

Stakeholder report from the Swedish Institute for Human Rights (NHRI) ahead of the UPR review of Sweden.

Fourth cycle, 2025





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Preface

The Swedish Institute for Human Rights (hereinafter “the Institute”) was established on 1 January 2022. The Institute was established with the aim of founding an independent 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. The Institute has a special mandate as an independent mechanism to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities.

This report constitutes the Institute’s contribution to the UN Human Rights Council ahead of the UPR review of Sweden, fourth cycle, in 2025.

In the report, we present our recommendations to strengthen the protection and realisation of human rights in Sweden. The Institute’s 2024 annual report has been an important basis for this work. The annual report, which is submitted as an annex to the UPR process, contains more in-depth analyses and references to the factual statements made in this report.

Civil society plays a central role in the UPR process by contributing knowledge from the perspective of rights holders. In Sweden, several organisations and independent actors submit both individual and joint reports to the OHCHR. Our report should be seen as a complement to these. In preparing our report, we have engaged in close dialogue with our advisory body, which includes representatives from civil society and independent experts.

Fredrik Malmberg,

Director, Swedish Institute for Human Rights

Framework

1. A new human rights strategy and action plan

(Rec. 156: 213, 223, 227–228, 253–254)

The implementation of the Government's 2016 human rights strategy has stalled. The strategy needs to be evaluated and followed up in its entirety. The outcome of such an evaluation should be a new strategy and action plan, designed in close and meaningful consultations with civil society and other stakeholders.

- ▶ Develop a new strategy and action plan with concrete measures to achieve strong and comprehensive human rights protection in Sweden.

2. Strengthen the legal protection of human rights

(Rec. 156: 93, 125, 145, 159, 162, 292, 295)

A high legislative pace challenges the rule of law. Too many legislative amendments fail to meet the requirements of the Swedish Constitution and international law. The Institute believes that the entire legislative process, especially impact assessments, must have a clear human rights perspective. Several ratified UN conventions on human rights have not yet been fully implemented.

- ▶ Ensure that laws are developed in ways that respect the Swedish Constitution and international human rights conventions.
- ▶ Review to what extent Swedish legislation is fully in line with the UN conventions that Sweden has ratified.

3. Strengthen the institutional protection of human rights

(Rec. 156: 20–27, 30–66)

To ensure the independence and impartiality of the judiciary, the Government should investigate how a new recruitment system for lay judges can be designed without the involvement of the political parties.

It is often difficult for individuals to effectively claim their rights in Sweden. Those who wish to claim their rights through legal proceedings risk having to pay high legal costs.

Sweden has not yet acceded to the Optional Protocols on individual complaints to the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights.

Since Sweden's last review in the UPR, the country has, at last, established a national human rights institution (NHRI) through the creation of the Swedish Institute for Human Rights. To ensure that the Institute can meet the Paris Principles and fulfil its mandate under Article 33.2 of the Convention on the Rights of Persons with Disabilities, predictable and progressively increased funding is required, along with measures to strengthen the Institute's independence through constitutional protection and clearer regulations regarding the appointment of its board.

- ▶ Launch an inquiry into how to design a new recruitment system for lay judges without the involvement of political parties.
- ▶ Ensure that individuals can seek redress for violations of all human rights and freedoms, including by reviewing the regulations governing legal costs in human rights cases.
- ▶ Ratify the Optional Protocols to both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights on individual complaints.
- ▶ Ensure that the Institute for Human Rights has adequate preconditions and long-term funding to fully comply with the UN Paris Principles on national human rights institutions, and to carry out its mandate to promote, protect and monitor the Convention on the Rights of Persons with Disabilities according to its article 33.2.

4. Improve follow-up of international recommendations

(Rec. 156: 70)

The Government's follow-up of recommendations from international review bodies needs to be strengthened through increased collaboration between duty bearers, civil society, and independent actors such as the Institute.

- ▶ Establish a transparent, systematic, and effective national mechanism to address recommendations from international review bodies.

5. Promote increased knowledge and awareness of human rights

(Rec. 156: 102, 118, 119, 128, 133, 136, 178, 229, 279)

Studies carried out by the Institute indicate that the public knowledge about what human rights mean in practice is low and that many feel that there are obstacles to effectively claiming their rights. Public authorities, including the police and judiciary, need to raise awareness of their responsibility to respect, protect and fulfil rights. Rights-based approaches and working methods need to be more widely implemented.

- ▶ Increase efforts to raise awareness of human rights and how to effectively claim them, both among the public and public authorities.

Specific rights

1. Non-discrimination and equality data

(Rec. 156: 71, 73–74, 79–100, 110, 111, 120, 122, 124, 129, 135, 146, 148, 149, 154, 250)

Discrimination is a widespread societal problem in Sweden. The public discourse is characterised by increasing polarisation, with racist and discriminatory statements gradually becoming normalised. Hate crimes against Afro-Swedes, LGBT-QI persons, Muslims, Jews, Roma, and Sami are common, and the number of unreported incidents can be high.

There are shortcomings in the protection of persons with disabilities against discrimination. Hate crimes against persons with disabilities are not clearly criminalised.

Sweden is failing to collect equality data, making it difficult to design and evaluate measures to combat racism and discrimination.

- ▶ Strengthen the action plan against racism and hate crime, including by defining concrete targets to combat racism in Sweden. Ensure that civil society has real influence in the development of the action plan.
- ▶ Introduce disability as a protected ground in hate crime legislation.
- ▶ Launch an inquiry into how equality data can be collected, analysed, and utilised in rights-based manners, ensuring close collaboration with and respect for the communities involved.

2. Change in the perception of citizenship and rights

(Rec. 156: 74, 84–85, 90, 249)

The principle that everyone should enjoy all rights is reflected in the Swedish Constitution. However, the Institute observes signs that this principle is gradually being undermined. The Government is considering tightening the requirements for obtaining Swedish citizenship, increasing the possibility of revoking residence permits on the grounds of “dishonest ways of living” (Swedish: “ohederligt levnadssätt”), and restricting the freedoms of opinion of foreign citizens.

- ▶ Uphold the 2011 reform of rights and freedoms in the Constitution, which seeks to ensure that Swedish and foreign citizens enjoy their rights on as equal terms as possible.

3. Increased economic vulnerability

(Rec. 156: 73, 200, 253, 259)

Economic vulnerability has increased in Sweden. Affected groups include those born abroad, elderly people and single mothers. Civil society organisations are seeing more people turn to them because public support is insufficient. People with disabilities are in a worse economic position compared to the rest of the population. The daily allowance for asylum seekers has remained unchanged since 1994, undermining their right to an adequate standard of living.

Ensure that all available resources are fully utilised to fulfil the economic, social, and cultural rights of everyone.

- ▶ Ensure that the social protection is sufficient to fulfil the right to an adequate standard of living for everyone.

4. Climate and environment

(Rec. 156: 169)

Climate change threatens a wide range of human rights. While everyone is impacted, certain groups are disproportionately affected, including indigenous peoples, older persons, women, and people with disabilities. Further global warming could have a profound impact on the living conditions of young people and future generations. It is worrying that the emission reductions are not clearly in line with Sweden's international commitments.

- ▶ Reduce greenhouse gas emissions to limit the global temperature increase to 1.5 degrees above pre-industrial levels, in line with the Paris Agreement's target and international consensus.
- ▶ Ensure that climate change adaptation and mitigation measures are approached from an equity and gender equality perspective.
- ▶ Give groups particularly affected by climate change influence in the design of both adaptation and mitigation measures.

5. The limits of freedom of expression and demonstration

Recently, there has been an active debate in Sweden regarding the boundaries of freedom of expression. The discussion has centred, among other issues, on whether burning religious scriptures in public spaces could be considered incitement to racial hatred, and to what extent national security should be considered when

reviewing permits for public gatherings. Freedom of expression is safeguarded by the Swedish Constitution and is essential for the free formation of opinions. However, the State also has an obligation to ensure that the dissemination of ideas rooted in racial hatred, and the promotion of racial or religious hatred that incites discrimination, hostility, or violence, are prohibited by law.

- ▶ Ensure that Swedish legislation and law enforcement are consistent with international obligations to protect freedom of expression and demonstration and to combat racial hatred and hate crimes, for example under the UN International Covenant on Civil and Political Rights and the UN Convention on the Elimination of Racial Discrimination.

6. Lack of child rights and human rights perspective in law enforcement

Deadly violence associated with criminal networks is one of Sweden's most pressing social challenges. The state has a responsibility to maintain order and safeguard people's rights, including the right to life and protection from violence. The Institute highlights the importance of incorporating a child rights and human rights perspective in efforts to combat crime and questions whether the Government's actions fully align with Sweden's international obligations. Measures such as residence bans and safety zones are questionable, partly because they risk leading to discrimination. The proposal to introduce a system for crime prevention targeting children has significant shortcomings in terms of legal safeguards and lacks a child rights perspective.

Ensure a child rights and human rights perspective in law enforcement by conducting thorough impact assessments of legislative proposals and other measures, evaluating their effects on individual freedoms, rights, and personal privacy.

7. Violence against women and domestic violence

(Rec. 156: 177, 220–229, 234, 238)

Men's violence against women and domestic violence, including psychological violence and economic violence, is a persistent and significant issue in Sweden. Women with disabilities and LGBTQI individuals are among those particularly affected. It is difficult to obtain redress, as few such crimes are investigated and prosecuted.

- ▶ Continue to strengthen efforts to combat domestic violence, including by expanding access to legal aid and permanent housing options.

8. New terror crime

(Rec. 156: 132, 299–300)

All measures taken to combat terrorism must be compatible with human rights. In 2023, a new provision criminalising participation in a terrorist organisation was introduced, despite strong criticism from the Legislative Council, the European Commission, and four UN Special Rapporteurs. They questioned, among other things, whether the new offense satisfies the requirements of clarity that must be upheld in criminal law.

- ▶ Review the legislation on participation in a terrorist organisation in the light of the critical views expressed by the Legislative Council, the European Commission, and the UN Special Rapporteurs.

9. Digitalisation

Technological advancements can enhance access to rights and foster inclusion, particularly for young people, the elderly, and persons with disabilities. However, the swift pace of digitalisation is also giving rise to new forms of exclusion. The use of AI in law enforcement poses risks to privacy and may heighten the potential for discrimination. Allowing public authorities access to electronic communications without sufficient safeguards endangers individuals' right to a private life.

- ▶ Take action to tackle digital exclusion. Ensure that cash services are available across the country, including healthcare, food, and bills.
- ▶ Ensure that human rights are considered and respected in digital legislation, in particular the right to a private life and non-discrimination.

10. Deprivation of liberty

(Rec. 156: 175–176)

Recent changes in penal policy have resulted in a growing number of individuals being held in custody in detention centres, remand prisons, and prisons across Sweden. This has, in turn, led to overcrowding, which can foster violence and pose challenges in ensuring inmates receive adequate care, treatment, and maintain contact with the outside world.

The Institute has rejected the Government's proposal to replace closed juvenile care with youth prisons. Meanwhile, the Swedish Prison and Probation Service plans to expand from the current 9,000 places in institutions and remand prisons to 27,000 within the next ten years. This expansion will involve significant challenges and risks.

Future reform efforts must consider the detrimental impact of imprisonment on inmates, their families, and communities, along with the economic implications of its rapid expansion. The Institute emphasises that imprisonment should only deprive inmates of their liberty. It must not lead to disproportionate restrictions on other human rights.

- ▶ Ensure that detention measures for persons suspected or convicted of a crime are used only as a last resort and promote the use of non-custodial measures where appropriate in accordance with the Tokyo Rules and the United Nations System Common Position on Incarceration.
- ▶ Ensure that international rules on the treatment of persons deprived of their liberty are respected in both national law and practice, including the Nelson Mandela Rules, the Bangkok Rules, the Beijing Rules, the Havana Rules, and the European Prison Rules.

11. The right to work

(Rec. 156: 197–199, 201, 212–213, 217–219, 247, 253–255, 273–274, 277)

There is a considerable risk of discrimination in Swedish working life. Significant disparities in pay and pensions persist between women and men in Sweden. A recent study reveals that Afro-Swedes earn lower salaries and face greater challenges in advancing to higher positions compared to others with the same level of education. Young people with disabilities encounter particular difficulties in entering the labour market. In 2023, workplace fatalities reached a record high. There are reports indicating a rise in labour exploitation.

- ▶ Ratify the ILO Convention no. 190 on the Elimination of Violence and Harassment in the Workplace and ensure that protection against violence and harassment in the workplace also extends to people working in the country in the informal economy or without authorisation.
- ▶ Adopt an action plan to increase the number of employed persons with disabilities in the regular labour market.
- ▶ Ensure that the work against labour exploitation is adequately funded and designed from a human rights perspective.

12. The right to health

(Rec. 156: 73, 158, 201–205, 230, 246, 253–255, 257, 273–274, 280–281)

The right to accessible and equal health care is lacking in Sweden. Meanwhile, there are reports of discriminatory and abusive treatment in health care.

Foreign-born women are at higher risk of injury, complications, or death in childbirth than native-born women. Asylum seekers and undocumented adults are only entitled to “care that cannot be postponed,” which is also interpreted differently by different healthcare providers. Mental health problems are increasing, especially among girls and young women.

- ▶ Combat stereotypical and abusive treatment as well as discrimination in healthcare.
- ▶ Clarify the concept of “care that cannot be postponed” and ensure that asylum seekers and irregular migrants have access to equitable care.

13. The right to housing

(Rec. 156: 81, 201, 247, 253–255, 257, 281)

Structural homelessness is on the rise in Sweden. Discrimination in the housing market is widespread, particularly affecting individuals based on ethnicity or disability. Despite the goal of zero evictions, the number of families with children being evicted has increased.

- ▶ Ensure access to adequate housing for all and combat discrimination in the housing market.
- ▶ Ensure that no child is evicted into homelessness and that the child’s right to adequate housing is always respected.

14. The right to education

(Rec. 156: 73, 201, 247, 251, 253–255, 275–276)

The gap in educational outcomes between different student groups and schools in Sweden is widening. Schools are unable to compensate for different opportunities between pupils, and many children leave primary school without achieving passing grades.

- ▶ Combat discrimination and segregation in schools and ensure that all children, regardless of their circumstances, can enjoy their right to education.
- ▶ Review how the right to education is fulfilled for children with disabilities in adapted, special and primary schools.

Groups

1. Children

(Rec. 156: 22–27, 68-69, 71, 73, 81, 231, 233, 241–243, 287)

Children's rights are being challenged in several areas in Sweden. A growing number of children are being recruited into criminal gangs. At the same time, more children than ever are being detained and placed in custody, detention centres, and institutions under substandard conditions. The UN Committee on the Rights of the Child recommends that Sweden use deprivation of liberty only as a last resort and for the shortest possible time. Despite the committee's recommendations, the government is considering harsher penalties for young offenders, including lowering the age of criminal responsibility. In addition, the Government is proposing expanded coercive measures in special residential homes for young people. The proposal to allow these homes to isolate children during nighttime rest violates the Convention on the Rights of the Child.

There are significant shortcomings in children's ability to effectively claim their rights. For instance, the legal right to public counsel is not guaranteed in cases of detention and in certain decisions related to compulsory care.

Additionally, there are Swedish children in camps in Syria whom Sweden has not yet repatriated, despite widespread criticism.

- ▶ Ensure that crime prevention measures targeting children are based on research and have a clear child-rights perspective.
- ▶ Ensure that the minimum age of criminal responsibility is kept at the age of fifteen.
- ▶ Ensure that the reformed special residential homes for young people will be fully compliant with human rights.
- ▶ Review the child's right to be heard, including the age limits for children's procedural rights, and strengthen the child's right to public counsel.
- ▶ Return all Swedish children from camps in Syria.

2. Elderly people

The protection of the rights of elderly people in Sweden is insufficient. Ageism contributes to normalising deficiencies in elderly care. Knowledge of human rights, not least the Convention on the Rights of Persons with Disabilities, is low in elderly care. The lack of a clear link to international commitments in Swedish regulations and policy documents weakens the force of rights and makes them more difficult to enforce.

- ▶ Develop proposals for measures to combat ageism in elderly care.
- ▶ Ensure that policy documents, general advice and guidelines for elderly care are clearly rooted in human rights and international commitments.
- ▶ Ensure the long-term and continuous involvement of older people in the planning, design, and implementation of care for older people.

3. Persons with disabilities

(Rec. 156: 73, 169, 272–273, 275–281)

The Convention on the Rights of Persons with Disabilities (CRPD) has not been fully implemented in Sweden. The living conditions of persons with disabilities are worse than for the rest of the population. Education levels are lower, unemployment is higher, economic vulnerability is greater and physical and mental health is poorer. There is a worrying negative trend in services such as personal assistance. Efforts to increase accessibility and inclusion in the community are uneven across the country and are too slow.

People with disabilities are subjected to coercion, restrictions, and institutional violence within care and support services. Practices such as seclusion, restraint, and non-consensual treatment are still taking place. Increased medicalisation hinders implementation of the human rights model of disability.

- ▶ Strengthen the involvement of persons with disabilities, including children and young people, in the implementation of the CRPD.
- ▶ Combat segregating structures in housing, services, education, and employment that lead to discrimination against persons with disabilities and rights violations.
- ▶ Ensure the right to support for self-determination and inclusion in the community for persons with disabilities.
- ▶ Take measures to identify and address structural deficiencies that lead to violence, coercion and restrictions in special housing, compulsory psychiatric care, and forensic psychiatric care for persons, including children, with disabilities.

4. National minorities

(Rec. 156: 118, 122, 124, 130, 135, 139, 155, 248–249, 252–255, 271)

The rights of Sweden's five national minorities – the Sami, Tornedalians, Jews, Roma, and Swedish Finns – are being challenged in various areas. Both the responsible authorities and the wider public have limited awareness and knowledge of the national minorities and their rights. People from national minorities are often subjected to racism, hate crimes, and hate speech. Antisemitism in Sweden has increased significantly in recent years.

- ▶ Take measures to combat racism, antisemitism, discrimination, hate crimes and hate speech, and strengthen and promote the rights of national minorities.
- ▶ Fully implement the proposals of the Truth and Reconciliation Commission for Tornedalians, Kvens and Lantalaïset.

5. The Indigenous Sami people

(Rec. 156: 19, 74, 247, 259–260, 263–265)

Traditional Sami livelihoods are threatened both by climate change and the measures put in place to counteract it, such as large infrastructure investments and mineral extraction in Sápmi. The right to participation, influence, and free, prior, and informed consent (FPIC) is not sufficiently respected in land use decisions. Sweden has not yet ratified the International Labor Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Self-Governing Countries.

- ▶ Ensure that legislation and law enforcement are fully in line with international indigenous law, including the principle of free and prior informed consent (FPIC).
- ▶ Ensure, in close consultation with the Sami, that land use decisions in their traditional areas do not harm the Sami culture, language or identity.

6. Migrants

(Rec. 156: 90, 94, 124, 249, 282–298)

Migrants, including refugees, asylum seekers, persons covered by the EU Temporary Protection Directive, stateless persons and irregular migrants, face increasing obstacles to the enjoyment of their rights.

The Government has presented several directives for investigation and legislative proposals that restrict the right to asylum and worsen the life situation for migrants. The criteria for immigration of family members have been tightened and the income requirement for labour immigration has been raised. Such tightening may disadvantage groups that are already at risk of discrimination, such as women and people with disabilities.

The Government is considering imposing an obligation on municipalities and public authorities to report irregular migrants to the Migration Agency or the police. Such a measure would endanger irregular migrants' access to healthcare and education, especially for children.

The Government has commissioned a special enquiry to consider how the right to public counsel and interpreters can be limited in the asylum procedure. At the same time, the EU has adopted a new migration pact that, among other things, shortens the time available for asylum seekers to appeal, making the process more difficult. Additionally, under the new pact, deportations will often not be suspended during the appeals process.

- ▶ Ensure that migrants, including refugees, asylum seekers, persons covered by the EU Temporary Protection Directive and irregular migrants, have effective access to social services necessary for the enjoyment of fundamental rights, including health and education.
- ▶ Ensure that refugees, asylum seekers and persons covered by the EU's Temporary Protection Directive have a real opportunity to be reunited with their families.
- ▶ Ensure that the EU's new migration pact is implemented with respect for human rights and that civil society is involved in the process.

