

**FINAL VERSION**



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# ALTERNATIVE REPORT

**to Sweden's 24<sup>th</sup> and 25<sup>th</sup> Periodical Reports to the  
Committee on the International Convention on Racial Discrimination**

SUBMITTED BY THE **UNITED NATIONS ASSOCIATION OF SWEDEN\***

IN COOPERATION WITH MEMBERS OF THE SWEDISH NETWORK OF HUMAN RIGHTS ORGANISATIONS

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## **Introduction**

This alternative report is a complement to Sweden's 24<sup>th</sup> and 25<sup>th</sup> periodic reports to the United Nations Committee on the Elimination of All Forms of Racial Discrimination (CERD). It has been produced through collaboration between several non-governmental organizations active in Sweden. The report, co-ordinated and assembled by the United Nations Association of Sweden (UNA Sweden), provides an opportunity for Swedish organizations to highlight various perspectives on Sweden's compliance of the Convention on the Elimination of All Forms of Racial Discrimination.

The contributing organizations aim to promote and protect human rights in accordance with the United Nation values and principles and the Universal Declaration of Human Rights (UDHR). They all regularly meet people who face discrimination and other forms of disadvantages in Sweden. During the preparation of the report, each organization has had the opportunity to contribute with their expertise and insights and thus strengthen their perspectives on the subject.

As in earlier reports to the Committee, UNA Sweden and the organizations present facts and statistics on critical issues related to the Convention. The report cites extensive research to demonstrate areas where Sweden, despite being a country of high standards, fails to meet its state obligations in accordance with the ICERD. We argue that the newly established national independent human rights institution must be protected independent of changes in national politics. We also provide the Committee with findings in areas such as hate crime, the situation for national minorities, immigrant women and girls, and people with foreign ethnic background on the labour and housing markets with regards to the Convention.

The Convention on the Elimination of All Forms of Racial Discrimination is a key document in the protection of basic human rights. It is our hope that this report will contribute to better implementation of the Convention in Sweden.

This report was planned to be submitted at the end of the year 2023 but has been postponed partly due to lack of organizational resources, partly due to the postponement of the Committee's review of Sweden to August 2025.

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## **Executive Summary**

Sweden has a long tradition of safeguarding and promoting human rights nationally and internationally. Sweden also has made vast contributions to the development and promotion of global human rights. Its contributions to the United Nations human rights system cannot be underestimated.

Despite this, Sweden still faces some challenges. Sweden has taken great responsibility in welcoming migrants and refugees and adopted anti-discrimination legislation but, like many other states, still has shortcomings in the implementation of the Convention on the Elimination of All Forms of Racial Discrimination.

In its fourth consecutive report to the Committee on the Elimination of All Forms of Racial Discrimination, the United Nations Association of Sweden in collaboration with the Swedish Network of Human Rights Organizations presents its findings on the situation in Sweden with regards to the Convention. The findings presented in the report are based on facts, statistics and reports by national agencies and non-governmental organizations that have been studied, analysed, and discussed.

These are our main recommendations:

### **Protect the Swedish Institute for Human Rights**

The contributing organizations have been advocating for an Independent National Human Rights Institute in Sweden during the last 15 years. Now that the Institute has been established and commenced operations it must be sufficiently financed and allowed to perform its duties.

### **Combat hate crime more effectively**

Reported hate crime in Sweden remains on a high level. Hate crime and racist organizations and activities must be combatted more effectively by implementing existing legislation against hate crime.

### **Protect the rights of Sweden's indigenous people**

Under international law traditional land, waters, and natural resources belong to the indigenous people. Review the legislation relevant to industrial activities in the Sami areas, ensure that such legislation is in line with indigenous rights and ratify ILO Convention no. 169.

### **Protect people with disabilities**

About half of the EU member states have introduced protection against hate crimes and hate speech for people with disabilities. Sweden should review and make amendments of regulations on criminal protection against hate speech and include people with disabilities on an equal basis.

### **Protect the rights of immigrant girls and women**

Immigrant girls and women in Sweden face discrimination through honour related violence and oppression and lack of access to the labour market. Gender equality must be guaranteed for all regardless of religious, ethnic, or cultural background.

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## **ARTICLE 2: Structural and institutional measures to counteract ethnic discrimination**

This chapter is divided into sections dealing with various issues covered by Article 2. The first part of the chapter deals with structural measures and highlights the importance of a Swedish independent national human rights institution, the incidence of hate crime in Sweden and the need for a balanced assessment of the legal and social consequences of the removal of the term race from the new Discrimination Act.

The second part of the chapter provides information on communities that are especially vulnerable and subject to ethnic discrimination and the need for legislation on affirmative action based on ethnicity. In addition to discrimination against Sweden's five national minorities while the situation for Muslims as a religious minority is addressed under article 5. A list of concrete recommendations is presented at the end of each section.

### The Pandemic and its impact on discrimination

The report "*Vägen framåt – pandemin och mänskliga rättigheter*" ("*The way forward – the pandemic and human rights*") shows that people who face ethnic discrimination suffered more from the COVID-19 pandemic and the preventive measures taken. It also shows the importance of establishing structures and cross sectorial cooperation *prior* to a crisis to enable it to function efficiently during the crisis. The cross sectorial working group behind the report continues to meet and discuss the way forward for strengthening human rights in Sweden.<sup>1</sup>

## **Article 2.1 General institutional measures to counteract ethnic discrimination**

### Article 2.1

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

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<sup>1</sup><https://www.mr-webben.se/wp-content/uploads/Pandemin-och-de-manskliga-rattigheterna-Vagen-framat-Ramboll.pdf>

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## Main concerns

- The newly established National Human Rights Institute must be supported by the government and its role to ensure that public authorities and institutions act in conformity with CERD must continue to be strengthened.
- Broad discretion given to local self-governments leads to inconsistent fulfilment of human rights obligations, including in ensuring equal access to education.
- Immigrant and minority women run the highest risk of being isolated from protection against violence and other types of human rights violations.
- Multiple forms of discrimination do not receive adequate attention.

## Obligation not to engage in acts of racial segregation

Article 2.1(a) of the CERD stresses that states shall refrain from all kinds of acts of racial discrimination and ensure that public authorities conform with this obligation. Below, several implications within the Swedish approach to its CERD obligations will be analysed.

## New rules on searching – risk of racial discrimination and focus on ethnically diverse areas

Several concerns have risen from proposals made by the Swedish government in the Tidö Agreement (Tidöavtalet). The methods suggested in the Agreement to detect criminals before they commit crimes constitute a risk of violating human rights and children's rights. Various means of coercion and visitation zones that can be used without a crime suspicion are a violation of people's integrity, privacy, and freedom of movement. Implications may be severe and could negatively affect children with migrant background.

## Discrimination and mistrust

Institutions responsible for the exercise of public authority or provision of public services that are primarily provided for by the public sector need to be covered by the Discrimination Act. They often carry out critical activities and people who risk discrimination need to have confidence in them. Today, groups that risk discrimination generally trust public authorities and social institutions less than groups that do not risk discrimination. Lack of trust in society means that people refrain from making full use of societal structures that are meant to support them. Young people who do not trust the school system are less likely to make use of it to achieve higher educational results. Similarly, lower levels of trust in those who provide other critical services to society can lead to poorer opportunities in life for young people.

## Broad discretion given to local self-government

The responsibility laid down in Article 2.1(a) implies that Sweden is under the obligation to ensure conformity with CERD for national as well as regional and local institutions.

According to national law on local self-government, municipalities have the responsibility as well as the discretion in implementing Sweden's human rights obligations. This discretion results in discrepancies in the way human rights, including CERD obligations, are implemented. One such occurrence of differential treatment is the regions where refugees from

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the war in Ukraine were allowed to use public transportation for free. Although this was obviously much welcomed, it also created a sentiment of differential treatment both between different regions and differential treatment towards other asylum-seekers.

### Increasingly restrictive migration policies

Under Article 2(c) Sweden takes on the responsibility to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination.

The UN Committee on the Rights of the Child has expressed that the committee is “*deeply concerned about the impact of the amendments in 2021 to the Swedish Aliens Act restricting family reunification and eligibility for permanent residence permits and social security, and the 33 reforms envisaged in the Tidö Agreement to further restrict the rights of asylum-seeking, refugee and migrant children.*” Recent proposals made by the Swedish government and its collaboration party could negatively affect children with migrant background. Overall, these proposals could result in differential treatment of children based on migrant background, on what judicial basis the child is staying in Sweden, and its residential area.

Several repressive proposals may hit children living in poverty and their families particularly hard. The proposals reinforce negative social consequences such as lack of trust in authorities, less access to social services, and increased stigmatization. Among these proposals are removing the possibility of a permanent residence permit, making it even more difficult for people with a residence permit based on subsidiary protection to reunite with their family, place parts of the costs of the asylum process on the asylum seeker and require that new arrivals must qualify for various social benefits. All these measures will severely limit children's opportunities to have their rights fulfilled.

Another critical issue is the differential treatment of beneficiaries of the Temporary Protection Directive (TPD). Individuals covered by the TPD are not submitted to the population register the way that other persons granted residence permits are. This implies that e.g., Ukrainians fleeing from the war are not granted all social and economic rights that are normally granted to newly arrived. E.g., they are only entitled to the exceptionally low daily allowance during the whole period of the permit. The daily allowance for asylum seekers and persons that are granted temporary protection in accordance with the TPD has not been adjusted since 1994 and is highly insufficient. Apart from food the daily allowance must cover expenses for clothes and shoes, health care and medicines, dental care, toilet articles, other consumer goods and leisure activities. Today the allowance does not always cover expenses for winter clothes and diapers. The UN Committee on the Rights of the Child recommends Sweden to “*Further strengthen its policies to ensure that all children have an adequate standard of living, including by increasing social benefits for single-parent households, asylum-seeking children, children with an irregular residence status and children of foreign parents.*”

### The newly established National Human Rights Institute

Under Article 2(c) CERD, Sweden undertakes the responsibility to review national authorities and ensure that public authorities act in conformity with CERD. According to the Paris Principles adopted by the UN in 1993, all member states should establish independent national human rights institutions to strengthen the human rights work at the national level.

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Since the latest reporting cycle in 2018, Sweden has established an Independent National Human Rights Institute (NHRI), which commenced operations on 1 January 2022. By doing so, the Swedish Government heeded the earlier recommendations from the CERD, CESCR, and other UN Committees as well as the advocacy for such an institution by the Swedish civil society. The Swedish civil society has welcomed this historic decision. However, it is concerned about signals from the government and its supporting party about discontinuing the NHRI<sup>2</sup>. The NHRI was established as an independent governmental agency, following the Parliament's rejection to assume it. The NHRI is founded in national law, however not in the constitution, and carries the mandate of an independent monitoring mechanism according to the CERD. We strongly emphasize the importance of maintaining the NHRI, its independence and its current financial resources for it to be able to operate according to the Paris Principles.

### Ableism and racial discrimination

With regards to Sweden's overall obligation under Article 2, in a speech by the newly elected Prime Minister is a narrative illustrating the contemporary manifestation of ableism becoming more and more prevalent as years go by, concluded as follows: *“Those being excluded and who year after year have been living on benefits, need to exchange the benefits dependence towards self-sufficiency. /.../ Nothing remedies poverty for an individual, like obtaining employment does.”* Such narratives show clear negative attitudes towards groups in society deemed 'benefits dependent' as inferior.

This narrative has led to a migration policy with maintenance requirement as a precondition for rights such as permanent residence, work permit, family reunification and citizenship. The social support and welfare framework is shifting from good access to welfare and social rights as a precondition for ensuring a reasonable living standard for everybody towards a new regulatory setup where access to welfare and social rights is a privilege reserved only for those who have managed to obtain employment and the required standard of self-sufficiency and therefore 'deserve' access to support.

The purpose of this is to emphasize the importance that the individuals contribute to their process of integration and 'make an effort', to fulfil their part of the 'autonomous integration deal'. Furthermore, the maintenance requirement is a tool for determining who is willing and capable enough to contribute to their new home country without becoming a burden.

One of the reasons for this is the segregation in the employment market in Sweden meaning that people with migration background, even when they have the same qualifications as others, are less likely to obtain employment because of varied factors such as not having a permanent residence permit or citizenship. Furthermore, employment is often obtained through the individuals' informal networks, so people with migrant background, who lack such informal networks are therefore less likely to obtain employment. From this perspective, it is relevant to point out that people with disabilities also is one of the social groups negatively affected as they are less likely to obtain employment and find themselves in a disadvantaged economic situation.<sup>3</sup>

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2 Letter from 55 CSO:s to the prime minister about the Swedish NHRI: <https://mrfonden.se/2023/05/02/oppet-brev-till-statsminister-ulf-kristersson-om-mr-institutet/>

3 Franck, A, Anderson, J, Jern, J (2021) "Arbete till varje pris? En diskussion om försörjningskravet till nyanlända" Chapter 18 "Rättssäkerheten och solidariteten - Vad händer?" Asylkommissionen <http://liu.diva-portal.org/smash/record.jsf?pid=diva2%3A1554725&dsid=-4539>



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These two aspects illustrate the wide range of factors contributing to the structural barriers and inaccessibility faced by migrants and in particular migrants with disabilities in obtaining employment, sufficient income and housing to discharge the strict standards of self-sufficiency applied without consideration of the specific situation of migrants with disabilities. Migrants with disabilities are likely to not reach the ableist ideal of 'a working citizen', which means that they get stuck as being part of the two main groups considered not deserving of welfare and social rights, people in need of benefits and people with migration background.<sup>4</sup>

### Analysis conducted in apparent statistical darkness

There is lack of disaggregated data on matters relating to the situation of people with disabilities. Such lack of data is also apparent in matters relating to the situation of people with migration background. Data, in particular disaggregated data on matters relating to the situation of migrants with disabilities, is mostly limited to results of sporadic, small-scale analytical exercises, with its apparent limitations in terms of providing basis for a comprehensive analysis.

For example, migrants with disabilities are more likely to consider that they have poor health than Swedes with disabilities.<sup>5</sup> Among migrants without a disability in comparison to Swedes without a disability there is almost no outcome difference in this matter. The outcome difference between people with migration background and people with Swedish background is bigger among people with disabilities than people without a disability. This piece of data does not only highlight the appalling outcome difference in self-assessed health status for migrants with disabilities. It also highlights the amount of information revealed by disaggregated data on this particular social group.

By looking at the data on the self-assessed health status of people with disabilities or people with migration background it looks like the outcome difference is affected by a person's disability and that it is not really affected by the person's migration background. By looking at the disaggregated data on migrants with disabilities, it becomes clear that the combination of having a disability and migration background affects the outcome of the self-assessed health status.

### Recommendations

- Review and redefine the aim and goals of social and migration policy based on states' obligations according to the International Convention on Elimination of All Forms of Racial Discrimination and the Convention on the Rights of People with Disabilities.
- Ensure structured and disaggregated data collection regarding the situation for migrants that include disability, gender, age, nationality, and ethnicity throughout the asylum process, from reception to the possibility of applying for and obtaining a permanent residence permit and the possibility of applying for and obtaining Swedish citizenship.

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4 Jansson-Keshavarz. S, Lundberg. A, Obenius. H (2021) "Förskjutningar av välfärdsrättigheter och ansvar" Chapter 20 "Rättsäkerheten och solidariteten - Vad händer?" Asylkommissionen <http://liu.diva-portal.org/smash/record.jsf?pid=diva2%3A1554725&dsid=-4539>

5 Statistikmyndigheten (2021) "Vanligare för personer med funktionsnedsättning att inte få vård" Kort analys <https://www.scb.se/hitta-statistik/artiklar/2021/vanligare-for-personer-med-funktionsnedsattning-att-inte-fa-vard/>

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## **Article 2.2. Adoption of special and concrete measures for the protection of certain racial groups**

### Article 2.2

States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

This chapter is divided into five sections that represent the five recognized national minorities in Sweden. It should be noted that the Sami people are also recognised in law as an indigenous people. Given that the perspectives of the Saami and Roma people are directly represented by organizations partaking in this report, these sections are more extensive than the others.

### Main concerns

- Under international law, traditional land, waters, and natural resources belong to the indigenous people. Since the last review in 2018 Sweden has failed to secure the Sami people's rights to their traditional land and waters, and Sweden has yet to introduce policies acknowledging these rights.
- The Sami people have little or no influence over the exploitation of natural resources in the reindeer husbandry area. These issues directly effect and threatens Sami livelihoods. Still Sweden lets these exploitations continue and the Sami communities suffer the consequences. Sami rights are neglected and rarely considered in the evaluation of permits for these project and activities.
- The Sami people continues to lack influence over issues regarding Sami rights in every level of governance. There is no increase in self-governance for the Sami people, even though the law on consultation in matters concerning the Sami people has passed and been in place for a year. There is a difference between how authorities implement the law, and a lot of important issues are exempt from the consultation obligation.
- The green transition has grown to be one of the biggest threats to the Sami people's land rights. There is no climate justice when indigenous people are forced to give up land to project and exploitation of natural resources done in the name of the green transition and under the false flag of green approach to development.
- Sweden has still not taken concrete measures to ratify ILO Convention No. 169, despite numerous previous recommendations from the CERD Committee.
- There is an incline in hate crimes towards Saami people, especially reindeer herders, by the targeting and killing of reindeers.
- The predatory tribe (wolf, brown bear, wolverine, lynx and eagle) continues to be a major treat to reindeer husbandry and its survival. Sweden has not taken tangible steps towards implementing its own predator policy.

### The Sami

In 2021 the Sami parliament submitted a report to the Swedish government that a Sami truth commission on human rights abuses against the Sami community in Sweden needs to be established. The truth commission is important for reparations but government resources for

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such a commission are lacking. The same situation can be seen in other places, the Swedish government not seeing the needs of the Sami communities or ignoring them. The government should respect the principle of free, prior and informed consent by the Sami but this has been lacking. For example, in the moving of the city of Kiruna, Sami communities have not been included in consultations. The move affects the Sami's natural wealth by negatively impacting the land that reindeers graze on. Sami communities are already heavily burdened with administrative work that takes time from protecting reindeers. There is no real opportunity for the Sami community to really influence these consultations. Sami communities need to be involved in the education of the government and companies in reindeer and Saami culture.

The mine in Kiruna heavily disturbs reindeers which has a negative effect on the livelihood of the Sami community. Not only reindeer herding is affected but also tourism and craft which are two important sectors for Samis. The burden caused by mining projects on Sami villages must be reduced.

### Structural racism, discrimination and hate crimes against the Sami

Sweden has a general reputation for working broadly against racism and protecting human rights. However, the treatment of the indigenous Sami is an area where the country has failed. Since 2018, Sweden has not succeeded in securing Sami rights according to article 2.2 of ICERD. Sweden has taken no tangible steps towards acting on the recommendations from the twenty-second and twenty-third periodic reports.<sup>6</sup> The root cause of this can only be labeled as structural discrimination. The structural racism against Sami people consists of Sweden systematically failing to treat Sami different compared to majority population and ignoring their particular needs and situation as an indigenous people, thereby violating international law.<sup>7</sup> The Samis are formally recognized as indigenous people by Sweden but this is not reflected in laws and policies. This is particularly obvious when it comes to reindeer husbandry and the traditional livelihood of the Sami. Indigenous people have a unique interconnectedness with their traditional lands, territories and resources, and recognizing this is the fundament of the international indigenous rights regime. States have an obligation to respect, protect and take measures to recognize indigenous peoples' land rights, given that their relationship with nature and ancestral lands is strongly intertwined with their culture. This unique interconnectedness should be respected to prevent degradation of indigenous peoples' particular way of life, including livelihood opportunities, and the loss of cultural identity.<sup>8</sup> There is ignorance and lack of political interest regarding the Sami people's land rights. Sweden continues to maintain that land and natural resources in the Sami territories belong to the state, unless privately owned. The lack of indigenous influence and self-governance over traditional lands is a concern.

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<sup>6</sup> CERD/C/SWE/22–23.

<sup>7</sup> The Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 32, para. 8; The European Court on Human Rights ruling in *Thlimmenos v. Greece* [2001] 31 EHRR 411, para. 44

<sup>8</sup> The UN Committee on Economic Social and Cultural Rights E/C.12/GC/21, para. 36; Study of the Problem of Discrimination Against Indigenous Populations: Final report submitted by the Special Rapporteur, Mr. José Martínez Cobo, UN Doc. E/CN.4/Sub.2/1986/7/Add. 4, paras. 379–80; Inter-American Court on Human Rights, Case of the *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, IACtHR Ser. C, No. 79, para. 149.

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The Sami people still face discrimination and racism in all areas of society, including education, media, working life and exercise of authority.<sup>9</sup> In addition to structural racism the Sami are exposed to hatred and threat, both physically and digitally. Harassment and hate crimes have increased since the Supreme Court's ruling in the so-called Girjas verdict in 2020<sup>10</sup>, where the Girjas Sami village won over the state and therefore has the right to sole management over the small game hunting and fishing within the Sami village's territory. Hate crimes are often expressed through people torturing and shooting reindeer to inflict harm on the reindeer owner. Death threats, sabotage, profanity, and abuse are other examples of racism against the Sami. The most vulnerable are those who express their Sami identity and reindeer herding Sami. In this matter, Sweden's minority policy has had limiting effects.<sup>11</sup> In Sweden's twenty-fourth and twenty-fifth periodic report to the UN Committee on the Elimination of Racial Discrimination the government states that the work against hate crimes is prioritized both by the police and the prosecutor's office.<sup>12</sup> We urge Sweden to continue taking meaningful steps towards improvement regarding hate crimes against the Sami and that the work in place leads to reduction in crimes with hate crime motives.

### Reindeer husbandry and rights to land

Reindeer husbandry is one of the fundamental elements of the Sami culture. It's an indigenous way of life practiced by family-based communities. These communities help indigenous languages, traditions, knowledge systems etc. thrive and develop. By protecting Sami reindeer husbandry, other fundamental elements of Sami culture are also protected.

One of the biggest threats to Sami reindeer husbandry is the loss of pasture lands to industrialization and the lack of protection of Sami land and water rights. Mining projects, forestry activities, extractive industries, and infrastructure projects are threats to Sami livelihoods, culture, and the reindeer husbandry. Over the past years Sweden has received international criticism from UN treaty bodies, among others, for the lack of protection of Sami land rights.<sup>13</sup> Since 2018 there are no concrete indications of the Swedish government recognizing Sami land rights and the exploitation of reindeer grazing land continues at the same intensive level as before. This conclusion has also been brought to attention by the Sami Parliament.<sup>14</sup>

There is still a significant number of land disputes between Sami communities and both private landowners and public and private companies. The Sami reindeer herding districts are forced to defend Sami land rights in courts due to private lawsuits and exploration projects on Sami lands. This is both a psychosocial and economic burden laid upon the reindeer herding districts and ultimately, individual reindeer herders. This problem can be traced back to lack of Sami self-determination.

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<sup>9</sup> Ombudsman against Ethnic Discrimination (DO), Discrimination of the Saami – the rights of the Saami from a discrimination perspective, 2008:1, p.24

<sup>10</sup> [Vad händer efter domen där Girjas sameby vann över staten? | Amnesty Press](#)

<sup>11</sup> County Administration Board Stockholm County, The Saami Parliament, "The development of minority policy 2020", 6<sup>th</sup> April 2021, p. 50-51; The Swedish Government, "Action program against racism against the Saami", 2nd November 2022.

<sup>12</sup> Sweden's twenty-fourth and twenty-fifth periodic report to the UN committee on the Elimination of Racial Discrimination, 5<sup>th</sup> of January 2023, para. 11–21

<sup>13</sup> A/HRC/33/42/Add.3, recommendations 82-83; E/C.12/SWE/CO/6, para. 14, 14 a-d.

<sup>14</sup> Submission from the Sámi Parliament in Sweden to the 3<sup>rd</sup> Periodic Review of Sweden, 9<sup>th</sup> July 2019, p. 6.

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## Law on consultation in matters concerning the Sami people

Even though Sweden has introduced a law on consultation in matters concerning the Sami people, the right to effective participation and influence does not meet with international standards. Our main concern is that the new law only guarantees the Sami people some sort of right to co-determination in important issues regarding them. The law is not a guarantee nor an improvement in terms of self-determination. The degree of influence over decision-making processes is not nearly high enough, regarding international standards. It is therefore important not to confuse the law and its purpose with real Sami self-determination. Sweden also decided not to allocate financial resources to Sami organizations and Sami herding communities when the law came into force, leaving a big part of the Sami community with a lack of capacity to participate in consultation.

A big number of important issues fall outside the scope of the law or have been exempted from the law. For example, the obligation to consult the Samis does not apply to courts, court-like committees, and various bodies in public authorities with court-like duties and tasks. This means that most environmental review cases, such as wind power, hydropower and mining cases, are not covered by the law. Such cases, if planned in reindeer herding areas, have a major impact on reindeer husbandry. Therefore, it is problematic that Sami influence over these matters continues to be small. The Samis still lack actual influence over issues concerning land rights, despite the new law and the purpose of the law of increased influence over decision-making.

There is still concern regarding the insufficient legislation to fully guarantee the right to free, prior, and informed consent, while natural resource extraction, industrial and development projects continue within reindeer grazing areas. The core to fulfill Sami rights to lands and waters as well as self-determination is effective participation in line with the principle of Free Prior and Informed Consent (FPIC)<sup>15</sup>. Sweden continues to argue that the principle should not be considered as a human right, even though FPIC has been interpreted into human rights conventions and is considered a human rights norm in international law.<sup>16</sup> Enabling indigenous people to exercise influence over decisions that have an impact on their livelihood is a way of protecting their human rights.<sup>17</sup>

## Predators

A big threat to Sami reindeer husbandry is the large carnivore tribe (wolf, brown bear, lynx, wolverine, and eagle) in the reindeer herding areas. The result is that Sami reindeer herding communities lose untenable amounts of reindeer to predators. One of the recommendations by the Committee on the Elimination of Racial Discrimination in their last periodic reports of

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15 Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden, CERD/C/SWE/CO/22-23; Human Rights Council, Compilation on Sweden, A/HRC/WG.6/35/SWE/2; 15 Submission from the Sámi Parliament in Sweden to the 3rd Periodic Review of Sweden, 9th July 2019.

16 Human Rights Committee, CCPR/C/79/Add.105, Concluding observations of the Human Rights Committee – Canada, 7 April 1999, p. 8; Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.94, Concluding observations – Russian Federation, 12 December 2003, p. 39.

17 Human Rights Council, 12th session, A/HRC/12/34, Report of the Special Rapporteur on the rights indigenous peoples, James Anaya, 15 July 2009, p. 38 & p. 41; Anaya, James, Puig, Sergio, Mitigating State Sovereignty: the duty to consult with Indigenous Peoples, University of Toronto Law Journal, volume 67, nr 4, 2017, s. 435 f. & 460 ff; International Law Association, Report of the Committee on Rights of Indigenous People, Sofia Conference, final report, 2012, s. 6 f.

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Sweden was for Sweden to implement the predator policy of 2013, compensate reindeer herders fully for damage caused to reindeer by predators and continue consultations on the 10 per cent compensation limit.<sup>18</sup> Regrettably, Sweden has failed to take any steps towards fulfilling these recommendations, and the state's predator politics continues to hit reindeer and individual reindeer herders hard. In 2021, the Swedish Environmental Protection Agency decided to set the minimum level for wolves in Jämtland County to one rejuvenation, ten wolves. This county is a reindeer husbandry area where 12 Sami reindeer communities are active. Sweden's Environmental Protection Agencies decision directly contradicts the state's predator policy of 2013, which states that no rejuvenation of wolves may be allowed in the reindeer husbandry area.<sup>19</sup>

The consequences of Sweden's irresponsible predator politic is that it becomes impossible to pursue traditional Sami reindeer husbandry, which is a serious threat to the entire Sami culture and society.

### Climate Justice

The elaboration of so-called green industrialization is another treat to Sami traditional livelihood, culture, and husbandry. Mines and wind farms continue to claim Sami traditional lands and reindeer herding pastures at an all-too high rate with the argument that these industries are needed to fight the climate change. The Sami people often stand alone to defend and protect lands and clean water, while Sweden promotes these kinds of industries and exploitation in Sami reindeer herding areas.

Biodiversity in areas managed by indigenous people and local communities is better protected and declines more slowly than in other.<sup>20</sup> Indigenous land rights are therefore important in the light of the global climate change. There is no climate justice or sustainable climate work without respect for the rights of indigenous peoples. The Sami reindeer communities have limited influence over projects that are planned on their traditional lands and are often forced to take them to court.

The green transition must happen in co-operation with, not at the expense of, the Sami people. There must be a balance in this process, where the right to self-determination and FPIC is respected. Sweden must acknowledge indigenous rights and the fact that certain development projects carried out as part of the green transition cannot continue if the impact on Sami culture and traditional reindeer husbandry is too great.<sup>21</sup> Today Sami people's rights as indigenous peoples and Sami reindeer herding communities' property rights to their lands must regularly yield in conflict with both mining interests and wind energy interests.

### Recommendations

- Take measures to fully implement Sami self-determination.

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18 CERD/C/SWE/CO/22-23, para. 17.

19 A sustainable predator policy (2012/13:191)

20 IPED, The UN's Expert panel on Biodiversity and Ecosystem Services, Global Assessment Report on Biodiversity Ecosystem Services.

21 Norges Høyesterett, HR-2021-1975-S, para. 143 – 144.

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- Ensure that Sami rights are protected in decision-making by strengthening the Sami people's influence over processes concerning land exploration and other issues affecting traditional Saami lands.
- Take steps towards ending structural discrimination of the Sami, by fully respecting the Sami people's rights as indigenous and the rights that follow with that.
- Continue the work of countering and investigating hate crimes against the Sami people.
- Honor and implement the carnivore policy and make sure that the work is done in collaboration the Sami people and Saami husbandry communities.
- Review the legislation relevant to industrial activities in the Sami areas. Make amendments to ensure that such legislation is in line with indigenous rights.
- Make sure the green transition is done in collaboration with the Sami people, where the Sami rights are respected. Ensure Sami self-determination in such processes.
- Allocate financial resources for Saami organizations and Sami herding communities to ensure they are given the opportunity for real and effective participation in matters concerning them.
- Ratify ILO Convention no. 169 in Indigenous and Tribal Peoples in Independent Countries.

### Tornedalians and Sweden Finns

Main concerns:

- The right to the ancestral and cultural language of Tornedalians and Sweden Finns are not adequately guaranteed.
- Tornedalians and Sweden Finns generally have poorer health than the rest of the population.

The Tornedalians are descendants of Scandinavian and Fennoscandian Finnic Kvens, as well as Finns who several hundred years ago settled in today's Northern Sweden and the Torne Valley region near the present-day Swedish-Finnish border and its west.<sup>22</sup>

Sweden Finns are immigrants of Finnish origin and their descendants living in Sweden, some of whom still speak Finnish in addition to Swedish.

According to legislation on special minority language rights in certain areas of Sweden, pre-school activities should be offered to children in Finnish and in Meänkieli. Swedish School legislation also states that the primary school should contribute to children with other mother tongue than Swedish are ensured both the possibility to develop the Swedish language as well as the mother tongue in question. In its 24<sup>th</sup> and 25<sup>th</sup> report to CERD, it is stated that these obligations are not fully followed by national municipalities, partially because of the lack of educated teachers.<sup>23</sup>

National minorities in Sweden in general have poorer health compared to the rest of the population. This is often rooted in factors such as unemployment, the sense of exclusion from

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22 Då människovärdet mättes: Exkludering och assimilering av tornedalingar, kväner och lantalaiset

23 Sweden's twenty-fourth and twenty-fifth periodic report to the UN Committee on the Elimination of Racial Discrimination, p. 5

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society and discrimination. A study made by The Public Health Minority in 2019 shows that minorities have poorer physical health compared to the population as a whole and the consumption of alcohol and narcotics is more common in these groups.<sup>24</sup>

### Recommendations

- Examine whether municipalities in appointed administrative areas comply with their legal obligations to offer primary education in their mother tongue, Meänkieli and Finnish, respectively.
- Ensure that active measures are implemented aiming at improving the health conditions of the Tornedalians and Swedish Finns.

### The Roma

Compulsory custody of children, under the Care of Young Persons Act (LVU), is an extraordinary measure that the state can use as a last resort when children are in danger and other less restrictive measures are considered insufficient.<sup>25</sup> However, inquiries and legal proceedings vary in quality which imperils the rule of law as well as the principle of the best interests of the child.<sup>26</sup> As to families belonging to the national Roma minority, there is great concern that Roma children run a greater risk than the majority to suffer and not have their needs met in these situations. Reports have indicated that the social services lack understanding of the Roma community's situation and are unaware of historic and current social conditions that affect the minority and its relationship with majority society. The legislation obliges social services to bridge this gap, but they still fail to use culturally sensitive practices.<sup>27</sup> The consequence is that the Roma minority does not enjoy their legal rights. Roma bridge builders, who voluntarily accompany Roma families to meetings with the social services, are often met with indifference and even opposition, which means that this opportunity to provide relevant support and a more informed assessment is lost.<sup>28</sup>

Many vulnerable EU citizens staying in Sweden are Roma without health insurance due to discrimination and exclusion in their home countries. Consequently, they are denied access to subsidised health care in Sweden. By staying in another member state beyond the three-month permit granted to all EU citizens by the *acquis*, they could fall within the category of people staying without necessary permits and thus qualify for “care that cannot be postponed”. There is, however, widespread confusion around what kind of healthcare should be accorded to EU citizens. Many testimonies show that they are denied healthcare or issued unaffordable bills for the care.<sup>29</sup> The right to the highest attainable standard of health is thus not guaranteed for vulnerable EU citizens belonging to the Roma minority. The COVID-19 pandemic has made

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<sup>24</sup> Hur mår personer med finländskt ursprung? – Delarbete inom Folkhälsomyndighetens uppdrag om Sveriges nationella minoriteter, p. 7

<sup>25</sup> Sections 1 and 6, [The Care of Young Persons \(Special Provisions\) Act \(1990:52\), \(LVU\)](#).

<sup>26</sup> [Mats Cato, “När Samhället tar ett barn”](#), Advokaten: tidskrift för Sveriges advokatsamfund, No. 1, 2014, Vol. 80.

<sup>27</sup> [JO \[The Parliamentary Ombudsmen\], Redogörelse 2017/18:JO1, Justitieombudsmännens ämbetsberättelse](#), p. 444.

<sup>28</sup> Focus group with Roma bridge builders from five municipalities, digital meeting on Zoom, 2021-06-08

<sup>29</sup> [“Take responsibility for the most vulnerable, Hallengren”](#), op-ed in the newspaper *Aftonbladet*, 30 January 2021, by Swedish Amnesty, Doctors of the World Sweden and The Swedish Society of Nursing.



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this group even more vulnerable, as many EU citizens lack housing and thus have struggled to follow the recommendations on hygiene and social distancing.<sup>30</sup>

All children do not obtain primary and secondary school education, despite a statutory right to education.<sup>31</sup> Because of past and present exclusion mechanisms, there has been reason to pay particular attention to the educational situation of the national minority Roma.<sup>32</sup> The long-term national strategy for Roma inclusion identifies education as one of the most important factors to achieve improved living conditions for the Roma population.<sup>33</sup> However, actual policy goals and measures in the education area, which seek to ensure equal participation of Roma in higher education, have not been explicitly addressed in the Roma strategy. Hence, education opportunities for Roma children have depended not so much on the formal guarantees of equality and access to schooling, but on the extent of haphazard commitment by public agencies to counter the underlying social barriers to participation.

Persistent barriers prevent Roma children from enjoying their legal right to education, *e.g.*, experience of discrimination and harassment, lack of access to education in minority language and prejudiced practices affecting the relationship between school, social services and the Roma family, where mutual distrust and misunderstanding affect children's opportunities in school and prevent access to educational and other support measures that the municipality has to offer.<sup>34</sup>

### Recommendations

- Ensure that the right of Roma to the highest attainable physical and mental health is fulfilled, regardless of their legal status and want for health insurance.
- Guarantee Roma children equal access to primary and secondary school education by applying targeted measures to implement the National Roma Inclusion Strategy.

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<sup>30</sup> *"Homeless Roma in Sweden: discrimination and denial of housing"*, pp.18-19 in Homeless in Europe, FEANTSA, by J. Westeson.

<sup>31</sup> Skolverket [National Agency for Education], 2018, "Elever som lämnat grundskolan utan slutbetyg" and Skolinspektionen [Schools Inspectorate], 2016, "Omfattande ogiltig frånvaro i Sveriges grundskolor", dnr: 40-2015:2855.

<sup>32</sup> Neville Harris, David Ryffé, Lisa Scullion, Sara Stendahl "Ensuring the Right to Education for Roma Children: an Anglo-Swedish Perspective", *International Journal of Law, Policy and the Family*, Volume 31, Issue 2, 1 August 2017

<sup>33</sup> Regeringskansliet [Government Offices of Sweden], 2010, "Romers rätt – en strategi för romer i Sverige" [Roma Rights: A Strategy for Roma in Sweden].

<sup>34</sup> Liedholm Marianne, Lindberg Göran, "Romska barn i skolan", Lund, 2010 and Lund University; Focus group with Roma bridge builders from five municipalities, digital meeting on Zoom, 2021-06-08.

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## The Jewish Community

Main concerns:

- Hate crimes against the Jewish community are not reported to the authorities, as victims do not believe that reporting will lead to a change.
- Internet has grown to be a platform for antisemitism and Nazi ideas.

A recent study by The Living History Forum shows an improvement in the attitude towards the Jewish Community in Sweden. Still, even though attitudes are changing, many Jews indicate that they experience an increase in antisemitism, according to the report.<sup>35</sup>

The problem was further enlightened in a 2019 report from the Swedish National Council for Crime Prevention (BRÅ) named *Antisemitic Hate Crime*. Antisemitic hate crime levels have been fairly regular at around 200 occurrences per year since 2000. However, according to the study, two thirds of the respondents had experienced an increase in antisemitism. Young people are more often subject to antisemitism. One tenth of people aged 16-29 years had, according to the report, experienced antisemitism in the last year. Two thirds of the people that had experienced antisemitism had not reported the incidence(s) to the police. A majority stated that they had not done so, because they did not believe that reporting the occurrence to the police would lead anywhere.<sup>36</sup>

The Authorities must take action to combat antisemitism and act to ensure that the Jewish Community can feel secure in the Swedish society and on the Internet. The study acknowledges that persons belonging to the Jewish Community are being subject to daily prejudice and intolerance. Antisemitism is manifested by threats and molestation, physical abuse, and vandalism of property. Antisemitic hate crimes occur in Sweden in different environments and places – in schools, at the workplace, at Jewish institutions such as synagogues.

Especially worrying is the increasing trend of antisemitic ideas on the internet, through anonymous forums. In the above-mentioned report from BRÅ, it was concluded that the most worrying trend identified by the Jewish Community was the spread of antisemitic ideas through Internet.<sup>37</sup> There have been several occurrences of reported antisemitic websites where Nazi and anti-Zionist propaganda are spread.<sup>38</sup>

Jewish institutions often receive threats through e-mail and letters. Even though the institutions report that the conversation with the police and the authorities works relatively well, there are several worrying trends according to the BRÅ report. Firstly, just as Jewish individuals in general, the institutions report that they do not believe that reporting hate crimes leads to any difference. Rather, the institutions that do report occurrence of hate crimes, report that they do so to shine a light on the problem. Secondly, institutions report that security arrangements are budgetary and administratively burdensome.<sup>39</sup>

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35 Antisemitism i Sverige, The Living History Forum. p. 102

36 Antisemitic Hate Crime, Swedish National Council for Crime Prevention, p. 35

37 Antisemitic Hate Crime, Swedish National Council for Crime Prevention, p. 35

38 Antisemitic Hate Crime, Swedish National Council for Crime Prevention, p. 65

39 Antisemitic Hate Crime, Swedish National Council for Crime Prevention, p. 96

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## Recommendations

- Take action to hold web editors of antisemitic websites responsible.
- Support Jewish institutions in their security arrangements.

## **Article 4 – Racist propaganda and racist organizations**

### Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 4 of the Convention requires State Parties to condemn and penalize all dissemination of propaganda and organizations that are based on ideas of superiority of one race or ethnic origin, or which incite racial hatred or violence. Moreover, legislative measures should be installed to counteract racist organizations, racist propaganda, memberships in racist organizations as well as the financing of these structures. Despite recommendations from the CERD during previous reporting cycles, there has yet to be change made. We would therefore like to put forward the following concerns.

### Main concerns

- Sweden is in violation of Article 4(b) of the Convention by permitting racist organizations to form and operate.
- Racist propaganda is distributed over the Internet, promoting and inciting acts of racial discrimination. There has also been an increase in reported hate crimes over the Internet.
- While the provision on agitation against a national or ethnic group states that speech intended to cause imminent violence may be penalized, it is only under certain circumstances that this is implemented. An appeal for prosecution on such charges and any instructions on the restriction of freedom of speech can only be initiated by the Chancellor of Justice.

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- Requirements in complaint mechanisms impede access to effective remedies in cases of racial discrimination.

### Countering racist organizations

As the following examples will indicate, there is cause for concern in terms of the promotion of and incitement to acts of racial discrimination in Sweden. Racist organizations are active, and their propaganda is spread openly, especially on the Internet and in schools. Moreover, it is of utmost concern that racist organizations are expanding their operations. The effectiveness of existing legislation and measures taken to address racist violence is not sufficient to counteract developments in racial violence, nor does it provide protection for victims of racist propaganda and violence because of racist organizations.

This section has been divided into four subsections that cover the primary areas of concern, namely: racist organizations and the White power movement, platforms for racist propaganda, nationalist and populist influence in politics, and the Chancellor of Justice as sole prosecutor in constitutionally protected media.

### Racist organizations and the White power movement

With respect to Article 4, the Swedish Government insists that, consistent with the limitations of the Fundamental Law on Freedom of Expression and Association, Sweden has enacted laws that prohibit violence or intimidation motivated by racial, ethnic, or religious hatred. Sweden continues to argue that while criminal acts committed by individual members of racist organizations may be penalized, the existence of and participation in such racist organizations cannot.

In its current and previous periodic report to the Committee, Sweden refers to Parliamentary and Government opinions that the current legislation is effective in banning racist expression, and that the State does not see a need for legislative measures to ban racist organizations, as the activities of such organizations are countered through existing legislation, such as the legislation on agitation, unlawful military activity, and others.<sup>40</sup>

A ban on racist organizations was proposed in a government inquiry (SOU 2021:27), which proposed rules to dissolve racist organizations and to punish participation in racist organizations.<sup>41</sup> The proposal was not approved, as definitions of various concepts were missing and the rules were judged by the Council of Legislation of the Swedish Parliament to be too broad, not legally secure and constituted an unacceptable interference with freedom of opinion, freedom of association, freedom of expression and political freedom.

We agree that all fundamental human rights must be protected. However, racist activities must be better combatted by implementing existing legislation against hate crimes. We have on various occasions pointed to working methods used by the police and court rulings during the 1990s as examples of efficient counteracting of racist activities. Since the last reporting period, the amount of White power movement activities has increased. In 2022 1,791 activities were

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40 Swedish Government, Periodic State Report of Sweden to the CERD Committee 22nd-23rd periodic reports, CERD/C/SWE/22-23, 1 February 2017, paras. 95-98; See also previous similar argumentation regarding the matter, Swedish Government, Periodic State Report of Sweden to the CERD Committee 19th-21st periodic reports, CERD/C/SWE/19-21, 5 November 2012, para. 95-98.

41 Ett förbud mot rasistiska organisationer - Regeringen.se

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recorded, compared to 1,487 the year prior.<sup>42</sup> According to reports, the main reason is increased political campaigning by right-wing extremist parties during the national election year.<sup>43</sup>

The Internet is one of the most powerful tools for increasing activity among right-wing extremist and racist organizations in Sweden. The latest figure shows that 6 per cent of all hate related crimes reported to the police were conducted on social media in 2020.<sup>44</sup> In recent years, the far right has revived an earlier one media strategy where smaller players engage in mapping and hangings of what are perceived as political opponents. Posting campaigns, often disguised as reviews, against civil society officials and actors, especially anti-racists, feminists, and climate activists, risk leading to self-censorship or to abandoning one's political commitment.<sup>45</sup>

Previously, as was documented in the last alternative report, the main right-wing extremist party the Nordic Resistance Movement (NMR) was the largest party of its kind, though today there are several similar political parties. Despite efforts to be elected to the Swedish parliament, NMR has not yet been successful. According to Expo, the political distance between NMR and established right-wing parties has decreased during recent times.<sup>46</sup>

Expo has on repeated occasions been able to show that NMR has one substantial proportion of activists and members convicted of violent and weapons offense<sup>47</sup>, which indicates that there is an increased risk of violence and hate crime based on racist ideology.

As a State party to the Convention, and without making any reservation to the specific provision, Sweden is under the obligation to respect its state obligations under the stated Article. What has been presented above concerning continuous and growing racist organizations and White Power movements in the Swedish society is evidence that current legislation must be enforced more effectively. In order to help improving anti-racist policy an independent investigation should be made into how the existing legislation against hate crime has been applied and, when not, the reasons therefore.

### **Swedish legislation against racism and discrimination**

Similar to the ICERD Convention, the Swedish Constitution (RF 1:2) stipulates that the general public must prevent discrimination against people because of skin colour, national or ethnic origin, linguistic or religious affiliation or other circumstances that apply to the individual as a person. Several legal instruments – the Discrimination Act, the Convention on the Rights of the Child, which was incorporated and made into Swedish law (2018:1197), the European Convention for the Protection of Human Rights and Fundamental Freedoms (incorporated into Swedish law), and the National Minorities and Minority Languages Act all comply with the ICERD Convention's definitions for racial discrimination in ICERD. Yet Swedish courts and attorneys are often not aware of and do not refer to the ICERD Convention. We repeat the proposal in previous alternative reports that more resources should be allocated to education about the Convention at all levels of the judiciary system.

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42 EXPO, Report, Svensk rasideologisk miljö, 2022, p. 3, <https://expo.se/file/4984/download?token=MLnOph3N>

43 Ibid., p. 3.

44 BRÅ, Report 2021:17, "Hate crimes reported to the police in 2020", available at: <https://bra.se/bra-in-english/home/publications/archive/publications/2021-12-08-hate-crimes-reported-to-the-police-in-2020.html>.

45 Ibid., p. 5.

46 Ibid., p. 3–4.

47 Ibid., p. 14.

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As described in the CERD Committee review of Sweden in 2018, reports of racist hate propaganda continue, especially during election campaigns, in the media and on the Internet. The number of reported hate crimes is high and there is still a large difference between the number of reported hate crimes and the number of preliminary investigations, prosecutions, and convictions against perpetrators. New annual statistics and new reports on hate crimes and hate speech from BRÅ confirm that the situation is still the same.<sup>48</sup>

A recent court case applying the Electronic Message Boards Liability Act, the BBS Act, led to criminal liability for the posting of racist comments on the Internet. Hopefully more legal cases against racism will be initiated, but the development is not progressing in a clear way in legal practice.<sup>49</sup>

The government previously carried out, within the framework of the "National Plan against Racism", investigations into hostility and hate crimes including the report "Experiences of racism in contact with authorities and other public activities – an overview of knowledge". The report showed a lack of research on racism in society and a lack of research and information gathering on how people experience racism in contact with authorities.<sup>50</sup>

Body searches and stop-and-search zones have been used by the police to control people's whereabouts in different areas. The Parliamentary Ombudsman (JO) has criticized the increasing use of the Police Act's inspection rule and has described that the purpose of the Police Act is not to extend the right to body searches to wide areas or unclear purposes. JO is also reviewing the police's use of body searches and has required that body searches and stop-and-search zones must not include ethnic profiling.<sup>51</sup>

In Swedish criminal law, apart from incitement against ethnic groups and illegal discrimination, there are no special legal areas that regulate crimes that are usually summarized as hate crimes or racist crimes. Most hate crimes instead consist of other crime categories such as murder, unlawful threat, harassment, assault, defamation, and damage, etc. that can be defined as hate crimes or racist crimes (Source: Hate crimes – exposed, Police, [www.polisen.se](http://www.polisen.se)). If murder, illegal threats, molestation, assault, defamation, and damage, etc. is defined as having a racist purpose, a rule for toughening penalties, in BrB ch. 29 § 2 p 7, is applied. This means that a perpetrator will receive a more severe punishment for a crime if it is carried out with a hate crime or racist motive. The purpose of the introduction of BrB 29:2 p 7, was to highlight the particular seriousness of racist hate crimes, as well as to protect democratic values and to direct special attention to the specified hate crime motives.<sup>52</sup>

A review of convictions, carried out by the Public Prosecutor's Office in 2016, stated it was difficult to determine what significance the hate crime motive had for the court's choice of penalty and sentencing in hate crimes.<sup>53</sup>

Courts have often considered it difficult to prove that the intent of the crimes was to offend in the manner meant in the rule on increasing punishment in BrB 29:2, p. 7. Police investigations do not always give a special investigative focus to racist motives in crimes. Invisibility occurs

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48 <https://bra.se/publikationer/arkiv/publikationer/2021-12-08-polisanmalda-hatbrott-2020.html>

49 <https://www.domstol.se/hogsta-domstolen/avgoranden/2007/39206/>

50 Erfarenheter av rasism i kontakt med svenska myndigheter och andra offentliga verksamheter – en kunskapsöversikt (levandehistoria.se)

51 JO Per Lennerbrant - iakttagelser - JO - Riksdagens Ombudsmän

52 <https://data.riksdagen.se/fil/EEA8B047-BA72-4AF5-B297-CD3D7999B509>

53 [https://www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2016\\_1-hatbrott](https://www.aklagare.se/globalassets/dokument/rapporter/tillsynsrapporter/tillsynsrapport-2016_1-hatbrott)

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when the criminal acts based on ideas about race, skin colour, national or ethnic origin, creed, or other similar circumstance, are not described at the court's sentencing.

If the courts should choose to give a more severe sentence because the crime was committed with a racist motive, it gives increased compensation for the violation from the Crime Victims' Authority to those affected. When the penalty enhancement rule is not openly used by courts, crimes committed with a racist motive are not a reported part of sentencing and the compensation for violation is lower.

### **Disability hate crime**

In Sweden, evaluation of hate crimes is complicated because disability is missing from criminal protection against hate crime even though people with disabilities are more often exposed to violation and violence than people without disabilities. In other countries such as the UK and Norway, where hate crimes on the grounds of disability are covered by legal protection, a lot is brought to light. When legislation is in place, measures such as inquiries on a national level have been used to combat hate crimes against disabled people. An example is the publication from 2011 by the UK Equality Commission "Hidden in plain sight".

In Norway, disability is covered by the Act on Protection against Hate Speech. There are proposals within the EU that disability should also be covered by protection in law against hate crimes and hate propaganda. The proposals are supported by the European disability rights movement. About half the member states, but not Sweden, have introduced such protection. Furthermore, the notion of racial discrimination for the purposes of the Convention is in practice extended by the notion of intersectionality. Prevalence of hate crimes on grounds where disability is intersecting with ethnic background in Sweden needs to be addressed the same way as described above.

### Recommendations

- Sweden must comply with its international legal obligations under ICERD and implement existing legislation against hate crimes and ensure its full enforcement.
- Install appropriate and effective measures combating racist and White Power movement propaganda, including over the Internet.
- Undertake awareness raising and other effective measures to combat the increasing influence of racist and populist parties in Swedish politics.
- Re-examine the role of Chancellor of Justice as sole prosecutor in crimes related to agitation against national and ethnic groups in matters concerning constitutionally protected media and re-consider other effective ways of managing such cases.
- Urgent review and amendments of regulations on criminal protection against hate crimes and hate speech for people with disabilities to cover multiple and intersectional on an equal basis.
- In the new review of formulations of the crime agitation against a population group, BrB 16:8, consider including the words "incitement to discrimination and hostility", so the new legal formulations better prevent presage of violence and represent ICERD Art 4a and ICCPPR Art 20.2.
- For more efficient investigation, prosecution and sentencing of racist hate crimes, consider creating a new paragraph in the Criminal Code, describing criminal acts based on racist purpose, so that racially motivated crimes, violating human rights and democratic values in fundamental ways, do not go unnoticed by the justice system in

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the sentencing of verdicts and in the establishing of appropriate compensation for the victims.

## **ARTICLE 5: Equal rights**

### Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular: (i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country; (iii) The right to nationality; (iv) The right to marriage and choice of spouse; (v) The right to own property alone as well as in association with others; (vi) The right to inherit; (vii) The right to freedom of thought, conscience and religion; (viii) The right to freedom of opinion and expression;(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

### Main concerns

- Foreign-born persons are suspected of crimes and penalized to a higher extent than native-born persons.



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## The right to equal treatment before tribunals

In a study from The Swedish National Council for Crime Prevention (BRÅ), published in 2021, it was described that there was an increase in the proportion of criminal suspicions registered against those born abroad, against those born in Sweden with two foreign-born parents and against those not registered in the national register.<sup>54</sup> Criminal suspicions relating to native-born with two native-born parents have decreased.

In a smaller study from, 2021, BRÅ was tasked with following the question of whether different groups of rape suspects are treated equally by the justice system. The conclusions of the study describe that suspects with a foreign background in similar situations are more often prosecuted than those with a Swedish background and they are more often convicted in court. The study describes: "The number of investigative efforts is greater in cases where the suspect has a foreign background and coercive measures are used to a greater extent." And that: "Suspects with a Swedish background are on average investigated less extensively than suspects with a foreign background." In the study's conclusions, it is described that more studies are needed to explain the differences that are noticeable between the groups.

The Swedish branch of the International Commission of Jurists has demanded that the differences that are noticeable in the different treatment of ethnic groups by the judiciary be noticed and that Sweden works consciously in accordance with its commitments according to the ICERD convention, Article 5, to ensure the right for everyone, without discrimination on the grounds of race, colour, nationality or ethnic origin, to equality before the law, particularly in the enjoyment of the right to equal treatment before courts and other law enforcement bodies.

## **The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution**

### Honour related violence and oppression

Immigrant women and girls, being both immigrants and females, face double risk of discrimination. When a class perspective is included, it adds to triple discrimination. Several decades after the honour killings of Sara Abed Ali in 1996, Pela Atroshi in 1999 and Fadime Sahindal in 2002 immigrant women and girls still face systematic discrimination in Sweden. Some of this is honour related.

In an honour context, the immediate and wider family or group often sympathise with the perpetrator. A 2009 report by the Swedish Agency for Youth and Civil Society, showing that about 70 000 women and men reported they risk being forced to marry against their will, is still often referred to.<sup>55</sup> Similar results were found in two surveys by from Sweden's biggest cities, Stockholm and Gothenburg, in 2016.<sup>56</sup> According to a study performed in 2017-2018 by the University of Örebro, 7-9 per cent of young people who live in Stockholm, Gothenburg and Malmö, experience collectively legitimated violence. Between 10 and 20 percent were found to be limited by virginity norms.<sup>57</sup>

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<sup>54</sup> BRÅ, Report 2021:9.

<sup>55</sup> <https://www.hedersfortryck.se/wp-content/uploads/gift-mot-sin-vilja.pdf>

<sup>56</sup> <https://vhek.se/elvahundra-kartlaggning-stockholm/>,

<https://vhek.se/tolvhundra-kartlaggning-av-hedersfortryck-i-goteborg/>

<sup>57</sup> <https://www.nck.uu.se/kunskapsbanken/sokresultat-kunskapsbanken/?id=2203&librisId=&swepubId=>

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In many western countries, female genital mutilation (FGM) is practiced among diaspora populations from areas where the practice is common. The National Board of Health and Welfare estimates that 68 000 women living in Sweden have undergone FGM and 13 000-23 000 girls who live in Sweden face the risk.<sup>58</sup>

### **The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration**

Being able to exercise the right to work without discrimination is one of the vital building blocks of social cohesion. Furthermore, non-discrimination in access to the right to work is a precondition for many other economic, social and cultural rights. Both social groups of people with disabilities and people with migration background are negatively affected in the area of employment resulting in higher rates of unemployment among other indicators illustrating limitations in access to the right to work for migrants with disabilities. There are several factors causing this.

For example, people with migration background, because of their social position in a new country, often lack an informal social network, which is often important to find a job and obtain employment. Persons' status as a non-citizen or having only a temporary residence permit can have a negative effect on persons' access to employment.<sup>59</sup> The effect of these limitations to the right to work is particularly prevalent among women with disabilities<sup>60</sup> and women with migration background<sup>61</sup>. So, the matters relating to discrimination in enjoyment of the right to work has a clear intersectional pattern in terms of personal characteristics such as gender, disability, and migration status.

Foreign born women, especially those with short education, find it hard to establish themselves on the labour market. They also suffer more than foreign born men from health problems and low education. They also are more responsible for taking care of children and family.<sup>62</sup>

### **Discrimination in the workplace**

Discrimination in the labour market particularly affects Afro-Swedes. Afro-Swedes with a 3-year post-secondary degree have a considerably lower disposable income than the rest of the population that has attained the same educational level. The differences in disposable income increase as the educational level increases. Persons born in Sub-Saharan Africa who hold a

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<sup>58</sup><https://www.socialstyrelsen.se/om-socialstyrelsen/pressrum/press/ny-uppskattning-68-000-kvinnor-och-flickor-kan-ha-varit-utsatta-for-konsstympning/>

<sup>59</sup> Franck, A, Anderson, J, Jern, J (2021) "Arbete till varje pris? En diskussion om försörjningskravet till nyanlända" Chapter 18 "Rättsäkerheten och solidariteten - Vad händer?" Asylkommissionen <http://liu.diva-portal.org/smash/record.jsf?pid=diva2%3A1554725&dswid=-4539>

<sup>60</sup> Statistikmyndigheten (2022) "Situationen på arbetsmarknaden för personer med funktionsnedsättning" <https://www.scb.se/publikation/47666>

<sup>61</sup> Statistikmyndigheten (2021) "Stora skillnader i arbetslöshet mellan utrikes och inrikes födda" Statistiknyhet <https://www.scb.se/hitta-statistik/statistik-efter-amne/arbetsmarknad/arbetskraftsundersokningar/arbetskraftsundersokningarna-aku/pong/statistiknyhet/arbetskraftsundersokningarna-aku-1a-kvartalet-2021/#:~:text=Bland%20utrikes%20f%C3%B6dda%20upp gick%20arbetskraftstalet,var%20den%2085%2C0%20procent.>

<sup>62</sup> Utrikes födda kvinnor på arbetsmarknaden, rapport (arbetsformedlingen.se)

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managerial position earn 23 per cent less than persons with a different ethnic background working in a similar position.<sup>63</sup>

Furthermore, the reporting rate among groups at higher risk of discrimination in the workplace is generally very low. This may be partly because of a habit of being subjected to offensive behaviour and partly because of a lower level of trust in public authorities and institutions among these groups. It is also difficult to know where to turn for help in pursuing a discrimination case. The only authority able to investigate violations is the Equality Ombudsman, which is relatively unknown and out of reach for many.

Few people are aware that trade unions can pursue cases of discrimination. Moreover, far from all trade unions have the competence to pursue such cases or even the ambition to acquire such competence. The Anti-Discrimination Agencies to which MUCF allocates funds to pursue discrimination cases and provide legal advice are even more unknown. The difficulty of knowing where to turn when faced with discrimination, combined with a lack of trust in society's ability or interest in providing redress, means that too few people report violations of the law.

This affects young people, as they are still learning to orientate themselves in society and generally have less power. Young women are an especially vulnerable group. Society must ensure that young people have information on how to report discrimination and allocate specific resources to support them. One way would be for trade unions to be given incentives to increase their work against discrimination in the labour market and to provide information on employee rights. Another would be to ensure the quality of the work of Anti-Discrimination Agencies.

Anti-Discrimination Agencies work with limited resources. Several Agencies cannot conduct court proceedings but only provide legal advice and advocacy. The use and outcome of state support varies between agencies. It would therefore be positive if the Swedish Agency for Youth and Civil Society (MUCF) were given the task of ensuring that the Anti-Discrimination Agencies' activities are of high quality, or if the government were to strengthen the possibility of legal support for people who are victims of discrimination in other ways. Particularly desirable would be to provide support to pursue court cases, which the Equality Ombudsman has only done to a limited extent.

### **The right to housing**

The right to housing is a basic building block for ensuring enjoyment of human rights recognized both nationally and internationally in Sweden. People with disabilities<sup>64</sup> and people with migration background<sup>65</sup> are among the social groups often in an even more disadvantaged situation in terms of access to housing than the general population. This issue largely affects both adults and children with migration background. Children with migration background are more likely to experience child poverty, which has many consequences on their enjoyment of different social rights including the right to adequate housing. For example, children who experience child poverty are likely to live in families who have to move often and live in unsafe

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<sup>63</sup> Tydlig antisvart rasism och diskriminering på arbetsmarknaden - Uppsala universitet (uu.se)

<sup>64</sup> Boverket (2022) "Stort underskott på bostäder för personer med funktionsnedsättning" website <https://www.boverket.se/sv/samhallsplanering/bostadsmarknad/olika-grupper/funktionsnedsattning/>

<sup>65</sup> Boverket (2022) "Något lättare för kommuner att ordna bostad åt nyanlända" website <https://www.boverket.se/sv/samhallsplanering/bostadsmarknad/olika-grupper/nyanlanda/>

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or otherwise inadequate housing conditions because of the family's economic situation combined with inadequate access to housing support as well as other social and economic rights.<sup>66</sup> Children with a foreign background, with single mothers, and asylum seekers are in higher risk to acute homelessness, unaffordable rental accommodations, overcrowding and temporary housing.

Foreign-born single mothers are overrepresented among those who apply to the social services for help with acute homelessness and who are at risk of being excluded from the housing market.<sup>67</sup> Furthermore, unequal access to affordable housing hits families with foreign background who already have a strained economy. One fourth of children with foreign background live in child poverty in Sweden<sup>68</sup> and higher proportion of families have a more expensive rental accommodation than families with Swedish background.<sup>69</sup> Children and families with a foreign background also suffer from overcrowding housing to a much greater extent. Every fifth person born outside of Europe lives in overcrowding housing, compared with 2 % born in Sweden.<sup>70</sup> These statistics do not include asylum seekers and undocumented people, who often live in overcrowded housing. Overcrowding affects children's housing environment, health, and schooling. It can also create stress, frustrations, and conflict, and sleeping problems.<sup>71</sup>

In Save the Children's report *Strong mothers – Safe children*, foreign-born single mothers talk about their housing situation. The parents talk about how they have had to move several times as asylum seekers and new arrivals in Sweden. Involuntary relocation affects children and young people both psychosocially in terms of the opportunity to establish a social network and in terms of motivation and performance in school. No consideration had been given to how this affected the children's mental health. Parents describe a powerless situation where they have often felt unfairly treated, as they did not understand the decisions made for them regarding housing and place of residence and had to move several times.<sup>72</sup>

Acute homelessness and temporary housing also put children at risk of being exploited and subjected to violence. Access to stable and safe housing for every child regardless of background and legal status is fundamental to preventing abuse of children. Sweden is recommended to prevent the eviction of children from their homes.<sup>73</sup> Save the Children are concerned that the Swedish government recently suggested that landlords should have increased capacity to evict families with children who have committed a crime. This suggestion goes against the recommendation to prevent eviction of children.

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<sup>66</sup> Rädda Barnen (2021) "Barnfattigdom i Sverige - Årsrapport 2021"  
<https://resourcecentre.savethechildren.net/sv/document/barnfattigdom-i-sverige-arsrapport-2021/#:~:text=R%C3%A4dda%20Barnen%20har%20sedan%202000,hur%20samh%C3%A4llsutvecklingen%20p%C3%A5verkar%20barns%20v%C3%A4lf%C3%A4rd.>

<sup>67</sup> *En plats att kalla hemma – Barnfamiljer i bostadskrisens skugga* (2017). Rädda Barnen.

<sup>68</sup> *Barnfattigdom i Sverige: Årsrapport 2021* | Save the Children's Resource Centre

<sup>69</sup> Boendekostnader över 40% av disponibla inkomsterna SILC, boende. Andel personer i procent efter indikator, utländsk/svensk bakgrund och år. PxWeb (scb.se)

<sup>70</sup> Var femte person född utanför Europa är trångbodd (scb.se)

<sup>71</sup> *CAMM Rapport trångboddhet* webb.pdf (sll.se)

<sup>72</sup> Rädda Barnens report *Finding home, Att hitta hem* (2019)

<sup>73</sup> *CRC/C/SWE/CO/6-7* (barnombudsmannen.se)

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## **The right to public health, medical care, social security and social services**

The right to health includes many areas of policy and on an individual level it includes many areas of life. Different factors in one's life such as their occupation or an absence thereof, economic situation, access to education, access to housing and general access to societal participation influence a person's health.<sup>74</sup> Health inequality is prevalent among different social groups in different socioeconomic situations. People with disabilities and people with migration background are among social groups that are more likely to experience health inequality than the public. People at risk of poverty and people without upper secondary education are more likely to experience health inequality as well.<sup>75</sup> This links back to the issues around enjoyment of the right to social security and the right to education discussed earlier which even affect the enjoyment of the right to health for migrants with disabilities.

Furthermore, people with disabilities are twice as likely to not receive medical care despite their need thereof in comparison to the public. Migrants with disabilities are even more likely not to receive medical care despite a need thereof than Swedes who have a disability. The outcome difference between people with migration background and people with Swedish background is significantly bigger among people with disabilities than people without a disability.<sup>76</sup> As follows, there are examples of how migrants with disabilities have limited access to health care, which has unjustified negative effects on their right to health.

The right to social security is of vital importance in terms of individual choices, access to good standard of living as well as ensuring psychological and physical well-being.<sup>77</sup> People with disabilities and people with migration background belong to the social groups more affected by situations of economic disadvantage than the public. People with disabilities are more likely than the general public to end up in a situation where they are in debt for basic costs of living such as a payment of rent or electricity for their housing, which also leads to a sense of worry and uncertainty on a personal level.<sup>78</sup> People with migration background are more likely than

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<sup>74</sup> Myndigheten för delaktighet (2022) “*Uppföljning av funktionshinderspolitiken - strategi för systematisk uppföljning av funktionshinderspolitiken 2021*” <https://www.mfd.se/vart-uppdrag/publikationer/rapport/uppfoljning-av-funktionshinderspolitiken-2021/>

<sup>75</sup> Folkhälsomyndigheten (2022) “*Folkhälsans utveckling - årsrapport 2021*” <https://www.folkhalsomyndigheten.se/publikationer-och-material/publikationsarkiv/f/folkhalsans-utveckling-arsrapport-2022/>

<sup>76</sup> Statistikmyndigheten (2021) “*Vanligare för personer med funktionsnedsättning att inte få vård*” Kort analys <https://www.scb.se/hitta-statistik/artiklar/2021/vanligare-for-personer-med-funktionsnedsattning-att-inte-fa-vard/>

<sup>77</sup> Myndigheten för delaktighet (2022) “*Uppföljning av funktionshinderspolitiken - strategi för systematisk uppföljning av funktionshinderspolitiken 2021*” <https://www.mfd.se/vart-uppdrag/publikationer/rapport/uppfoljning-av-funktionshinderspolitiken-2021/>

<sup>78</sup> Statistikmyndigheten (2022) “*Sämre ekonomi för personer med funktionsnedsättning*” Kort analys <https://www.scb.se/hitta-statistik/artiklar/2022/samre-ekonomi-for-personer-med-funktionsnedsattning/>

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the general public to live in material and social poverty.<sup>79</sup> This affects both adults and children meaning that children with migration background are more likely to experience child poverty.<sup>80</sup>

As both people with disabilities and people with migration background are likely to be affected by situations of economic disadvantage, access to social support services and benefits is of vital importance for facilitating enjoyment of the right to social security without discrimination. The right of access to public places and services, discussed earlier under the first section, to a large degree affects the enjoyment of the right to social benefits and services. If the systems for applying for social benefits and services are not accessible or the service provision itself is inaccessible for people with migration background or people with disabilities, then that limits the enjoyment of the right to social benefits and services as well. Access to information and communication in different formats and in different languages is among the most common instances of inaccessibility negatively affecting the enjoyment of the right to social benefits and services.

### The right to healthcare

A discrimination case pursued by the Equality Ombudsman bears witness of racial discrimination in emergency health care. In this case, a non-white man in Gothenburg was left unconscious as a consequence of cerebral haemorrhage, but the ambulance staff did not take his symptoms seriously. They dismissed his unconsciousness as “cultural fainting”. As a result, he did not receive necessary care in time, and died.<sup>81</sup> An investigation made by the national daily *Dagens Nyheter* shows that it is not infrequent that patients discard/dismiss doctors who look “non-Swedish” or have foreign names, and that care providers accommodate their wishes.<sup>82</sup> Reports of discrimination in healthcare received by care providers or authorities with supervisory responsibility for healthcare are in many regions not systematically registered or investigated and handled.

Asylum-seeking children and undocumented children have the same right to health care and dental care as other children residing in Sweden. However, children with migration background have poorer access to psychiatric care in terms of receiving a diagnosis, and the care they receive is to a lesser extent based on national recommendations.<sup>83</sup>

Difficulties in obtaining a stable housing situation also negatively impacts the child’s access to healthcare. Access to mental healthcare is often severely affected by frequent relocation. Many healthcare providers require a stable housing situation before offering psychological treatment for traumatized children. That means compromising the child’s right to the highest attainable standard of health as well as physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel,

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<sup>79</sup> Statistikmyndigheten (2022) “Sverige ett av de länder i EU med störst skillnader mellan inrikes och utrikes som lever i materiell och social fattigdom” Statistiknyhet <https://www.scb.se/hitta-statistik/statistik-efter-amne/levnadsforhallanden/levnadsforhallanden/undersokningarna-av-levnadsforhallanden-ulf-silc/pong/statistiknyhet/undersokningarna-av-levnadsforhallanden-ulf-2021/>

<sup>80</sup> Rädde Barnen (2021) “Barnfattigdom i Sverige - Årsrapport 2021” <https://resourcecentre.savethechildren.net/sv/document/barnfattigdom-i-sverige-arsrapport-2021/#:~:text=R%C3%A4dda%20Barnen%20har%20sedan%202000,hur%20samh%C3%A4llsutvecklingen%20p%C3%A5verkar%20barns%20v%C3%A4lf%C3%A4rd.>

<sup>81</sup> Två rättsfall som ger individen ett starkare skydd mot diskriminering | DO

<sup>82</sup> Patienter tillåts välja läkare med enbart svenskt ursprung över hela landet, Dagens Nyheter 2021-07-30.

<sup>83</sup> [Are all children treated equally? Psychiatric care and treatment receipt among migrant, descendant and majority Swedish children: a register-based study - PMC \(nih.gov\)](#)

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inhuman, or degrading treatment or punishment or armed conflicts (the Convention on the Rights of the Child, article 24 and article 39).<sup>84</sup>

The Swedish healthcare sector is ingrained with structures of racism that hinder the access and provision of good and equal care, affecting both non-white patients and staff (medical and non-medical) at hospitals and other healthcare institutions. Sarah Hamed's dissertation on racism within the Swedish healthcare sector shows that racism is both subtle and crude.<sup>85</sup> Examples include medical professionals speaking of African people in dehumanizing language referring to animals, when their non-white colleagues are present and thus directly exposed to racism in their workplace. Hamed also describes medical professionals proclaiming racist beliefs that certain patients – because of e.g., their name, look, skin colour or ethnical background – exaggerate symptoms, “play offended, or refrain from listening to the medical advice of doctors. Racist, degrading, and dehumanizing language and beliefs turn certain people into “bad patients,” and thus their medical needs are not sufficiently met.

Non-white women and other pregnant and birthing people experience racism within maternity care. There are testimonies of medical personnel believing that non-white people exaggerate symptoms of pain, or that non-white people have higher tolerance for pain than white people. Non-white pregnant women and LGBTQI+ people are particularly exposed to racist structures and treatment, hindering access to equal maternity care. Medical personnel not listening to women and other birthing people's wishes is also a structural hindrance to bodily autonomy through obstetrical violence.<sup>86</sup>

Lack of interpreters is a substantial problem in the healthcare system, which specifically affects maternity care. In one instance, parents had their new-born child taken away from them due to language barriers with medical personnel, even though they asked for an interpreter. Such language barriers and interventions (such as removing a child from its parents), following communication deficiency are also ingrained with racist structures.<sup>87</sup>

Non-white LGBTQ people are exposed to and often experience intersectional stigmatization. A report from the Public Health Agency shows that racism and homophobia generate serious consequences for the health, HIV prevention and HIV treatment of non-white LGBTQI people.<sup>88</sup> Consequences of the stigmatization include depression, angst, loneliness, social isolation, subordination in social relations, sexual objectification, feelings of alienation, and identity conflicts amongst non-white LGBTQI people.

The Public Health Agency report details how intersectional stigmatization creates structural hindrances to obtain healthcare. Amongst other things this includes lack of information regarding HIV and HIV preventive care and medication such as PrEP (pre-exposure prophylaxis). Thus, non-white people living with HIV, or non-white people who are in a risk group of getting HIV, experience distinct obstacles to equal healthcare and SRHR. Exposure to discrimination or fear of discrimination create distrust vis-à-vis healthcare authorities amongst non-white LGBTQI people. The consequences of intersectional stigmatisation, and

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<sup>84</sup> Rädde Barnen. Mellan stolarna: Barn som har utsatts för våld och inte får hjälp att må bra igen – ett dubbelt svek. (2022).

<sup>85</sup> <http://uu.diva-portal.org/smash/record.jsf?pid=diva2%3A1711464&dswid=2126>

<sup>86</sup> <https://www.ottar.se/istallet-for-att-fa-hjalp-blev-jag-ifragasatt/>

<sup>87</sup> <https://sverigesradio.se/artikel/foraldrar-forstod-inte-barnmorskorna-barnet-omhandertogs>

<sup>88</sup> Folkhälsomyndigheten (2022). Konsekvenser på hivprevention och hälsa orsakade av rasism, homofobi och hivstigma – En kartläggande litteraturoversikt om intersektionellt stigma bland icke-vita hbtqi-personer. Artikelnummer: 22053.

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racist and homophobic structural barriers, are poorer adherence and treatment outcomes among non-white LGBTQ people.<sup>89</sup>

With the above-mentioned negative consequences for Sami communities many Sami people have fallen into mental illness.<sup>90</sup> The Swedish government should develop skills to support Samis that are suffering from mental illness as a result of racial discrimination and ensure that help is available for everyone who needs it.

### **The right to education and training**

The right to education includes primary school all the way into secondary education, adult education, and higher education. Access to education or lack thereof affects many other areas of life, such as access to employment, health and social security.<sup>91</sup> People with a migration background are somewhat more likely to not have access to higher levels of education, even though the outcome in terms of level of education varies to a high degree between different groups of people with migration background.<sup>92</sup> People with disabilities are also more likely to not have access to higher levels of education. People with disabilities are also more likely to begin a high school level education without completing it.

School is reportedly where children run the highest risk of seeing and being subjected to racism according to *Adults what do they do – Children’s voices on racism* by Save the Children Sweden.<sup>93</sup> Children in a school environment are subjected to harassment and discrimination related to colour, religion and ethnic or cultural background. In Save the Children Sweden’s work, children tell us that they are not taken seriously by adults when they talk about their experiences. Silence or trivialisation from the adults becomes yet another betrayal.

According to a survey conducted by Save the Children Sweden, half of the children in 5<sup>th</sup> grade said they had heard or seen something racist at their school on one or more occasions. Two different surveys give consistent figures when it comes to children's exposure to racism. One in four children with an immigrant background have been racially abused or attacked because of the color of their skin, where their parents are from or their religion, according to a recent report by the Swedish branch of Save the Children.<sup>94</sup> According to another similar survey, one in four children with a foreign background said they had been discriminated against/harassed based on one of the grounds for discrimination, while the corresponding figure for children of Swedish background was one in seven. The differences between the groups relate to experiences of discrimination and harassment based on ethnicity and religious affiliation.

The findings from the survey indicate that children of Muslim faith appear to be particularly exposed to discrimination and harassment, since more than one in four said they had been harassed or discriminated against compared to 15% of the children who say they are non-believers or Christians. One fifth of the children who claim to have a faith say that the school

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<sup>89</sup> Folkhälsomyndigheten (2022). *Konsekvenser på hivprevention och hälsa orsakade av rasism, homofobi och hivstigma – En kartläggande litteraturöversikt om intersektionellt stigma bland icke-vita hbtqi-personer*. Artikelnummer: 22053

<sup>90</sup> [Kunskapsöversikt om samers psykosociala ohälsa - Sametinget](#)

<sup>91</sup> Myndigheten för delaktighet (2022) “*Uppföljning av funktionshinderspolitiken - strategi för systematisk uppföljning av funktionshinderspolitiken 2021*” <https://www.mfd.se/vart-uppdrag/publikationer/rapport/uppfoljning-av-funktionshinderspolitiken-2021/>

<sup>92</sup> Statistikmyndigheten (2021) “*Befolkningens utbildning 2020*” <https://www.scb.se/publikation/43069>

<sup>93</sup> [https://resourcecentre.savethechildren.net/pdf/vuxna\\_vad-gor-dom\\_eng\\_210921.pdf/](https://resourcecentre.savethechildren.net/pdf/vuxna_vad-gor-dom_eng_210921.pdf/)

<sup>94</sup> Ung röst 2022



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prevents them from expressing their faith. Furthermore, not being able to follow your religion or culture at school goes against UNCRC Article 30, which states that children belonging to ethnic or religious minorities, or indigenous peoples, shall not be denied the right to enjoy their own culture, to profess and practice their own religion, and to celebrate their holidays and festivals.<sup>95</sup>

### **Schools fail to prevent racism and discrimination**

Save the Children Sweden meets both pupils and staff in educational arenas, who say that harassment in general is so common that they no longer react to it. Another factor is that racism is normalized in society, which also has a direct impact on children's school environment. This is also a conclusion in the Ombudsman for children in Sweden's report on children's exposure to racism.<sup>96</sup> Many adults feel uncomfortable talking about racism, which also makes it harder for children to understand, identify racism and express themselves. In the worst cases this means that school staff trivialize racist behaviour or even subject the children to it themselves. Together, these factors risk increasing the under-reporting of children's experiences of racism. This might mean that racism is even more widespread in schools than the survey responses indicate.

Schools often fail to prevent racism and prejudice according to Article 7. Schools have a duty to protect children from racism, discrimination, and harassment according to national laws and school policy. According to the Education Act, staff should report incidents to the head teacher, after which this principal should "take the measures that can reasonably be demanded to prevent harassment in the future" (Chapter 6, §10 of the Education Act). School is, moreover, not a value-neutral place, but is tasked to work for democratic values and human rights (Swedish Education Act (2010:800) Chapter 1, §5). In school, it is the responsibility of adult staff to create a safe environment for all children – including those who bring up ongoing violations. In reality though, teachers often lack both time, resources and tools to promote safety in general and prevent violations, harassment and racism. Save the Children Sweden has received signals that teachers feel insecure when it comes to raising racism with students, partly because they do not feel confident in how to approach the subject, partly because they are afraid of doing or saying the wrong thing and thus risk offending someone. Sweden's long-standing self-image of being colour-blind and anti-racist has led to a lack of concepts, awareness, and language to talk to children about, for example, skin colour. The effect of a lack of systematic work is that responsibility falls on individual employees instead of schools and administrations taking overall responsibility.

Furthermore, there are inequalities within the school system. The percentage of qualified teachers is lower in marginalised areas which means that children with a foreign background are at risk of receiving lower quality education.<sup>97</sup> Children tell us that teachers tend to have low expectation on them due to their ethnic or religious backgrounds and the neighbourhoods that they live in which affects their self-esteem and study motivation for the future.

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<sup>95</sup> The report is the result of a collaboration between children and adults, and is based on survey responses from 1,117 pupils and interviews with 33 children in Year 5 in Sweden (i.e. aged 11–12). A summary of the report is translated to English and is available here: [Adults – what do they do? Children's Voices on Racism in Schools | Save the Children's Resource Centre](#) The full length report in Swedish is available here: [Adults – what do they do? Children's Voices on Racism in Schools | Save the Children's Resource Centre](#)

<sup>96</sup> [om-barns-och-ungas-utsatthet-for-rasism\\_2021.pdf \(barnombudsmannen.se\)](#)

<sup>97</sup> [Klyftorna i skolan växer – större press på lärarna – Skolvärlden \(skolvärlden.se\)](#)

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To summarize, children are exposed to racism in schools. Children are particularly subjected by other children, but also by adults at the school. Racism is often something that is ignored and made invisible, to adults and children alike. Schools need to raise the competence of staff as regards racism generally, and how to prevent it specifically. They need to devote more time and money to working on equal treatment and let children be more involved in the process of the school's equal treatment plans.

### **The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks**

According to disability rights organizations, state actors fail to include the perspective of persons with disabilities and persons with migration background in the planning of public spaces, which has unjustifiable negative effects on the right of access to public places and services for all persons.

The relevant actors must include a perspective of the diverse needs of people within the society in their planning, design, and practical work to ensure that everyone can exercise their right of access to any place or service intended for use by the general public. This principle must be applied by state, private and civil society actors both on national and local level. This right cannot be truly exercised by everyone if the public places and services are being designed in an absence of a perspective of the needs of certain social groups in the society. Currently, most of the analysis either ordered or carried out by the Swedish state authorities lack a disability perspective.<sup>98</sup>

### Recommendations

- Ensure that the law and the principle of the best interests of the child are respected regarding decisions on compulsory custody.
- Secure the social services' awareness on the social conditions that affect the Roma minority.
- Ensure that all municipalities have child-friendly temporary or emergency accommodation available for children in need, that no child stays in such accommodation for longer than 14 days and that such children are promptly transferred to long-term accommodation.
- Ensure that national agencies such as the Social Welfare Board (*Socialstyrelsen*) and the Public Health Agency of Sweden (*Folkhälsomyndigheten*) and local municipalities have action plans on how to prevent racism in health care.
- Ensure more data on unequal health and care based on racism.
- Ensure more research on racism in general and within the healthcare sector and sexual and reproductive health and rights specifically.
- Ensure educations to professions in health care include courses on racism's impact on health, especially on sexual and reproductive health.

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<sup>98</sup> Myndigheten för delaktighet (2022) "Uppföljning av funktionshinderspolitiken - strategi för systematisk uppföljning av funktionshinderspolitiken 2021" <https://www.mfd.se/vart-uppdrag/publikationer/rapport/uppfoljning-av-funktionshinderspolitiken-2021/>

## FINAL VERSION

- Access to further training on racism's impact on health to medical professions.
- Ensure handbooks on fair and equal treatment by the National Board of Health and Welfare include how to prevent racism and racial prejudice in health care.

### ARTICLE 6: Effective protection and remedies

#### Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

#### Main concerns

- Few cases of racial discrimination are tried in court.
- Court related costs make it difficult for some to pursue effective remedy.
- Lack of positive discrimination based on ethnicity.
- Children seldom receive redress in cases of discrimination.

#### The Equality Ombudsman and the Discrimination Act

Article 6 stipulates that national tribunals and other state institutions should ensure that all peoples are protected from acts of racial discrimination. In Sweden, the Equality Ombudsman (*Diskrimineringsombudsmannen, DO*) is the government agency that monitors compliance with the Discrimination Act and the Parental Leave Act, and whose work is governed by the Act concerning the Equality Ombudsman.<sup>99</sup> The DO has through statistics on reports, tips and complaints received between 2015-2021 indicated that racial discrimination has increased in Sweden during this time period and that discrimination on the basis of ethnicity is at the highest level compared to other grounds for discrimination, alongside discrimination against persons with disability.<sup>100</sup>

Despite this increase, very few legal cases on racial discrimination are taken up in court per year, even so by the DO, and related legal costs make it difficult for some to continue their case. Court cases and negotiations where DO participates and enables reconciliation between the parties, must contribute to creating guiding practices that can promote protection against discrimination in practice. At the same time, individuals do not have effective access to justice due to financial reasons, as public legal aid does not provide sufficient support and also because DO takes up so few cases of ethnic discrimination for review per year.

Individuals who have been subjected to discrimination according to the Discrimination Act, and who pursue a case in court and lose the court case, must pay all the court costs themselves, which means that there is very little case law on ethnic discrimination.

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<sup>99</sup> Equality Ombudsman, brochure, available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.do.se/download/18.277ff225178022473141ded/1649311122441/om-do-engelska.pdf>.

<sup>100</sup> Statistics on notifications received by DO 2015–2021, available at: [www.do.se](http://www.do.se).

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Furthermore, a serious limitation is that the Discrimination Act does not have full application within the legal field. For example, DO does not have the authority to review and receive notifications about judgments made by courts or the Police. Affirmative action is also limited. According to the Discrimination Act 2:2, it is only permitted for employers to positively discriminate based on gender, but not ethnicity.<sup>101</sup> Special measures such as positive discrimination aim to foster greater equality by supporting groups of people who face, or have faced, entrenched discrimination so they can have similar access to opportunities as others in the community.

The Swedish Discrimination Act states that employers and providers of education must ensure workplaces and learning environments free from discrimination. For the law to be applicable, the disadvantage or violation of dignity must relate to one or more of seven grounds of discrimination, ethnicity being one of them. But the law and the enforcement of it is generally criticised for being unable to include enough aspects of race in the term ethnicity. The law hasn't proven effective enough against discrimination based on for example skin colour, language or self-identified race. The Discrimination Act needs to be strengthened in several ways to guarantee just and favourable work conditions.

At present, fines are rarely imposed for breaches of the Discrimination Act. Fines are an effective way to meet the requirements of EU law for effective, dissuasive, and proportionate sanctions. However, simply introducing the possibility of imposing a fine is not enough to make it work. The Equality Ombudsman (Diskrimineringsombudsmannen) currently has the possibility to issue a financial penalty notice to the Anti-Discrimination Board in cases of other discrimination than based on disability, but this option is almost never utilised. The Anti-Discrimination Board has issued a fine twice, the first time in 2010 and the second time in 2016. It is problematic if the Equality Ombudsman systematically handles discrimination cases in other ways, for example through settlements, as they are then never legally tried. Without judicial review, it is difficult to know whether the requirements of EU law for effective, dissuasive, and proportionate sanctions are being met.

The Equality Ombudsman needs to make greater use of penalty notices to the Anti-Discrimination Board, but in order to ensure that discrimination cases are legally tried more often, the Government should consider enabling other institutions to request penalty notices from the Board. The Swedish Schools Inspectorate (Skolinspektionen) and the Anti-Discrimination Agencies should be of particular interest in such a proposal, provided that they have or are given sufficient resources to carry out the kind of supervision required before a financial penalty notice is issued.

To pursue discrimination cases, it is also important that the Equality Ombudsman and other organizations have sufficient resources to carry out supervision. Where enforcement has taken place and has led to sanctions, follow-up is needed. At present, the Equality Ombudsman very rarely, if ever, follows up on previous supervision cases. This makes it difficult to say to what extent sanctions have an impact. It is therefore, also, difficult to determine whether sanctions are proportionate and dissuasive. On this basis, resources need to be allocated to enable the Equality Ombudsman to make satisfactory use of fines as a sanction.

### Effective protection and remedies for children

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<sup>101</sup> (Source: Program for the Rule of Law Sweden 2023, Discrimination, rights issues, indigenous peoples and minorities, section 4, p11, International Jurist Commission, Swedish Section)

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Several civil society organizations, such as Save the Children, have long made it known that children in Sweden have few effective legal means to achieve redress when their rights are violated according to Article 6. In 2011, the General Assembly of the United Nations adopted an Optional Protocol to the UNCRC on an individual complaint mechanism, but Sweden has yet to sign or ratify the protocol. The legal means that do exist are often unknown to children, not specifically adapted to children, and often the legal guardian's consent is needed before redress is even considered.

According to the Convention on the Rights of the Child, Sweden must enable the child to turn to authorities to have their complaints heard when their rights have been violated. The system is currently inadequate as there is no single authority in Sweden to which the child can turn to claim its rights. Therefore, Sweden must sign the Third Additional Protocol to the Convention on the Rights of the Child, which gives children the opportunity to submit complaints to the UN Committee on the Rights of the Child.

For children who are exposed to discrimination, racism, and other abusive treatment at school, for example, the difficulties in achieving redress become clear. In the first instance, the child and/or his/her guardian must contact the principal. If nothing happens there, the child/guardian can turn to the principal of the school – the municipality or the private operator that runs the school. If still nothing happens, the child can, if the guardian agrees, turn to one of two national bodies – the Child and Student Ombudsman (BEO) or the Equality Ombudsman. DO receives questions related to discrimination and racism, since racism falls within the grounds of discrimination, while BEO receives cases concerning other violations. In practice, very few children achieve redress with regard to harassment and discrimination, either via the Equality Ombudsman or the Child and School Student Representative.

### Recommendations

- Ensure, as a matter of priority, that the Ombudsman for Children has the mandate to receive, investigate and competently address complaints from children in a child-friendly manner.
- Strengthen the legal framework on discrimination, including the Discrimination Act, simplify and ensure child-friendly complaint procedures and ensure that children know how to report cases of discrimination and that reports are investigated by a competent authority.

## **Review and reporting procedures of UN Conventions**

### **The systematic and continuous reporting procedure**

In 2022, a process was initiated to develop a systematic and continuous reporting and follow-up procedure, building on the guidelines *National Mechanisms for Reporting and Follow-up*. The work has taken its point of departure in the International Covenant on Economic, Social and Cultural Rights (CESCR) reporting, but is meant to serve as a model for all reporting, including the Universal Periodic Review (UPR).

### **The non-ratification of the Optional Protocol to the International Covenant of Economic Social and Cultural Rights and the Convention on the Rights of the Child, on communication procedures**

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Sweden has not ratified the Optional Protocol to the ICESCR. Thus, no remedy is available for victims when access to justice for violations has been denied at the national level. The need for ratifying the protocol has been emphasized during the pandemic. The decision not to ratify was preceded by a governmental analysis which concluded that ESCR are not justiciable rights, but rather vaguely formulated objectives or policy statements subject to political consideration and prioritisation in the form of resource allocations between different rights. This conclusion is clearly at odds with the official position of the Government, which maintains that ESCR and CPR constitute parts of the same whole in such a manner that no individual right can be seen as more important than another.

Neither has Sweden ratified the third optional protocol to the CRC, even though children in Sweden have very limited access to justice and remedies when their rights are compromised. The Committee on the Rights of the Child expressed its concern regarding the lack of complaint mechanisms for children and recommended Sweden to ratify the protocol as late as March 2023.<sup>102</sup> In August 2023 an inquiry will present its findings on whether or not Sweden should ratify this protocol.

It should be noted that Sweden has ratified the Optional Protocol to the ICCPR, as well as to this convention, the Convention against torture, the Convention against discrimination of women and the convention on the rights for persons with disability.

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<sup>102</sup> CRC/C/SWE/CO/6-7 §48

# FINAL VERSION

## Summary of recommendations

### Article 2.1

- Review and redefine the aim and goals of social and migration policy based on states' obligations according to the International Convention on Elimination of All Forms of Racial Discrimination and the Convention on the Rights of People with Disabilities.
- Ensure structured and disaggregated data collection regarding the situation for migrants that include disability, gender, age, nationality, and ethnicity throughout the asylum process, from reception to the possibility of applying for and obtaining a permanent residence permit and the possibility of applying for and obtaining Swedish citizenship.

### Article 2.2

- Take measures to fully implement Sami self-determination.
- Ensure that Sami rights are protected in decision-making by strengthening the Sami people's influence over processes concerning land exploration and other issues affecting traditional Saami lands.
- Take steps towards ending structural discrimination of the Sami, by fully respecting the Sami people's rights as indigenous and the rights that follow with that.
- Continue the work of countering and investigating hate crimes against the Sami people.
- Honor and implement the carnivore policy and make sure that the work is done in collaboration the Sami people and Saami husbandry communities.
- Review the legislation relevant to industrial activities in the Sami areas. Make amendments to ensure that such legislation is in line with indigenous rights.
- Make sure the green transition is done in collaboration with the Sami people, where the Sami rights are respected. Ensure Sami self-determination in such processes.
- Allocate financial resources for Saami organizations and Sami herding communities to ensure they are given the opportunity for real and effective participation in matters concerning them.
- Ratify ILO Convention no. 169 in Indigenous and Tribal Peoples in Independent Countries.
- Examine whether municipalities in appointed administrative areas comply with their legal obligations to offer primary education in their mother tongue, Meänkieli and Finnish, respectively.
- Ensure that active measures are implemented aiming at improving the health conditions of the Tornedalians and Swedish Finns.
- Ensure that the right of Roma to the highest attainable physical and mental health is fulfilled, regardless of their legal status and want for health insurance.

Guarantee Roma children equal access to primary and secondary school education by applying targeted measures to implement the National Roma Inclusion Strategy.

- Take action to hold web editors of antisemitic websites responsible.
- Support Jewish institutions in their security arrangements.

### Article 4

- Sweden must comply with its international legal obligations under ICERD and implement existing legislation against hate crimes and ensure its full enforcement.
- Install appropriate and effective measures combating racist and White Power movement propaganda, including over the Internet.

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- Undertake awareness raising and other effective measures to combat the increasing influence of racist and populist parties in Swedish politics.
- Re-examine the role of Chancellor of Justice as sole prosecutor in crimes related to agitation against national and ethnic groups in matters concerning constitutionally protected media and re-consider other effective ways of managing such cases.
- Urgent review and amendments of regulations on criminal protection against hate crimes and hate speech for people with disabilities to cover multiple and intersectional on an equal basis.
- In the new review of formulations of the crime agitation against a population group, BrB 16:8, consider including the words "incitement to discrimination and hostility", so the new legal formulations better prevent presage of violence and represent ICERD Art 4a and ICCPPR Art 20.2.
- For more efficient investigation, prosecution and sentencing of racist hate crimes, consider creating a new paragraph in the Criminal Code, describing criminal acts based on racist purpose, so that racially motivated crimes, violating human rights and democratic values in fundamental ways, do not go unnoticed by the justice system in the sentencing of verdicts and in the establishing of appropriate compensation for the victims.

## Article 5

- Ensure that the law and the principle of the best interests of the child are respected regarding decisions on compulsory custody.
- Secure the social services' awareness on the social conditions that affect the Roma minority.
- Ensure that all municipalities have child-friendly temporary or emergency accommodation available for children in need, that no child stays in such accommodation for longer than 14 days and that such children are promptly transferred to long-term accommodation.
- Ensure that national agencies such as the Social Welfare Board (Socialstyrelsen) and the Public Health Agency of Sweden (Folkhälsomyndigheten) and local municipalities have action plans on how to prevent racism in health care.
- Ensure more data on unequal health and care based on racism.
- Ensure more research on racism in general and within the healthcare sector and sexual and reproductive health and rights specifically.
- Ensure educations to professions in health care include courses on racism's impact on health, especially on sexual and reproductive health.
- Access to further training on racism's impact on health to medical professions.
- Ensure handbooks on fair and equal treatment by the National Board of Health and Welfare include how to prevent racism and racial prejudice in health care.

## Article 6

- Ensure, as a matter of priority, that the Ombudsman for Children has the mandate to receive, investigate and competently address complaints from children in a child-friendly manner.
- Strengthen the legal framework on discrimination, including the Discrimination Act, simplify and ensure child-friendly complaint procedures and ensure that children know how to report cases of discrimination and that reports are investigated by a competent authority.