

THE TIDÖ AGREEMENT REVIEW

A RIGHTS-BASED REVIEW OF THE TIDÖ AGREEMENT

Civil Rights Defenders has reviewed the cooperation agreement, known as the "Tidö Agreement" or "agreement", which was presented by the Moderate Party, the Christian Democrats, the Liberals, and the Sweden Democrats on 14 October 2022. The review is done from a rights-based perspective, and our assessment highlights the parts of the agreement which are not in line with the protective measures of freedoms and rights in Sweden. We have primarily reviewed the areas of criminal policy, migration policy and the rule of law. Other relevant areas are also included.

CIVIL RIGHTS DEFENDERS

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TABLE OF CONTENTS

INTRODUCTION	2
SUMMARY	3
REVIEW	4
DIRECTIVE “COOPERATION PROJECT MIGRATION AND INTEGRATION”	4
Internal border controls to Sweden will be strengthened (p. 31):	4
Increased use of biometric data in non-Swedish citizens’ cases, abolition of the statute of limitations, etc. (p. 31):.....	4
Expanded work and strengthened opportunities for internal immigration controls and effective enforcement work (p. 32):	5
Collective responsibility and intensified work for return activities (p. 33):	5
Asylum legislation shall be adapted to the minimum legal level according to EU law (p. 34):	5
Restriction of resettlement to Sweden (p. 35):	6
Review of the examination of asylum applications from safe countries (p. 36):.....	6
Transit centres to be introduced for the entire asylum process (p. 37):	6
Investigate the possibility of deporting a foreign national for lack of good conduct (p. 37):	7
Review of incentive structures for voluntary return migration (p. 41):	7
Measures to reduce the attraction factors through limited benefits for non-citizens (p. 42):	8
More deportations for crimes (p. 43):.....	8
GENERAL COMMENT ON THE MIGRATION AND INTEGRATION DIRECTIVE	8
DIRECTIVE “CRIMINALITY”	9
Proposals targeting gang crime, including:.....	9
Proposals targeting juvenile delinquency, among others, aiming to:	10
Proposals for a complete and thorough review of criminal law, including:	11
Proposals listed under the subheading "other reforms", selection:	12
GENERAL COMMENT ON THE CRIMINALITY DIRECTIVE	13
OTHER COMMENTS.....	13
The role and accountability of the Sweden Democrats	13
An agreement that divides instead of brings together	14

INTRODUCTION

Civil Rights Defenders is a politically independent human rights organisation that has defended human rights and democracy together with thousands of human rights defenders worldwide for over 40 years. Since 2009, we have also actively worked to defend these freedoms and rights in Sweden, fully aware that the global trend of the gradual dismantling of democracy does not leave any country unaffected.

Before the 2022 election, we reviewed all parties' election manifestos from a rights-based perspective. We have now done the same with the "Tidö Agreement", which was presented by the Moderate Party, the Christian Democrats, the Liberals and the Sweden Democrats during a press conference on Friday, 14 October 2022.

We have primarily reviewed the areas of criminal policy, migration policy and the rule of law – of which the first two aforementioned constitute a large part of the agreement. Other relevant areas have also been included.

The review is done from a rights-based perspective, which means that it is based on the international, regional, and national commitments to human rights that Sweden is bound by. Examples are the UN International Covenant on Civil and Political Rights, the European Convention on Human Rights, the EU Charter of Fundamental Rights and the Swedish constitution. They guarantee fundamental rights and freedoms for individuals and the state's obligations to respect and protect them.

Note that the analyses have not been made on actual legislative proposals but rather on the short paragraphs that are presented in the Tidö Agreement, whereas a majority of any details are dependent on future government inquiries. Therefore, several of our comments are also of a more general nature. We will be able to provide a more thorough analysis of the consequences that the proposals would entail from a rights perspective when legislative proposals are presented.

We are aware that some may perceive this review as a departure from our earlier work and that critics will claim that we have taken a partisan position or oppose the election results. We would therefore like to clarify the following:

1. It is not a departure – **the need to defend human rights in Sweden has become greater** now that we have a government presenting a way forward that we consider to be partially alienating certain rights. Therefore, we will strengthen the work that we are already doing.
2. It is not about adopting a partisan position – **it is about protecting a human rights policy** where our work is governed and based on fundamental rights and freedoms enshrined in the international commitments and conventions Sweden has committed to follow.
3. It is not about questioning election results – **it is about questioning the measures that risk undermining human rights** and thereby eroding Swedish democracy.

We have worked on issues that are influenced by Swedish politics for a long time. Regardless of which party or parties are responsible for proposals violating human rights, we have spoken out and will continue to do so. Firstly, by drawing attention to the proposals or legislation

violating the rights, and secondly, through legal proceedings, to demand accountability when the consequences become a reality.

SUMMARY

As a human rights organisation, we are very concerned about the content of the Tidö Agreement. The agreement lacks a rights-based approach. It contains several measures that clearly contradict the norms of human rights Sweden is bound by and undermines the rule of law and our democracy.

The agreement includes a large number of measures, many of which are subject to further investigation. We do not know yet which of them will become law, or in what form; however, the measures of the agreement indicate a concerning direction and cause serious alarm.

The agreement is clearly repressive. We see a focus on imprisonment, including that of children and young people, harsher punishments, increased opportunities to monitor and deport people, as well as measures that undermine the rule of law and human rights. We note the measures which seek to make it more difficult to be a refugee, an undocumented person, or an asylum seeker, with the overall goal of reducing migration, regardless of the consequences it may have for the human rights or dignity of the individual. We also see a clear mix-up, and interchange, of migration and crime, which alludes that migrants are the cause of Sweden's problems.

Measures regarding criminal policy follow a trend that we are seeing across Europe, often referred to as "penal populism". It means that policymakers focus on criminal penalties because of their popularity amongst voters, rather than their crime prevention effect. Research and experience from other countries do not support the idea that harsher sentences reduce crime, and according to human rights, criminal sanctions must be proportionate.

We also note that several of the measures would directly conflict with the international and regional obligations and conventions that Sweden has committed to, as well as with our own Constitution.

If the agreement's proposed measures become a reality, we will have a society that no longer respects the fundamental rule of law nor the principle of equality for all before the law. Rights will not be based on people's needs but on their group affiliation and legal status. This will create a hierarchy between people in Sweden, placing people with citizenship at the top and vulnerable groups, as well as people who are racialised at the bottom.

Ultimately, this will not only affect these particular groups, but it will also have a negative impact on society as a whole and all our rights. It will undermine human rights, the rule of law and liberal democracy for all.

The Tidö Agreement shows that the global trend of dismantling democracy has come to Sweden. We have worked to promote human rights globally for 40 years, and these experiences are relevant now when we need to focus more of our work on defending the fundamental rights and freedoms here at home.

REVIEW

Below you will find a review of most of the measures and proposals in the Tidö Agreement that concern migration policy, criminal policy, and the rule of law. The page references in certain places in the text refer to the pages in the Tidö Agreement.

After the review of the measures within each directive, there is a general comment on the directive in its entirety.

Finally, there is a section with other comments that refer to the consequences of the agreement relating to accountability and the risk of increased divisions within society.

DIRECTIVE “COOPERATION PROJECT MIGRATION AND INTEGRATION”

Internal border controls to Sweden will be strengthened (p. 31):

This shall be done by, amongst other things, giving an assignment to the Police Authority via regulation directions, appointing a commission of inquiry with proposals to strengthen border controls and carrier liability, investigating via a ministry memorandum measures to *“further improve Sweden's ability to combat irregular migration and cross-border crime at the border”* as well as reintroducing identity checks for transports carried out by bus, train or passenger ship to Sweden.

Our comment: Migration and cross-border crime are often used as a common justification for taking action. Through such language, migration/ethnicity is equated with criminality, which creates prejudice and a risk of increasing discrimination and hate crime.

‘Combating irregular migration’ is unclear and creates scope for measures incompatible with the right to seek asylum or other measures leading to human rights violations. In this part, we see a clear risk of human rights violations.

...

Increased use of biometric data in non-Swedish citizens' cases, abolition of the statute of limitations, etc. (p. 31):

This shall be done through a supplementary directive to an ongoing commission of inquiry to strengthen the return activities (Ministry of Justice 2022:12), by adding that biometric data, i.e., personal data which comes from someone's physique or behaviour (for example: fingerprints or facial image), will be collected and stored in searchable registers. A review of the possibilities of using fingerprints and images as a means of automated control when people contact authorities, lowering the age limit for collecting biometric data and the possibility that authorities could share biometric data among themselves. This proposal also mentions *“extending or abolishing the limitation period for expulsion decisions”* and reviewing an extension of the period for re-entry bans.

Our comment: According to the Swedish Authority for Privacy Protection, biometric data constitutes sensitive personal data particularly worthy of protection. The proposals for increased data processing impose serious infringement of the right to privacy and, if relating

to children, this may be prohibited. Extending or abolishing the limitation period involves infringements of children's rights and is against the child's best interests, as well as a violation of the right to be granted asylum from persecution. Circumstances linked to grounds for asylum are changeable, and a need for protection (in a legal sense) may arise after a rejection in individual cases. With regards to the general rule of law challenges in the asylum process and the errors of judgment that thus occur, there must be room for the possibility of applying for asylum again within a reasonable time after a rejection.

...

Expanded work and strengthened opportunities for internal immigration controls and effective enforcement work (p. 32):

Among other things, through a furthered effort to identify, apprehend and ensure that people who are in Sweden without a permit leave the country. Regulatory review of internal immigration controls, with a view to increasing coercive measures including baggage control, DNA testing at internal immigration control, information exchange and notification obligations between the Police Authority, the Migration Agency, and other authorities.

Our comment: Increased data collection and use may violate personal integrity. If an increase in internal immigration controls takes place, there is a real risk of illegal ethnic racial profiling, other discrimination, violation of personal integrity and excessive use of force by law enforcement against people who are racialized in society. Past experience such as the police prioritizing internal border controls (for example, the so-called Reva) shows that the risk for individuals who are racialized to be subjected to repeated ID checks increases. The proposal also increases the risk for more violent treatment of undocumented immigrants, a group that generally already finds it very difficult to exercise its rights, including children. It also aims to create a police, suspicion and informer society that profiles those with migration experiences and people who are racialised.

...

Collective responsibility and intensified work for return activities (p. 33):

Through bestowing a strengthened assignment to authorities with a strengthen assignment in order to allow them to create more detention centres and to expand the powers of the detention staff to search detainees, surveillance of visits and search living spaces, introduce electronic or other monitoring of persons awaiting expulsion (who are not detained), introduce a residence obligation, devise an aid policy aimed at increasing returns.

Our comment: Detention constitutes a deprivation of liberty, which in turn can be an impermissible infringement of the individual's rights and freedoms – particularly if the person being detained has not been found guilty of any crime. Notwithstanding the deprivation of liberty, detention has many negative consequences for the individual. Less intrusive alternatives to detention, which are also less costly, should be considered and used as much as possible. Body searches and other restrictions on someone not suspected of or convicted of a crime must be considered a serious infringement of the right to privacy, and they are a far-reaching exercise of power that cannot be considered proportionate to the purpose.

...

Asylum legislation shall be adapted to the minimum legal level according to EU law (p. 34):

A commission of inquiry will review how asylum legislation should be made as restrictive as possible by adapting it to the legal minimum level according to EU law and Sweden's international commitments on human rights. The proposal includes, amongst other things, restricting as far as possible the rights of asylum seekers, for example, to interpreters and legal representatives, tightening of rules of evidence and restriction of economic and social rights during the asylum process. Other examples to be examined by the inquiry are limiting family reunification as much as possible and removing permanent residence permits.

Our comment: It follows from Sweden's international commitments and basic principles of the rule of law to guarantee an asylum process that enables a fair examination of the need for protection. Otherwise, there is a risk that people will be wrongly deported to war or persecution, contrary to non-refoulement in the individual case. Several proposals will probably be difficult to implement due to the obligations that the EU law and the European Convention on Human Rights place on Sweden. For example, there are clear limitations on the extent to which family reunification can be restricted, not least because the restrictions are contrary to the principle of the best interests of the child. In addition, family reunification is one of the few safe and legal routes to Sweden, meaning fewer people risk being exposed to human rights violations and, in the worst-case scenario, losing their lives during the flight. Removing permanent residence permits is expected to lead to increased mental ill-health, especially for children, and make it more difficult to settle and receive healthcare in Sweden.

...

Restriction of resettlement to Sweden (p. 35):

By reducing the number of quota refugees and adding criteria for the UNHCR selection of quota refugees to provide an informed forecast for "good integration".

Our comment: In practice, this restricts the right to asylum and affects one of the most vulnerable groups in need of protection globally.

...

Review of the examination of asylum applications from safe countries (p. 36):

More countries shall be added to the list of countries deemed safe, and these countries shall be determined by the Swedish Government Offices instead of the Swedish Migration Agency.

Our comment: The Swedish Migration Agency uses a list of the so-called safe countries of origin from which the authority assumes that no one needs to seek protection. For an individual from such a country who seeks protection in Sweden, this means an increased risk that one's individual reasons for asylum will not come to light and that one can be rejected before one has time to appeal a negative decision. Adding more countries to such a list, therefore, means an increased risk of lack of application of the rule of law and an infringement of the principle of non-refoulement, which prohibits states from sending someone back to a country where their life or freedom is in danger.

...

Transit centres to be introduced for the entire asylum process (p. 37):

The possibility of introducing transit centres throughout the asylum process where asylum seekers must stay without exception, with associated coercive measures, notification obligations, and withdrawn rights to prevent people from hiding, will be investigated. The

commission of inquiry will, amongst other things, review how transit zones have been implemented in other countries within the EU and other comparable countries.

Our comment: Increased coercive measures during the asylum process will probably conflict with Sweden's international obligations, including the EU legal obligations and principles of the rule of law. Transit centres may also constitute an infringement of freedoms and rights, including the freedom of movement, and will, amongst other things, worsen reception conditions. As we understand the proposal, it also opens the door for investigating the possibility of externalising the asylum process, similar to developments in Denmark and England. In these countries, initiatives have been taken to send asylum seekers abroad to have them go through asylum procedures and potentially settle there. Such a process may violate non-refoulement in the individual case and goes against the essence of the right of asylum.

...

Investigate the possibility of deporting a foreign national for lack of good conduct (p. 37):

Possibility of deporting those who are showing a lack of respect in relation to basic Swedish values and, in action, disregard the population (provided examples are of conditions such as lack of "*compliance with the rules, association with a criminal organisation, network or clan, prostitution, substance abuse, participation in violent or extremist organisations or environments that threaten basic Swedish values or if there are otherwise unambiguously stated demerits regarding the way of life*").

Our comment: This measure makes it possible to deport foreign nationals who have not committed criminal acts or who have not been convicted of a crime. This is directly contrary to the basic principles of the rule of law relating to the presumption of innocence and cannot be considered proportionate in light of the far-reaching exercise of power that deportation entails and its consequences for the individual. What constitutes Swedish values is unclear, and the exemption leaves much room for arbitrariness. The measure potentially violates basic human rights standards, such as the right to privacy and the right to freedom of expression and is not in line with the principle of equal value of all.

...

Review of incentive structures for voluntary return migration (p. 41):

Amongst other things, through regulation directions to the Migration Agency, which is required to disseminate information, strengthen knowledge about return migration and support opportunities, and appoint a commission of inquiry to understand the incentives behind return migration and produce proposals that increase return.

Our comment: With regard to the limited resources that the Migration Agency has, resources should be spent on creating safe, secure, and efficient application processes for asylum seekers and other groups seeking permission to settle in Sweden. The long processing times that exist today lead to the rule of law deficiencies, not least in asylum cases – as it becomes more difficult for an asylum seeker to prove the need for protection as more time elapses after they have fled. In combination with the other planned measures aimed at asylum seekers and people with a residence permit in Sweden, including measures on qualification for welfare, and tightening the possibilities of obtaining permanent residence permits and citizenship, it ultimately leads to the risk of it resulting in forced repatriation rather than a voluntary one.

...

Measures to reduce the attraction factors through limited benefits for non-citizens (p. 42):

This targets the non-citizens to reduce their willingness to settle in Sweden. It includes access to parental allowance and sickness benefits, for people with a residence permit in Sweden. It aims to investigate and propose measures that will require that individuals qualify for welfare through work and "own effort", but also to investigate to what extent the EU law allows citizenship as the qualifying factor for access to the welfare system.

Our comment: In this context, it should be noted that the agreement also proposes to tighten up the possibility of obtaining citizenship. The proposals mean that we risk seeing a future where the majority of individuals staying in Sweden are excluded from important parts of the welfare system because the possibility of obtaining citizenship is so severely limited. This means that the gap between citizens and non-citizens becomes greater than it has ever been and that non-citizens would live in a forced vulnerable situation in Sweden. The government is thus looking towards a society that instead of including people belonging to ethnic minorities is trying to exclude them from society. To the extent that the proposal entails the exclusion of refugees from the welfare system, the proposal is also in violation of the Refugee Convention, which explicitly provides for equal treatment of refugees. The measures could also constitute discrimination.

...

More deportations for crimes (p. 43):

A commission of inquiry will be appointed with the task of further tightening the regulations on deportation for crimes. The commission's mission should be to propose constitutional amendments that, amongst other things, mean that the deportation question should always be examined as an option when foreigners are charged with a crime, not taking into account the individual's connection to Sweden and that anyone who reoffends should possibly be deported even if the penalty value alone does not speak in favour of deportation.

Our comment: The deportation of the individual is a very far-reaching sanction and can lead to an infringement of the individual's rights and freedoms. Making residence permit a mandatory and weighty assessment factor in sentencing entails a risk that the same crime can lead to very different types of penalties, which may be contrary to the fundamental principle of equal treatment in criminal law.

...

GENERAL COMMENT ON THE MIGRATION AND INTEGRATION DIRECTIVE

The migration policy of the government and the Sweden Democrats aims to reduce immigration as much as possible (in connection with asylum, work, family reunification, etc.), increasing return migration and reducing many of the rights afforded to migrants before they become a citizen of Sweden. This includes, amongst other things, minimising the rights of asylum seekers during the asylum process and minimising economic and social rights through proposals for qualification for welfare and the withdrawal of public funding for interpreters. The government and the Sweden Democrats envision that access to the welfare state, including financial support, takes place firstly through citizenship and, secondly, through permanent residence or work. Meanwhile, the political parties of the Tidö Agreement want to make it

more difficult to become a Swedish citizen through various requirements that can be likened to assimilation. It is important to bear in mind that, in principle, all proposals in the area of migration increase the risk of making it more difficult for people to become part of society.

There is no mention of any ongoing legislative work in the EU or other international activities related to migration or migrants' rights. Nor is there a mention of human rights violations for which the EU is jointly responsible, such as at its external borders. It signals that the government and the Sverige Democrats have little interest in working for international solutions on issues of migration and the rights of people fleeing.

Some of the proposals will not be possible to implement due to the protection of rights under international or regional obligations or the Swedish constitution, such as the right to private or family life, as well as the principle of non-refoulement. There may also be practical obstacles to implementing certain proposals.

DIRECTIVE “CRIMINALITY”

Proposals targeting gang crime, including:

- Expanding the possibilities for secret preventive coercive measures (i.e., without suspicion of crime) (p. 19)
- Deportation of gang criminals by investigating the possibility of an expansion of the Law on the Control of Certain Aliens which is currently a security legislation that allows for the deportation of certain non-Swedish citizens for system-threatening crimes (p. 19)
- Double punishment for gang criminals (p. 20)
- Stop-and-search zones (p. 20)
- Anonymous witnesses (p. 20)
- Criminalisation of participation in criminal gangs (p. 20)
- Residence prohibition (p. 20)
- Loosening of the privacy legislation by creating a new general rule where all relevant information is to be shared with law enforcement authorities to fight crime (p. 20)
- Lowering the limit for mandatory detention to 1 year in prison (instead of 2 years as it is now) (p. 21)
- Introducing new forms of confiscation (p. 21)

Our comment:

The definition of *“gang-related crime”* is unclear. This entails a great risk of arbitrariness when drafting the legislation, during its interpretation by authorities and during the formation of practices in court.

It could be possible to use increased powers against those not suspected of crimes, cf. the use of secret preventive coercive measures and search zones. This is a far-reaching infringement of the rights and freedoms of the individual, for example, regarding the presumption of innocence and the right to privacy. It also raises a high risk of discrimination, such as ethnic and racial profiling.

Increased penalties in accordance with, amongst others, the Danish model, where gang crime could lead to double punishment. From a rights perspective, this cannot be considered proportionate, contrasting with the foundation on which the current Swedish penal system is built. Amongst other things, deprivation of liberty in the form of a prison sentence should only

be used as a last resort. Moreover, long prison sentences can increase the risk of recidivism and do not necessarily lead to less crime.

Regarding the expanded use of arrest and detention, Sweden has repeatedly received international criticism for our use of detention, for example, from the UN Committee against Torture. Part of the criticism is that Sweden does not have a limit on how long the detention can last. This proposal ignores the international criticism and instead moves in the opposite direction.

Deportation of individuals who have not been convicted of crimes follows a logic that is seriously contrary to the basic principles of the rule of law on the presumption of innocence and cannot be considered proportionate, given the far-reaching exercise of power that deportation constitutes.

Stop-and-search zones mean that police could be allowed to frisk and search individuals without concrete suspicion of a crime. This is contrary to the fundamental principles of the rule of law and leads to individuals no longer being protected from unjustified coercive measures by the public. Stop-and-search zones pose a high risk of ethnic and racial profiling, which will be particularly serious as such zones are likely to be established in the so-called socially deprived areas, where accommodation largely belongs to ethnic and/or religious minorities. The experiences of being exposed to the authorities' suspicions and control instead of receiving society's support are already strong in these areas. The Stop-and-search zones would further reinforce this alienation and lead to an even greater distrust of authorities, in particular the police.

...

Proposals targeting juvenile delinquency, among others, aiming to:

- Establish special juvenile detention centres and extend the maximum time for juvenile compulsory care (p. 21)
- Remove sentence reduction for those over the age of 18, as well as review the penalty discount for those under 18 and consider lowering the age of sentencing (p. 22)
- Introduce a new penalty for young offenders in the form of expanded juvenile probation (which extends the powers of the police to search the youth, search houses and obtain court permission for the use of secret coercive measures) (p. 22)
- The Care of Young Persons (Special Provisions) Act could be used more often, and a commission of inquiry will investigate an expansion of opportunities to take children into custody immediately (p. 22)
- The Young Offenders (Special Provisions) Act is to be amended to introduce the possibility of using secret coercive measures against persons under the age of 15 (p. 22)
- Review parental responsibility by, amongst other things, giving social services increased powers to semi-compulsory measures and review opportunities to influence parents in other ways through social and economic consequences (p. 22)

Our comment:

The lack of a child rights perspective is pervasive in this part. This is particularly evident when it comes to removing the sentence reduction for those over the age of 18, considering lowering the age of criminal responsibility, wanting to extend the maximum period of juvenile

compulsory care, and wanting to forcibly take children into custody under The Care of Young Persons (Special Provisions) Act to a greater extent.

The fact that children and young people are treated differently inside the penal system is in accordance with both research (in the fields of child psychology and criminology, etc.) and human rights norms, as they are considered to be, amongst other things, a particularly vulnerable group. Punishing children more severely and from earlier age risks having far-reaching consequences for the child in question, such as stigmatisation and mental ill-health - in addition to the existing rights violations that a penalty can entail. This increases the risk of recidivism and, often, more serious crime.

The use of secret coercive measures is a serious violation of the integrity of the individual and can only be used if justified by legitimate purposes. The particular vulnerability of the child should weigh more heavily.

In general, the measures presented mean that criminal policy in this regard returns to a view that children/adolescents are as capable as adults to plan and carry out crimes and that they should thus be punished as adults. This is not in line with research or children's rights.

...

Proposals for a complete and thorough review of criminal law, including:

- Increased penalties for a wide range of crimes, such as violent and sexual crimes, gang-related crime, violence, and intimidation of a public servant, obstructing the work of the police, firefighter, or ambulance vehicles, known as “blue light sabotage” (p. 23)
- Abolishing the presumption of imprisonment (p. 23)
- Increasing the penalty for recidivism (p. 24)
- Abolishing the current form of the penalty quantity reduction (p. 24)
- Introducing new offences, including misconduct (insult) against a public servant and a new penalty in the form of a custodial sentence (p. 23; p. 24)
- As a general rule, the conditional release should no longer be granted (p. 24)
- Revision of the statute of limitations for the barring of penalty limitation (p. 24)

Our comment:

Increased sentences do not necessarily lead to less crime, and on the contrary, can be counterproductive and lead to an increased risk of recidivism, even into more serious crime. In any case, deprivation of liberty should be combined with the rehabilitation of the individual and enable them to be reintegrated into society once they have served their sentence. The proposals do not seem to contain any elements of rehabilitation or reintegration.

Abolishing the presumption that imprisonment should be used as a last resort, namely the prison presumption, goes against what human rights norms and bodies (such as the UN Office on Drugs and Crime, UNODC) recommend. The prison presumption reflects the understanding that deprivation of liberty may only be used exceptionally because the right to liberty is a fundamental human right.

Penalty quantity reduction means that if you commit several crimes and are convicted of these at the same time, you get a single common penalty instead of the penalties being "added to each other". This is a way of curbing the risk of long, draconian prison sentences, which one can have in the United States, for example. The logic of quantity reduction also follows the

logic that human rights norms call for, i.e., restraint regarding the use of imprisonment as punishment and that punishments must be proportionate.

Reducing the possibility of a conditional release will make reintegration more difficult for the detainee, as it may lead to even greater isolation from society and relatives.

Custody is a new sentence that is not a life sentence. In the election manifestos, this type of penalty has been described as something that is not fixed term and can last as long as the individual is considered to continue to pose a danger to society. Non-fixed-term sentences are contrary to the basic principles of the rule of law and cannot be considered proportionate given the extreme violation of the individual's right to freedom.

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Proposals listed under the subheading "other reforms", selection:

- Review of camera surveillance to enable camera surveillance to be used more often and in more places for both the municipality and the Police Authority (p. 25)
- Criminalization of escape, restricting the right to leave and investigating the possibility of renting prison places abroad (p. 25)
- Special Aliens Control Act – further restrictions to be investigated, detention periods for security matters to be extended (p. 26)
- Investigating the possibility of introducing a national begging ban (p. 27)

Our comment:

As for begging bans, in 2021, the *Lacatus* ruling was announced by the European Court of Human Rights, which referred to the begging ban in Switzerland. The ECtHR stresses, among other things, that a *general ban on certain behaviour* (which a national begging ban is considered to be) is a radical measure that must be justified by weighing relevant interests against each other. Furthermore, the European Court of Human Rights says that people affected by a begging ban are mostly in very vulnerable situations. The Court states that the right to express one's distress and try to meet one's needs by begging must be regarded as a right inherent in human dignity and also refers to Article 8 of the ECHR (European Convention on Human Rights). There are also rulings from courts in other countries that state that a ban on begging violates freedom of expression.

The increased use of camera surveillance, both under the auspices of the municipality and the Police Authority, is a violation of the individual's privacy and must therefore be proportionate, appropriate, and justifiable.

The application of the Special Aliens Control Act already entails serious deficiencies in the rule of law, which will be further enhanced by the proposal. If the Act is expanded to include gang crime, it will create a problematic mix-up between security and criminal law. The transparency in Act-related cases is limited, and they are often based on the intelligence from the Swedish Security Service, which erodes an individual's right to a fair trial and the possibility of redress in the event of errors.

Renting prison places abroad is not in line with what human rights norms and bodies recommend. The United Nations Office on Drugs and Crime (UNODC) urges states to resort instead to measures that are less intrusive than prison sentences and are usually more effective and less costly. Detainees still have the right to basic human rights. This means, amongst other things, that no detainee should be subjected to inhumane treatment but should

instead be treated in a humane and dignified way. Placing a detainee outside of Sweden means that the person is even more isolated from their circumstances, making it more difficult for their relatives to visit, for example.

...

GENERAL COMMENT ON THE CRIMINALITY DIRECTIVE

The agreement links migration with crime, amongst other things, by listing increased penalties for certain crimes, such as child marriage, forced marriage and polygamy, under the migration section. This sends the signal that only migrants conduct these crimes. This is part of an ongoing development in the world where criminal and migration policies meet and influence each other, resulting in migrants being singled out as responsible for societal problems.

The Tidö Agreement's criminal policy aims to prevent and combat crime and increase security. However, the agreement in principle completely lacks preventive and rehabilitative measures, but instead focuses solely on increased penalties and expanded powers of the law enforcement authorities – at the expense of the individual's freedoms and rights. Moreover, many of the proposals increase the risk to disproportionately harshly affect people who are racialised, for example, which in itself will lead to a decrease in security.

There is an increased risk of discrimination when law enforcement agencies are given expanded powers. See, for example, the report *Discrimination in the criminal justice process in Sweden* by Brå, i.e. the Swedish National Council for Crime Prevention, which states that discrimination occurs in all parts of the legal process.

OTHER COMMENTS

The role and accountability of the Sweden Democrats

According to the Tidö Agreement, the cooperating parties have full and equal influence over issues covered by the projects, and decisions are made collectively after internal coordination. The Sweden Democrats thus have the same role, insight, and influence in the preparation as the other government parties. The party is given access to a coordination office at the Prime Minister's Office, which provides a platform for negotiation and preparation with the other government parties in order to be able to negotiate political issues with full and equal influence.

This means that the Sweden Democrats are fully involved in preparatory processes relating to, for example, committees of inquiry directives, proposals to the Riksdag, amendments to regulations arising from new legislation, EU matters that affect the issues covered by the Tidö Agreement, and, where appropriate, also the appointment of governmental assignments, investigators, and appropriation directions to authorities.

Through the Tidö Agreement, the government parties also undertake to examine the partner party representatives or their equivalents during the term of office, which includes the Sweden Democrats, with exactly the same requirements based on merit as all other applicants for positions under the government's appointment power.

In our opinion, the Sweden Democrats have, through the Tidö Agreement and notwithstanding the fact that the party is given full and equal influence over issues covered by the project, become part of the government power in all respects except for being formally part of the government. It is noteworthy that the party is given this kind of influence, even though it is not a de facto part of the government, therefore, the party cannot be held responsible (through, for example, the Committee on the Constitution) for the policies implemented or for shortcomings in implementing the policy. At the end of this term of office, and before the next election, the Sweden Democrats can thus continue to claim that it is the current government that is responsible for problems and shortcomings in society without having to take any responsibility.

It is concerning that a party that has shown time and time again that it supports developments in Hungary, a country where human rights and the rule of law have been eroded for a long time and which can no longer be defined as a democracy (according to, amongst others, a recent decision of the EU Parliament, with the support of representatives from all Swedish parties except the Sweden Democrats), is given a power of direct influence without there being a possibility of formally demanding accountability from them.

An agreement that divides instead of brings together

Many of the agreement's measures not only increase the risk of affecting the weaker and more vulnerable groups in society as well as the ethnic and religious minorities particularly harshly, but also seem to be motivated by racist stereotypes about those who are assumed to participate in a certain type of crime (namely= immigrants). Furthermore, the agreement shows a desire to create differences between different groups along the ethnic and religious division lines. We see this particularly clearly in the proposals on integration, which mostly express a desire for assimilation. The goal of the government's and the Sweden Democrats' integration policy seems to be to gather newly arrived Swedes around an undefined idea or image of 'Swedishness' for them to be able to fully become part of society. As a final step in the citizenship process, it is proposed to introduce a declaration of loyalty or a similar requirement for citizenship (p. 38). This type of integration policy brings to mind the ideology of one people and one nation.

Research shows that the measures in the Tidö Agreement are also counterproductive if the goal is integration. Amongst other things, there are proven connections between the experience of belonging to a group systematically excluded from society and the recruitment to radical actors. There is also research which proves that integration benefits from the experience of a more even power relationship between the one who integrates and the one who is to be integrated, including the possibilities for maintaining cultural, national, ethnic, and religious identity for the latter. Based on the above, the measures in the agreement ultimately risk creating more division in society and not less.