvarliga kränkningar av rättigheter för personer med funktionsnedsättning måste upphöra" [Serious violations of the rights of persons with disabilities must end], 25 September 2023.

⁵⁰⁸ "De ger alternativa bilder när Sverige granskas" [They provide alternative pictures when Sweden is reviewed], Funktionshinderpolitik, 23 November 2023.

Reports, studies and position statements

Annual Report 2023

The Institute submitted and presented the Annual Report 2023 to the Government on 3 April 2023 and to the Swedish Parliament's Standing Committee on the Constitution on 9 May 2023. The annual report was also sent to all MPs.

Through the Institute's monitoring of developments in the area of human rights in 2022, and through dialogues with civil society and other actors, four overlapping themes were identified that concern human rights in various ways and were described by the UN Secretary-General as some of the major societal challenges of our time:

- ▶ climate change and the need for a fair transition,
- ▶ threats to democracy and the rule of law,
- ▶ greater social inequality, discrimination and racism, and
- ▶ rapid technological development.

In the Annual Report 2023, the Institute highlighted these societal challenges that affect the conditions for human rights, internationally and in Sweden. The major challenges of our time – such as the climate crisis, geopolitical conflicts, the decline of democracy and growing threats to personal integrity – affect people's possibilities of having their rights met, even in our country. The Institute hopes that the annual report will contribute to highlighting the breadth of issues that fit within the area of human rights, and give rise to further reflection and discussion.

A special parliamentary seminar was held in collaboration with the presiding committee of the Parliamentary Standing Committee on the Constitution on the occasion of the 75th anniversary of the Universal Declaration of Human Rights and its significance. The focus for the seminar was the parts of the annual report that

highlighted the negative development with hatred, threats and polarising rhetoric in Sweden and the consequences they can have. Participants included Volker Türk, the UN High Commissioner for Human Rights, Kerstin Lundgren, the Third Deputy Speaker of Parliament, Ida Karkiainen and Erik Ottoson, the Chair and Vice-Chair of the Parliamentary Standing Committee on the Constitution, Thomas Bull, Supreme Court Justice, Debbie Kohner, the Secretary-General of the European Network of National Human Rights Institutions (ENNHRI), Jens Mattsson, the Director-General of the Swedish National Defence Research Institute (FOI), and Elisabeth Rynning and Fredrik Malmberg, the Chair of the Board of Directors and Director of the Institute for Human Rights.

In his opening speech, the High Commissioner said that one can see a global decline in the respect for human rights, especially in association with violence and hate speech. He also said that his autumn 2023 visit to Sweden had raised concerns about the situation of minorities, especially Muslims.

The dialogue between Fredrik Malmberg and Jens Mattsson, Director-General of FOI, highlighted the seriousness of hatred, threats and toxic language and their consequences. In the discussion, it was described that the problems increased in recent years and that some groups were exposed more than others. These include civil society, politicians, journalists and researchers, but also some minorities. Women are often hit harder than men.

The seminar also included a panel discussion on where the boundary for hatred, threats and polarising rhetoric goes. The Chair and Vice-Chair of the Parliamentary Standing Committee on the Constitution, Ida Karkiainen (Social Democrats) and Erik Ottoson (Moderates), and Supreme Court Justice Thomas Bull took part in the discussion. The discussion was led by Elisabeth Rynning, Chair of the Board of the Swedish Institute for Human Rights. It centred on the fact that the law already provides room to make certain limitations to the freedom of expression, in terms of, for example, hate crimes and defamation, and that this should be used. At the same time, all of us, especially our political representatives, have an important responsibility to discuss and debate about differences of opinion in a respectful manner.

During the seminar, some results from the Institute's report "Knowledge and experiences of human rights in Sweden 2022–2023" were also highlighted, which sheds

light on concerns of hatred, threats and violence and the particular vulnerability of certain groups.

The external analysis presented in the Annual Report 2023 is a foundation for the Institute's long-term strategy that will be prepared in 2024. The Institute presented the external analysis to the Institute's Advisory Council for Human Rights at the beginning of the autumn of 2023 to get further input into the analysis from a national perspective.

In the Annual Report 2023, the work of building up an independent national human rights institution from scratch was also described, as well as the way to international recognition and A status. Here, the Institute drew the Government's attention to issues of importance for the Institute to fully comply with the Paris Principles:

- ▶ That it should be stated in law that the annual report is to be addressed by the Swedish Parliament.
- ▶ That both the nomination and appointment process for senior executives shall be regulated by law.

The Institute discussed these issues in a dialogue with the Government in the spring of 2023 and followed up and further developed these recommendations in a special letter to the Government (see the section on "The way to international recognition").

Knowledge and experiences of human rights in Sweden 2022–2023

In order for us all to be able to effectively claim our human rights, we also need to know that they exist. To investigate people's knowledge of human rights and perception of the possibilities to effectively claim their human rights and if there are human rights that are perceived to be threatened in Sweden today, the Institute conducted a survey in autumn 2022 with the help of an online panel and questionnaire survey, hereafter called the Web Survey 2022. Parts of the results were presented in the

Annual Report 2023 and in their entirety in a report that was launched in connection with the The Swedish Forum for Human Rights (MR-dagarna) in Helsingborg on 23 November 2023.

The report also presented some of the results from another survey that the Institute conducted with the help of the Swedish Agency for Participation in 2023, which was specifically addressed to people with different disabilities, hereafter called the Rivkraft Survey 2023. The latter survey will also be presented in its entirety in a separate report at the beginning of 2024 (see the section “Independent national mechanism for the CRDP”).

Based on the results presented in the report, the Institute believes that there is a need to:

- ▶ develop the work of disseminating in-depth knowledge of human rights,
- ▶ remove practical barriers for people to have their rights fulfilled,
- ▶ create more equal conditions for people to have effective access to their rights, and
- ▶ strengthen the possibility of effectively claiming one’s human rights.

Thematic studies

In 2023, the Institute initiated work on thematic studies that will continue in 2024 as well. The studies concern the rights of the elderly, the consequences of threats and hatred for religious freedom and the rights of the Sámi and the climate transition.

Rights of the elderly

In 2023, the Swedish Institute for Human Rights worked on a study of the situation of elderly people's human rights in Sweden, with a specific focus on people with extensive social care needs. Prior to the preparation of the survey, dialogue was conducted with organisations for the elderly and other actors.⁵⁰⁹

An important purpose of the study is to analyse deficiencies in elderly care from a human rights perspective that concerns the whole of mankind, not the elderly person only as a user or a patient. What are the greatest challenges for older people to be able to enjoy their human rights? What can be done to ensure that human rights are used as tools in elderly care? How do shortcomings in elderly care relate to human rights and the obligations of the state to respect, protect and fulfil them? These are key issues in the study, which also aims to clarify how Sweden's obligations in relation to human rights are reflected in legislation and regulations and in recommendations from international monitoring bodies. The study will result in a main report, which is planned to be published in 2024.

Consequences of hatred and threats for the right to religious freedom

In 2023, the Institute began the work of investigating the experiences of hatred and threats of Jewish and Islamic associations, how these experiences affect their ability to organise and what consequences this can have for the right to religious freedom.⁵¹⁰ The studies provide an important input for the upcoming reporting regarding the UN Convention on the Elimination of Racial Discrimination (CERD).

⁵⁰⁹ Swedish Institute for Human Rights, Information on the elderly population survey, ref. no. 3.1.1-656/2023 and Dialogue meeting, ref. no. 3.1.2-405/2023.

⁵¹⁰ Swedish Institute for Human Rights, Study of the exposure of Jewish associations to hatred, threats and discrimination, ref. no. 3.3.1-96/2024 and Study of the exposure of Islamic associations to hatred, threats and discrimination, ref. no. 3.3.1-97/2024.

Sámi rights and the climate transition

In 2023, the Institute worked to highlight indigenous people's rights and the rights of the Sámi with a focus on the climate transition. The results are planned to be presented in a report in 2024.

The Institute held a research conference in Luleå/Julevu in collaboration with Luleå University of Technology and Silvermuséet in September 2023 to discuss current research and current issues in terms of indigenous rights.

During the conference, it was noted that there are differences between the content of international law and the national system for environmental and permit reviews, for example. There was a hope that the Institute would be able to contribute to raising the profile of the issues and the legal situation and thereby tackle the discrepancy between national and international law. During the conference in Luleå, input, perspectives and approaches were given on the purpose and content of a report. The conference report prepared will form a basis for the continued work.⁵¹¹ In this work, the Institute will also have a continued dialogue with various representatives of indigenous peoples and experts in the area to analyse the legal situation in the matter, and to take part of the experiences of the Norwegian Human Rights Institution (NIM) in this area.

Report to the UN Committee on Economic, Social and Cultural Rights

In 2023, the Institute prepared an alternative report to the UN Committee on Economic, Social and Cultural Rights (CESCR Committee) in dialogue with civil society and other actors. In early January 2024, the Institute submitted the report to the Committee. The Institute also participated during the Committee's review and dialogue with Sweden on 21–22 February 2024 in Geneva.

The CESCR Committee continuously reviews how the countries that have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR)

⁵¹¹ Swedish Institute for Human Rights, Conference report Indigenous law and the rights of the Sámi in connection with the climate transition, 2023.

live up to its provisions. The Covenant also contains several of the rights set forth in the Universal Declaration of Human Rights from 1948, including the right to work, education and an adequate standard of living, as well as the right to health and housing. Like other human rights conventions, the ICESCR emphasises that the rights shall be granted to everyone without distinction of any kind. The Covenant also stipulates that the states are obliged to make full use of their available resources to meet the rights in the Covenant. All states are obliged to ensure a fundamental level of all rights, but the Covenant also requires the states to take steps to gradually realise the rights for all.

As an independent national human rights institution, the Institute prepared its own report to the CESCR Committee. The Institute's work on the report began in the spring of 2022, when the Institute participated in an open seminar in the Swedish Parliament organised by the Foundation for Human Rights and where representatives from civil society, anti-discrimination agencies, county administrative boards and the Ministry of Health and Social Affairs participated. The work of writing the report then took off in the autumn of 2023.

An important and complicated issue in the work was what issues the Institute would prioritise. The Covenant on Economic, Social and Cultural Rights comprises several areas that concern people's everyday lives, such as schools, health care, social care, work, housing, access to food and other necessities. It is difficult, if not impossible, to cover all of these areas in an accurate manner in a report that may not cover more than ten pages – especially since the conditions for having their rights met are different for different groups and in different parts of the country.

For the Institute, it has been important to have an open dialogue with civil society organisations to ensure that the Institute contributes relevant perspectives.⁵¹² In the autumn of 2023, close dialogues were held with the members of the Institute's recently established advisory body (see the section on the "Advisory Council for Human Rights"). The Council's input came to be of major significance to the report's focus.⁵¹³

⁵¹² Swedish Institute for Human Rights, ref. no. 2.7.2-164/2022, ref. no. 2.7.2-94/2022, ref. no. 2.7.2-175/2022, ref. no. 2.7.2-218/2022, ref. no. 2.7.2-296/2022, ref. no. 3.1.2-599/2022 and ref. no. 3.1.2-122/2023.

⁵¹³ Swedish Institute for Human Rights, Council, ref. no. 1.2.1-416/2023.

As a result of the dialogues, the Institute chose to focus on a number of overall issues that concern the status and implementation of economic, social and cultural rights in Sweden: the low level of knowledge of the rights, the need for a review of the status of the rights in Swedish law, conditions for being able to effectively claim one's rights, shortcomings in the use of equality data, and questions about how the State uses its resources to meet the rights without distinction of any kind. The Institute also chose to highlight a number of cross-cutting issues that affect several of the rights that are included in the Convention, including climate change, discrimination, and increased economic disadvantage and inequality. The Institute also chose to highlight a number of rights areas where, through our external monitoring, special challenges in terms of the rights' implementation in Sweden have been brought to our attention.

The Committee's conclusions and recommendations to Sweden were published in early March 2024. An important task for the Institute is to contribute, in dialogue with the Government, civil society and other actors, to the Committee's recommendations being widely circulated and followed up.⁵¹⁴

Ultimately, the review process is not about the reports and the procedure in the UN, but about how the rights are actually realised in Sweden. The Institute considers it to be important that economic, social and cultural rights are given a more central place in the public sector's work for human rights, and that the issues are addressed from a rights perspective in the societal debate. The Institute will continue to monitor, investigate and report on developments in the area.

⁵¹⁴ UN Committee on Economic, Social and Cultural Rights (CESCR Committee), Concluding observations on the seventh periodic report of Sweden, advanced unedited version, 1 March 2024, UN Doc. E/C.12/SWE/CO/7.

Review of Sweden's 7th report to the CESCR Committee

In November 2020, the CESCR Committee presented a list of questions to Sweden. The Government provided its responses to the questions in a report to the Committee in November 2021. The report then formed the basis for the Committee's review and dialogue with Sweden, which took place in Geneva on 21-22 February 2024.

Civil society organisations and other actors have the possibility to submit additional information, so-called alternative reports, to the UN's various monitoring bodies in the area of human rights. When it comes to economic, social and cultural rights, the Swedish Foundation for Human Rights (SFHR) coordinated a joint report from civil society. The report was signed by 30 organisations and submitted to the Committee in January 2024.⁵¹⁵ The Sámi Parliament also contributed an alternative report to the Committee.⁵¹⁶

Report to the UN Committee on the Rights of Persons with Disabilities

In 2023, in parallel with its work on economic, social and cultural rights, the Institute focused on preparing a report to the UN Committee on the Rights of Persons with Disabilities (UN CRPD), prior to their review of Sweden. The Institute participated in the Committee's dialogue with Sweden, which took place on 11-12 March 2024, and plans to actively monitor and follow up the recommendations that the Committee is expected to make public in 2024 (see the section "Independent national mechanism for the CRPD").

The UN Convention on the Rights of Persons with Disabilities (CRPD) aims to promote, protect and ensure the full and equal enjoyment of all human rights

⁵¹⁵ Human Rights Fund, Joint CSO submission for the review of Sweden submitted by the Swedish Foundation for Human Rights 2023, UN Committee on Economic, Social and Cultural Rights, 75th session, 21–22 February 2024.

⁵¹⁶ Sámi Parliament, Submission from the Sami Parliament in Sweden to the Committee on Economic, Social and Cultural Rights for the review of Sweden, 19 January 2024, ref. no. 1.2.7-2024-132.

and fundamental freedoms of all persons with disabilities and to promote respect for their intrinsic value. According to the Convention on the Rights of Persons with Disabilities, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments which, in conjunction with other barriers, may hinder their full and actual participation in society on an equal basis with others (Article 1). An important principle in the Convention on the Rights of Persons with Disabilities is to promote a shift from a medical to a social understanding of disability. This means that it is emphasised that it is society's attitudes, obstacles and a lack of adaptation that creates disability, rather than the disability itself.

In the report to the UN Committee on the Rights of Persons with Disabilities, the Institute describes the situation regarding certain aspects of the rights of persons with disabilities and the implementation of the Convention on the Rights of Persons with Disabilities in Sweden. The Institute also makes a number of proposals on what recommendations the Committee could make to Sweden to fulfil its commitments under the CRPD to a greater extent than today.

The CRPD covers many different areas, including accessibility, non-discrimination, personal liberty, protection against torture and offensive treatment, self-determination, education and work. In light of the fact that the alternative report to the UN Committee on the Rights of Persons with Disabilities may not comprise more than 10,700 words, it was not possible to add all relevant aspects and issues to the Institute's report; a selection was therefore needed. In the selection, the Institute placed great emphasis on what is highlighted by persons with disabilities and their organisations.

In 2023, the Institute held several meetings with civil society and persons with disabilities, both in the form of larger open meetings and in a smaller format. Among other things, the Institute organised two larger meetings with the disability rights movement that aimed to gather the movement's thoughts and ideas on what needed to be included in the alternative report. The first meeting was held on 24 February 2023 and gathered around 75 participants from organisations representing persons with disabilities. Many important comments came forth during the meeting, including that the Institute should point to structural challenges and prioritise the most burning problems. It is therefore important that the Institute works strategically to exert influence at a more structural level.

A follow-up meeting with around 30 participants was organised in September 2023. At that stage, a long list of potential areas to include in the report had been identified. Through the follow-up meeting, the Institute used civil society to help prioritise among possible areas and aspects. Among other things, the participants pointed out that the Institute needed to focus on particularly serious rights violations, and that it was important to highlight areas where development is going in the wrong direction. An in-depth discussion was then held on four key areas: active involvement, discrimination, accessibility and the right to live independently and participate in society (Article 19). In the autumn of 2023, close dialogues were also held with the members of the Institute's advisory body (see the section on the "Advisory Council for Human Rights"). In the Council, there are several members with their own experiences of disability. The Council's input was of major significance to the report's focus.

The final version of the Institute's alternative report contains around fifty points that together provide an overall picture of the situation of persons with disabilities and what is needed to ensure their rights in Sweden today. The Institute also encouraged the Committee to take into account information from other actors active in the field, especially organisations representing persons with disabilities.

The review process of the Committee on the Rights of Persons with Disabilities concludes with the Committee publishing its recommendations to Sweden. It will then be an important task for the Institute to interpret, in dialogue with the Government, civil society and other actors, what the recommendations entail, what concrete measures they require different public actors to take, and how the recommendations can be followed up.

Sweden ratified the Convention on the Rights of Persons with Disabilities in 2008.

The UN Committee on the Rights of Persons with Disabilities continuously reviews how the countries that have ratified the Convention live up to its commitments. The review in March 2024 was the second time that Sweden was reviewed by the Committee. The previous review procedure concluded with the Committee's concluding observations and recommendations to Sweden in 2014.

The review of 2024 began with the Committee presenting a list of questions to Sweden in October 2018, which was answered by the Government in a written report in November 2019.

Comments on current legislative issues

One of the basic tasks of a national human rights institution is to promote and protect human rights by making proposals and commenting on current legislative issues. One way that the Institute carries out this task is to respond to referrals. It provides an opportunity for the Institute to draw attention if the legislative proposals submitted promote the safeguarding of human rights in Sweden and highlight rights aspects of the proposals that have not been fully taken into account by the investigation. Another way is an early contact and dialogue with inquiries that have a significant impact on human rights.

Active referral body

In 2023, the Institute responded to 30 referrals. The vast majority have been about commenting on proposals from public inquiries appointed by the Government. For example, the Institute endorsed the proposals submitted during the year that were deemed to entail structural improvements in the rights protection. These include

proposals to strengthen the constitutional protection of the independence of the courts⁵¹⁷ and the introduction of an opportunity for, for example, the Supreme Court and the Supreme Administrative Court to request preliminary rulings from the European Court of Human Rights.⁵¹⁸ In social policy, the Institute endorsed some reform proposals that the Institute believes entail a strengthening of individuals' rights, such as a transition of the responsibility for personal assistance to the State and the introduction of a national strategy to combat violence against children.

In several referral statements, the Institute also argued that the protection of human rights can be strengthened through the criminalisation of acts that can lead to the rights of individuals being violated. It is a matter of extending the punishable area for the crime of incitement to racial hatred so that it also includes, for example, actions that involve incitement to violence⁵¹⁹ and the criminalisation of so-called virginity checks and interventions, as well as conversion therapy.⁵²⁰

A large share of the referrals that the Institute has issued a statement on concern measures that ultimately aim to combat or punish crime. However, the measures proposed often require limitations of individuals' rights, such as the right to protection of personal integrity. Here, the Institute has recommended against the proposals in the majority of its statements. The Institute pointed out that, even if law enforcement is an acceptable purpose that may form the basis of limitations of rights, the inquiries have not shown that the proposals are either necessary or

⁵¹⁷ See the Institute's referral statement on the report Förstärkt skydd för demokrati och domstolars oberoende [Strengthening the protection of democracy and the independence of the courts] (SOU 2023:12), 31 August 2023, ref. no. 1.1.2-187/2023.

⁵¹⁸ See the Institute's referral statement on the memorandum Additional Protocol to the European Convention – an opportunity for the highest courts to request an advisory opinion from the European Court of Human Rights (Ds 2023:7), 21 June 2023, ref. no. 1.1.2-162/2023.

⁵¹⁹ See the Institute's referral statement on the report En tydligare bestämmelse om hets mot folkgrupp [A clearer provision regarding incitement to racial hatred] (SOU 2023:17), 25 September 2023, ref. no. 1.1.2 - 404/2023.

⁵²⁰ See the Institute's referral statement on the report "Förstärkt skydd för den personliga integriteten: Behovet av åtgärder mot oskuldskontroller, oskuldssintyg och oskuldssingrepp samt omvändelseförsök [Reinforced protection for personal privacy: The need for measures against virginity checks, virginity certificates and virginity interventions and conversion therapy] (SOU 2023:37), 20 November 2023, ref. no. 1.1.2-573/2023.

proportionate in relation to the intrusions into individuals' rights.⁵²¹ The Institute has also expressed concern that many and frequent reforms in criminal policy areas, such as the use of secret surveillance, may mean that regulations become difficult to survey and thereby legally uncertain.⁵²²

Another consistent theme in many of the Institute's referral statements is that the investigations lack detailed analyses of the consequences that the proposals can have for human rights. In a number of the referral statements, the Institute has therefore pointed out its earlier position on the need for a regulatory framework for such impact assessments.⁵²³ On a few occasions, the Institute has also questioned whether the preparation of the legislation met the requirements of the Instrument of Government. This concerned situations when the referral period for some proposals was shorter than is normally the case,⁵²⁴ or when the inquiry was not able to shed sufficient light on an area due to narrow directives.⁵²⁵

The majority of the Institute's referral statements were submitted after the Institute was requested by the Government to submit comments. However, in several cases,

⁵²¹ See, for example, the Institute's referral statements on the reports "Biometri – för en effektivare brottsbekämpning" [Biometrics – for more effective law enforcement] (SOU 2023:32), 13 October 2023, ref. no. 1.1.2-324/2023 and "Utökade möjligheter att använda preventiva tvångsmedel 2" [Extended possibilities to use preventive coercive measures 2] (SOU 2023:60), 14 December 2023, ref. no. 1.1.2-499/2023.

⁵²² See, for example, the Institute's referral statement on the report "Utökade möjligheter att använda preventiva tvångsmedel" [Extended possibilities of using preventive coercive measures] (SOU 2022:50), 31 January 2023, ref. no. 1.1.2-505/2022.

⁵²³ See the Institute's referral statement on the memorandum "Bättre konsekvensutredningar" [Better impact assessments] (Ds 2022:22), 20 December 2022, ref. no. 1.1.2-407/2022.

⁵²⁴ See the Institute's referral statement on the draft of the legislative referral "Vissa skärpta villkor för anhöriginvandring och begränsade möjligheter till uppehållstillstånd av humanitära skäl" [Some stricter conditions for family migration and limited possibilities for residence permits for humanitarian reasons], 31 March 2023, ref. no. 1.1.2-105/2023, and over the memorandum "Säkerhetszoner – ökade möjligheter för polisen att visitera för att förebygga brott" [Security zones – increased possibilities for the police to search to prevent crime] (Ds 2023:31), 18 January 2023, ref. no. 1.1.2-643/2023.

⁵²⁵ See the Institute's referral statement on the report "En översyn av regleringen om frihetsberövande påföljder för unga" [A review of the regulation on custodial sentences for young people] (SOU 2023:44), 14 December 2023, ref. no. 1.1.2-420/2023.

the Institute has noted that proposals from public inquiries that the Institute has not received for comment can have a major impact on human rights. The Institute has then responded on its own initiative. In these cases, the Institute has asked if the Government Offices' list of referral bodies can be adjusted or if the referral can be published on the Government website, so that the opinion of the Institute will have the same spread as the proposals from other referral bodies. In 2023, the referrals were published on the Government website after dialogue with the respective departments, but the list was adjusted only once.

Early dialogue with inquiries

In the view of the Institute, making early contact with inquiries whose task has a major impact on human rights may be of significance in order to increase the occurrence of detailed impact assessments and increase knowledge of human rights. In 2023, the Institute held a dialogue with the inquiry on a national strategy to strengthen Jewish life in Sweden, the inquiry on more knowledge of children and students with disabilities in the school system, the inquiry on custodial sentences for young people, the inquiry on driving forces and opportunities in the maintenance support and the inquiry on bodily search zones.⁵²⁶

In the dialogues, the Institute has conveyed knowledge of human rights and the importance of detailed analyses being done of the consequences that the inquiry's proposals have for human rights and the grounds on which such an analysis should take place.

All of the Institute's referral replies are available on the Institute's website.

⁵²⁶ Swedish Institute for Human Rights, see Meeting notes (Ku 2022:01), ref. no. 3.1.2-123/2023, Invitation to a meeting (U Dir 2022:73), ref. no. 2.7.4-65/2023, Request for a meeting and summary meeting, ref. no. 2.7.4-663/2023, Dialogue on consultation (S2022:16), ref. no. 1.1.2-316/2023 and Enquiry Meeting (Ju2022/03671), ref. no. 2.7.4-69/2023.

Dialogue, collaboration and promotion

National human rights institutions have a special institutional position as a link between the international community, the State and civil society. A central part of the Institute's work is to contribute to good and effective dialogue with local, regional, national and international actors in the work of promoting the safeguarding of human rights in Sweden.

Civil society organisations, human rights defenders and other parts of civil society play an important role in the system for the work on human rights (human rights system) by monitoring and reporting violations and driving change. Except for the Advisory Council for Human Rights, the Institute has not yet established permanent structures or forms for dialogue with civil society or the public, but still conducts continuous meetings and dialogues. During the year, dialogues and collaboration were especially conducted linked to the Institute's special mandate as an independent national mechanism of Article 33 of the Convention on the Rights of Persons with Disabilities and with a focus on our work on alternative reporting to the UN, in terms of the same convention. In addition, dialogue and collaboration took place with regard to the rights of the elderly and some of the national minorities.

The Institute has also held dialogue with both the Government and the Swedish Parliament and other public actors, not least government agencies that have missions that are especially closely linked to promoting and following up Sweden's safeguarding of human rights. This can include, for example, the Ombudsman for Children, the Equality Ombudsman, the Swedish Agency for Participation, the Swedish Gender Equality Agency and the Living History Forum. Dialogue has also been conducted with the County Administrative Board in Stockholm on the rights of indigenous peoples and the national minorities.

In the human rights system, educational institutions, media and information campaigns play an important role in raising awareness of human rights and promoting

a culture that respects and protects these rights. The Institute has a special task of promoting knowledge and research in the area of human rights. During the year, the Institute therefore conducted and participated in several conferences, held talks on the mission and human rights in Sweden in various meetings, written press releases and debate submissions and otherwise communicated in various channels and continued development of the Institute's website. Within the scope of the Government's national strategy for the work for human rights, there are special assignments to the county administrative boards, Uppsala University and previously also an agreement with the Swedish Association of Local Authorities and Regions (SALAR). Hence, the Institute has also had an especially close exchange with these actors.

The upcoming sections present some important initiatives by the Institute in 2023.

National information network

A unique platform for dialogue, knowledge dissemination and exchange of experiences is the national information network for specialists in the area of human rights that was established in 2020. In 2022, the Institute assumed the convening role in collaboration with the Raoul Wallenberg Institute, in agreement with the respective human rights networks of civil society, county administrative boards and municipalities and regions.

The network brings together actors from the public sector at the local, regional and national level, academia and actors from civil society. In 2023, there were 120 actors in the network. The network also constitutes a link to the international level when various actors are invited to participate. In 2023, for example, the UN High Commissioner for Human Rights, Volker Türk, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, and the former Secretary of the UN Committee on the Elimination of Racial Discrimination, Nathalie Prouvez, participated.

Request for information from authorities

On 1 September 2022, a new regulation entered into force requiring national administrative authorities, municipalities and regions to provide information on measures taken in their own activities to ensure human rights at the request of the Institute.⁵²⁷

In 2023, the Institute requested information on what steps have been taken in its own activities to ensure human rights from the Swedish National Board of Institutional Care (SiS) and the Swedish Health and Social Care Inspectorate (IVO), as part of the follow-up of Sweden's recommendations from the UN Committee on the Rights of the Child.⁵²⁸

Information campaign

On 10 December 2023, marking the 75th anniversary of the adoption of the Universal Declaration of Human Rights, the Institute started its first campaign to highlight the role and challenges of human rights in Sweden. The message was: "Human rights: perilous to take for granted, vital to protect." The campaign was conducted to draw attention to the Universal Declaration, but mainly to highlight that human rights are being violated and challenged in Sweden today.

The campaign consisted of four films on how human rights are challenged and violated in people's everyday lives; for example, when they move in the public sphere, go to school, or try to do their job. The campaign was digital and consisted mainly of films and mobile banners that appeared on social media, such as Facebook,

⁵²⁷ Section 11 of the Act on the Institute for Human Rights (2021:642). The obligation does not apply to court-like boards or such bodies in administrative authorities that have court-like functions. The obligation shall also not apply to the Chancellor of Justice or the Swedish National Audit Office.

⁵²⁸ Swedish Institute for Human Rights, Institute's letter of 31 March 2023 to Health and Social Care Inspectorate, ref. no. 6.1.5-171/2023, and SiS, ref. no. 6.1.5-172/2023, respectively.

Instagram, Youtube and LinkedIn. It was also visible on major news sites, such as Aftonbladet and Omni. On the Institute's website, a special campaign site was created for more information, including where to turn to claim one's rights.⁵²⁹

Conferences to promote research on human rights

During the year, in collaboration with the academia, the Institute held two major conferences. In September, in joint arrangements with Luleå University of Technology and the Silvermuséet, a research conference was held on the theme of indigenous people's rights and the rights of the Sámi in connection with the climate transition. The conference turned to active lawyers in academia, civil society, the judiciary, government administration and Sámi representative institutions that work with Sámi rights issues with the law as a tool. The objective of the conference was to create a platform for knowledge exchange and discussion of current research and legal development in the area of Sámi rights from a legal perspective.⁵³⁰

In October 2023, the Institute held a conference on human rights in higher education in collaboration with Lund University's profile area in Human Rights, the Department of Theology at Uppsala University and the Raoul Wallenberg Institute. The aim was to explore human rights as a knowledge area in higher education and launch it as an interdisciplinary research field, in Sweden and internationally.⁵³¹

⁵²⁹ Swedish Institute for Human Rights, "Institute launches new campaign highlighting human rights challenges in Sweden", 13 December 2023.

⁵³⁰ Swedish Institute for Human Rights, Invitation to research conference, ref. no. 3.1.2-334/2023-1. Swedish Institute for Human Rights, Conference report, ref. no. 3.1.2-334/2023-2.

⁵³¹ Swedish Institute for Human Rights, Conference 19-20 October – Human Rights in Higher education, Lund University, ref. no. 2.7.4-672/2023.

Collaboration with international actors

During the year, the Institute had contacts with international organisations and also otherwise participated in international cooperation, comprising cooperation with national human rights institutions in other countries. The Institute also contributed in connection with visits of UN special procedures to Sweden, submitted contributions to various working groups and in connection with the reviews of Sweden by the Council of Europe and the European Commission. During the year, the Institute was also given the opportunity to meet the UN High Commissioner for Human Rights, Volker Türk, during his visit to Sweden.

Below are some of these contacts in brief.

The UN High Commissioner for Human Rights visited Sweden

The UN High Commissioner for Human Rights, Volker Türk, visited Sweden on 26 and 27 October 2023. The Institute was invited to participate in a separate meeting with the High Commissioner on 26 October. The meeting was conducted in the form of a discussion between the High Commissioner and the Institute's leadership on the Government's attitude to the Institute's work, the Swedish and international human rights situation, as well as possible collaborations between the Office of the UN High Commissioner for Human Rights and the Institute during the upcoming 75th anniversary of the Universal Declaration of Human Rights. The discussions also addressed the recent Quran burnings in Sweden, the detention of young individuals, and the rapid pace of legislation.

Directly after the Institute's separate meeting, a meeting was arranged with the information network (see the section "National information network"). Seven members of the network presented key issues and comments on the human rights situation in Sweden. They mentioned the lack of support for rights-based working methods, the decline of democracy and an alarming development for several minorities in Sweden, including Sámi, Afro-Swedes, Roma, Muslims, persons with disabilities and children. The participants also pointed out the particularly worrying situation that

some parts of civil society find themselves in with regard to, for example, shrinking resources and increased exposure to hatred and threats. The High Commissioner then commented on the input by underlining the importance of having direct discussions with members of the Swedish human rights movement.

In addition to this opportunity, the Institute held bilateral meetings with representatives of the Office of the High Commissioner for Human Rights, in particular its National Institutions and Regional Mechanisms Section (NIMS), which manages the mission of the Global Alliance of National Human Rights Institutions (GANHRI) Secretariat. Some of the contacts concerned the preparation of the high-level webinar that the Institute arranged on 18 October 2023 on the basis of the application for accreditation at GANHRI.

UN Special Rapporteur on freedom of religion or belief

On 11-20 October, the UN Special Rapporteur on freedom of religion or belief, Nazila Ghanea, visited Sweden. On 16 October, she visited the Institute, a visit that included a round-table discussion with researchers and experts on issues of freedom of religion and belief in Sweden. The discussions concerned topics such as the boundaries of freedom of expression and demonstration and the legal protection of freedom of religion and belief, but also the interaction between religiously-based intolerance and racism in Swedish society.⁵³² In connection with the end of the Sweden visit, the Special Rapporteur submitted a number of preliminary observations and recommendations to the Government.⁵³³ The final results of the country visit were published in a report to the UN Human Rights Council in March 2024.⁵³⁴

⁵³² Swedish Institute for Human Rights, Roundtable Discussion on Religious Intolerance in Sweden, ref. no. 6.1.4-381/2023.

⁵³³ Swedish Institute for Human Rights, "Flera utmaningar för religions- och trosfrihet i Sverige" [Several challenges to freedom of religion and belief in Sweden], 27 October 2023.

⁵³⁴ Report of the Special Rapporteur on Freedom of Religion or Belief, Nazila Ghanea, on her visit to Sweden, advanced unedited version, 1 March 2024, UN Doc. A/HRC/55/47/Add.2.

UN Special Rapporteur on environmental defenders under the Aarhus Convention

Within the framework of the annual meeting of GANHRI and the European Network of National Human Rights Institutions (ENNHRI), the UN Special Rapporteur on environmental defenders under the Aarhus Convention presented his mission and early conclusions on the situation of environmental defenders in various European countries. On both occasions, national human rights institutions were encouraged to review their possibilities of contributing to the task of the Special Rapporteur, for example by facilitating information dissemination and visits.

In collaboration with the Raoul Wallenberg Institute, the Special Rapporteur was invited to present his work to the national information network for human rights specialists on 23 November.⁵³⁵ After the meeting, the Institute shared relevant parts of its annual report and a few additional sources with information on environmental defenders' conditions in Sweden.⁵³⁶

The Expert Committee for Council of Europe Framework Convention for the Protection of National Minorities.

In the spring of 2023, the Expert Committee for Council of Europe Framework Convention for the Protection of National Minorities carried out a Sweden visit on the occasion of the review of Sweden's compliance with the Convention. In connection with this, the Institute submitted a brief summary of proposals for questions for the meeting with the State. The Institute also met the Committee during the visit.⁵³⁷

⁵³⁵ Swedish Institute for Human Rights, Invitation to Human Rights Network, 23 November 2023, ref. no. 3.1.2-366/2023.

⁵³⁶ Swedish Institute for Human Rights, Annual Report 2023, p. 74–76.

⁵³⁷ Swedish Institute for Human Rights, see the Invitation dialogue meeting, ref. no. 2.7.2-296/2023 and Report Dialogue meeting, ref. no. 3.1.2-122/2023, Dialogue with STR and Met Nuoret, ref. no. 3.1.2-22/2023, Response and Appendix, ref. no. 6.1.2-38/2023, and Meeting with the Council of Europe's Advisory Committee for the Framework Convention on the Protection of National Minorities, ref. no. 6.1.2-38/2023.

UN Working Group on Business and Human Rights

The UN Working Group on Business and Human Rights invited input prior to a report to the UN General Assembly in October 2023 entitled “Extractive Sector, Just Transition and Human Rights”.

The Institute submitted a letter to the working group in the spring of 2023, with a focus on Sámi rights in relation to climate change and the extractive industries. In this work, the Institute collaborated with researchers at the Stockholm Environment Institute, an independent international research institute.

In the letter, the Institute pointed out shortcomings in the protection of Sámi rights in legislation at various phases of licensing and that Sweden still lacks legislation regarding a compulsory due diligence process (so-called Human Rights Due Diligence), even in terms of government companies. The Institute also highlighted weaknesses that concern meaningful participation.⁵³⁸

Expert meeting on local authorities and human rights

In August 2023, the Institute participated in the Office of the UN High Commissioner for Human Rights’ expert meeting on human rights and local governance, based on Resolution 51/12 on Local Government and Human Rights from the UN Human Rights Council. The Institute responded to the subsequent invitation to make recordings to describe the situation in Sweden in terms of these issues with a focus on both challenges and good examples.⁵³⁹ The input will be used in the next report from the Office of the UN High Commissioner for Human Rights on local governance and human rights to the UN Human Rights Council, scheduled for 2024.

⁵³⁸ Swedish Institute for Human Rights, Statement, ref. no. 6.1.2–285/2023.

⁵³⁹ Swedish Institute for Human Rights, Responses to Call for Inputs, ref. no. 6.1.2–437/2023.

European Commission annual Rule of Law report

On 23 March, the Institute met with the European Commission, in connection with the Commission's digital visit to Sweden. The visit was made within the framework of the Commission's annual report on compliance with the rule of law in the EU (Rule of Law report). During the meeting, the Institute conveyed comments on the current situation in relation to the Commission's questions on the rule of law, which among other things concerned the development of the Institute's establishment. With this, the Institute contributed to the compilation of Sweden in the 2023 Rule of Law report.⁵⁴⁰

In 2023, the Institute was also invited to contribute information to ENNHRI's annual Rule of Law report. The Institute provided the information to ENNHRI on 22 January 2024.⁵⁴¹ This information will also be used as a contribution to the European Commission's Rules of Law Report 2024.

Collaboration with other international human rights institutions

In preparation for the accreditation at GANHRI, the Institute became an associated member of the European Network of National Human Rights Institutions (ENNHRI) in the autumn of 2022. In 2023, the Institute participated in several ENNHRI activities, including the annual meeting and the tenth anniversary of ENNHRI. In 2023, ENNHRI has several working groups on various themes and the Institute participated in the Working Group on the Convention on the Rights of Persons with Disabilities, the Working Group on Business and Human Rights, the Working Group on AI and Human Rights and the Working Group on Economic, Social and Cultural Rights. The Institute has also participated in the annual meeting and annual conference of GANHRI and held a special exchange of experiences with the Nordic institutions.

⁵⁴⁰ European commission, 2023 Rule of Law Report, Country Chapter on the Rule of Law Situation in Sweden, 5 July 2023.

⁵⁴¹ Swedish Institute for Human Rights, Contribution of the Swedish Institute for Human Rights to the ENNHRI 2024 Reports on the State of Rule of Law, ref. no. 3.4.1-46/2024.

Promoting efforts in the EU

In the first half of 2023, Sweden held the EU Presidency. Within the framework of the Presidency, several conferences were held on human rights themes, LGBTQI rights, discrimination and the institutional protection of human rights in crisis management, during which a selection of Swedish actors could interact with actors at a European level. The Institute participated in all conferences and participated in the conference organised by the EU Agency for Fundamental Rights (FRA) in Lund on human rights in crisis, where the Institute's Director, Fredrik Malmberg, was one of the keynote speakers.⁵⁴²

Conclusions of the Council of Ministers on Human Rights Institutions

In the first half of 2023, Sweden held the EU Presidency. Within the scope of this effort, three conferences were conducted on human rights themes, including LGBTQI rights, discrimination and human rights in crisis management, during which a selection of Swedish actors could interact with actors at a European level.

Under the leadership of Sweden's Presidency, the EU Council of Ministers adopted new conclusions in March 2023 on the scope of civic space. The conclusions among other things call on every Member State to establish a human rights institution in accordance with the UN Paris Principles, adopt a regulatory framework that allows the institution to act independently of the country's government and provide the institution with an appropriate mission and sufficient means to perform its tasks effectively.⁵⁴³

⁵⁴² Swedish Institute for Human Rights, High level Conference on LGBTIQ Equality in the European Union, 12 April 2023, ref. no. 2.7.4-100/2023, High-level conference High-level Conference on Institutional Protection of Fundamental Rights in times of crises, Lund 20-21 April 2023, ref. no. 2.7.4-376/2023, and Invitation to Conference on Equality Data and Non-Discrimination, ref. no. 2.7.4-675/2023.

⁵⁴³ Council Conclusions on the application of the EU Charter of Fundamental Rights; The role of the civic space in protecting and promoting fundamental rights in the EU, 10 March 2023.

Appendix:

Management of the Institute

The Institute is managed by a Board. The appointment of the Board is governed by the Act (2021:642) on the Institute for Human Rights. The Board shall be composed of the Director plus seven other members. The Government appoints, based on nominations from the universities and university colleges, the Swedish Bar Association and the Advisory Council for Human Rights. The Board shall elect a Chair and Vice Chair from among its members. The Board hires the Director as the head of the agency.

The Board shall include members with expertise in the field of human rights and experience of qualified work in civil society, the judiciary and the legal profession, and research and higher education. For each of the areas of activity, there shall be two members with experience within the field.

The members of the Board are as follows:

Elisabeth Rynning, Board Chair

As Chief Parliamentary Ombudsman (2016–2021), Elisabeth Rynning's duties included ensuring that individuals' fundamental rights and freedoms are not violated in public activities and preventing inhuman and degrading treatment of detained persons. She was formerly a Justice of the Supreme Administrative Court and before that Professor of Medical Law, where her research focused in particular on the rights and legal protection of patients and research subjects. Elisabeth has, among other things, been an expert in the Swedish National Council on Medical Ethics, a board member of the National Centre for Knowledge on Men's Violence Against Women and the Swedish Agency for Health and Care Services Analysis, and

a member of the Swedish Press Council. She has participated in many international collaborations, in research and with ombudsman institutions in other countries.

Negin Tagavi, Vice Chair of the Board

Negin Tagavi is a trained diplomat and lawyer and currently works as Deputy CEO at Fryshuset. Before joining the diplomatic programme at the Ministry for Foreign Affairs, she worked at a corporate law firm. She has been posted to the Swedish Embassy in Baghdad and served at the Permanent Mission of Sweden to the UN in New York. Negin also worked at the Department for Human Rights and Public International Law at the Ministry for Foreign Affairs in Stockholm, where she, inter alia, spearheaded and negotiated Swedish human rights policy in various multilateral forums. Negin left the Ministry for Foreign Affairs and the Government Offices of Sweden in 2017 and has since been active in civil society in various capacities.

Annika Jyrwall Åkerberg

Annika Jyrwall Åkerberg works at the Equality Ombudsman. She has previously been Senior Legal Adviser for Civil Rights Defenders, where her work focused on issues such as the situation in locked institutions, the right to a fair trial and the rights of persons with disabilities. Annika previously worked for the Committee on the Rights of the Child in Geneva and for the former UN Special Rapporteur on Disability Issues and participated in the drafting of the Convention on the Rights of Persons with Disabilities. In Sweden, she has been a member of the Stockholm Council for Human Rights, an examiner for courses in human rights at University College Stockholm (Enskilda Högskolan) and has worked for the Swedish disability rights movement. She has also specialised in discrimination against persons with disabilities and has written a book on the subject.

Leif Ljungholm

Leif Ljungholm is a lawyer working at Ljungholm & Boström Advokater AB in Lund. He has previously been a partner in some of the larger corporate law firms in Sweden. Leif has and has had several assignments for the Swedish Bar Association. He has been a board member and then chair of the Swedish Bar Association. He has also served as Vice Chair of the Disciplinary Committee of the Swedish Bar Association and as the Association's representative on the International Bar Association (IBA) Council. He has worked on various human rights issues and was a board member of the Raoul Wallenberg Institute for Human Rights (RWI) for

12 years. He has also been a member of the Swedish Press Council (now the Media Ethics Board) and has been a board member of the Emil Heijnes Foundation for Jurisprudential Research since 1997.

Niklas Martti

Niklas Martti is Head of Program at RFSL international department, where he is responsible for a regional programme that aims to strengthen LGBTQI organising in Asia and Africa. Niklas has previously worked at Sida, MyRight, the international work of the IOGT-NTO movement, and as a human rights observer in Palestine. Niklas has also been engaged in the National Association of Swedish Tornedalians – Tornionlaaksolaiset (STR-T), where he has been involved in various national processes focusing on anti-discrimination and rights of national minorities in Sweden. In addition to Swedish, Niklas is a native speaker of Meänkieli and Finnish.

Titti Mattsson

Titti Mattsson is Professor of Public Law at Lund University. Her research focuses on societal interventions in social services and healthcare with a special interest in children, older persons and persons with disabilities. She coordinates the Health Law Research Centre and the Law and Vulnerability environments at the Faculty of Law. Her long-standing involvement in social, legal and ethical issues outside academia is reflected in various assignments, such as expert in the Swedish National Council on Medical Ethics (Smer) and Vice Chair of the Ethics Council of Region Skåne.

Pål Wrangé

Pål Wrangé is Professor of International Law at Stockholm University, Director of the Stockholm Centre for International Law and Justice (scilj.se), a member of the International Court of Arbitration and a former advisor on international law at the Ministry for Foreign Affairs. For more than thirty years, he has taught and researched international law and human rights in Sweden and internationally and has represented Sweden at the UN, the EU and the International Criminal Court, among others.

Fredrik Malmberg, Institute Director

Fredrik Malmberg previously served as Director General of the National Agency for Special Needs Education and Schools (SPSM). Prior to that, he served as

Ombudsman for Children for eight years. As Director General of SPSM, Fredrik Malmberg has been involved in issues such as the rights of persons with disabilities. As Ombudsman for Children, he worked broadly to promote a wide range of rights for children and young people. He has also served on the board of the European Union Agency for Fundamental Rights and previously worked for Save the Children in Sweden, Africa and Asia.

