

ONE YEAR WITH THE TIDÖ AGREEMENT

AS A WHOLE, IT IS WORRYING

2023-12-12



A RIGHTS-BASED ANALYSIS of the proposals and developments put forward in the past year, most of which are included in the Tidö Agreement. Our starting point is the freedoms and rights that Sweden has committed to follow. The principles of the rule of law and legal certainty are essential perspectives in the analysis. The areas primarily affected are criminal policy and migration policy. The report also contains comprehensive analyses of potential consequences for Sweden's democracy.

CIVIL RIGHTS DEFENDERS is a politically and religiously independent human rights organisation. We partner with and support human rights defenders who work in some of the world's most repressive regions. We also act as Sweden's civil rights watchdog.

We monitor the state and other holders of power and demand accountability when legislation or its application conflicts with civil and political rights. We analyse laws, legislative proposals, and the exercise of authority. We also seek legal action against states and other authorities violating people's rights.

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1 INTRODUCTION

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In recent decades, a trend of democratic backsliding has swept the world¹. Sweden's democracy has been remarkably resilient, but it is crucial that we also ask ourselves whether we now also see signs of this trend in Sweden. In recent years, we have begun to see a worrying shift in Sweden from a democracy and rights perspective. Swedish democracy² is still strong, not least compared to other countries worldwide. But we must never take it for granted. Democracy is only as strong as those who stand up for it.

We have seen how groups in society are increasingly singled out as threats that must be combated.

As a human rights organisation focusing on the defence of civil and political rights, in recent years, we have watched with concern the proposal or passage of legislative measures that restrict or conflict with fundamental freedoms and rights. We have also seen how groups in society are increasingly singled out as threats that must be combated.

Ahead of the 2022 parliamentary election, we [reviewed all parties' political platforms \(in Swedish\)](#) from a rights perspective.

After the Tidö Agreement was presented in October 2022 by the then-newly appointed government with the support of the Sweden Democrats, we published a [rights-based review](#) of the agreement. We wrote: "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." A year later, it's time to put that claim to the test.

Based on the freedoms and rights Sweden has committed to follow, we have reviewed a selection of the proposals and plans put forward in the past year as part of the Tidö Agreement. Previous governments have put forward several similar proposals, but the focus and delineation in this report is mainly on the year after the publication of the Tidö Agreement.

Crisis and uncertainty have characterised Sweden and our surrounding world. We are facing considerable challenges that may require extraordinary measures and significant long-term resources during which freedoms and rights must be weighed against each other. The state can curtail freedoms and rights within certain limits in times of crisis. Still, it is of the utmost importance to simultaneously protect democratic rights and principles^{3,4} – and not enact laws that risk undermining them.

¹ https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

² Our definition of democracy aligns with the political science concept of liberal democracy. This means that whether or not a country is democratic is determined by more than everyone getting to vote. In addition to meeting the requirements for free and fair elections with equal voting rights, there must also be legal and legislative limitations on the executive power, protection for fundamental freedoms and rights, and equality before the law. In short, it is a society where the rule of law and human rights are respected. This means that not only the ruling majority enjoys rights, but so does the minority. Please read more in this [article \(in Swedish\)](#) from the Living History Forum.

³ <https://www.liberties.eu/en/stories/principles-of-democracy/44151>

⁴ <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/values-and-rights/>

There is also a risk that when fundamental freedoms and rights are restricted, the acceptance increases for it to happen again – and the threshold for what legitimises restrictions is gradually lowered. This can erode not only rights but also the rule of law and democracy. There is also the risk that currently enacted laws are too vague and general and that, in the future, they could be used in an unintended way that would entail further restrictions.

At the same time, most of the proposals are directed to be “rapidly investigated.” This endangers legal certainty as the possibility of a comprehensive response procedure and impact analysis is reduced. The measures implemented must be predictable, proportionate, and non-discriminatory. Legislation restricting fundamental freedoms and rights should also be time-limited so that the restrictions do not become permanent and can be appropriately reevaluated. When rights that previous generations fought for are taken away from us, they are hard to win back.

The measures implemented must be predictable, proportionate, and non-discriminatory.

AS A WHOLE, IT IS WORRYING

During the first year of the Tidö Agreement, many proposals have been presented that conflict with fundamental freedoms and rights, particularly in relation to criminal and migration policies. These are examined in this report.⁵ Several proposals and decisions have also been presented, which, by themselves, do not necessarily threaten democracy but, in the aggregate and over the long run, risk weakening democracy.⁶ These include increased political control of government agencies and new restrictions on freedom of association and freedom of speech. At the same time, we hear alarming political rhetoric that politicises and threatens critical voices in civil society⁷ while vulnerable groups are singled out as scapegoats by political leaders.

This is a development that risks weakening Sweden’s democracy and may be the first step in the process known as autocratisation⁸ – the opposite of democratisation. Established democracies are not immune to autocratisation. Several European countries such as Hungary, Poland and Greece have recently shown serious signs of autocratisation⁹, where democracy has begun to be gradually dismantled. Considered altogether, it is worrying.

Autocratisation follows a pattern where democracy is undermined within the framework of democratic processes.¹⁰ It often starts with a vulnerable group being singled out by political leaders as scapegoats for society’s problems and thus a threat from which society must be protected. In the next step, the pressure increases on those who dare

⁵ See “Analys av enskilda förslag” in the Swedish version of this report.

⁶ See “Övergripande analyser och kommentarer” in the Swedish version of this report where we outline a couple of examples of this, several of which we will return to in more detail throughout the report.

⁷ Shortly after we published our analysis of the Tidö Report 2022, a Sweden Democrat minister questioned Civil Rights Defenders financing in a written question to the Minister of Foreign Affairs. The critique did not focus on the content of the analysis but rather that we were criticising the government. Read more in the “Övergripande analyser och kommentarer” section of the Swedish version of this report.

⁸ <https://v-dem.net/publications/democracy-reports/>

⁹ https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

¹⁰ <https://www.wzb.eu/en/article/autocratization-and-its-consequences/>

Often it happens one small step at a time, making the pattern hard to spot for those who are not paying close attention.

to question the designation – such as civil society organisations, journalists, opinion leaders and the opposition. The aim is to silence critics and deter others through threats, hate, and other means. Ultimately, it paves the way for a society where those in power use new laws and decisions to gradually strengthen their grip on power and dismantle democracy. It often happens one small step at a time, making the pattern hard to spot for those not paying close attention.

Our goal is for more people to understand and be able to identify the risks of autocratisation. This is partly to increase the understanding that even if our democracy stands firm today, it is vulnerable and should not be taken for granted. But our intention is also that more people understand the long-term consequences for society when fundamental freedoms and rights are compromised, and basic democratic principles are no longer respected.

DEMOCRACY AND HUMAN RIGHTS ARE ESSENTIAL – BUT MANY ARE WORRIED

On 13 October, we presented a new follow-up survey on the Swedish public's view of Sweden's democracy conducted by Novus. The results show that living in a democracy is considered important by almost everyone (96%) and that our politicians are expected to protect and stand up for human rights (92%). But the survey also shows that more and more people are worried that we are moving in an undemocratic direction (59%, compared to 44% in 2022) and feel that our fundamental democratic principles have been threatened during the past 12 months (65%, compared to 40% in 2022).¹¹

A recently presented Institute for Human Rights report shows the same tendency. There, 47% of the respondents stated that they feel that human rights are threatened in Sweden today, and 43% feel that there are particular groups of people whose rights are threatened in Sweden today - people with a foreign background were explicitly mentioned.¹²

Sweden's democracy is still strong. The fact that most Swedes think it is important to live in a democratic country is a hopeful sign, as it is a prerequisite for democracy to remain strong going forward.

¹¹ <https://crd.org/2023/10/13/increased-concern-for-democracy-a-year-after-the-tido-agreement-shows-a-new-survey/>

¹² <https://mrinstitutet.se/nyheter/ny-rapport-manga-i-institutets-undersokning-upplever-att-det-finns-manskliga-rattigheter-som-ar-hotade-i-sverige-idag/> (in Swedish)

The data in the figures was collected between 24 October and 6 November 2022.

2 SUMMARY

CONTINUED FOCUS ON REPRESSION WITHIN CRIMINAL POLICY

Civil Rights Defenders shares the concern that deadly gun violence in Sweden creates, not least for residents in vulnerable areas, those affected, and their relatives. Living in safety is a question of rights that the state and government have a responsibility to uphold, and we support the desire to reduce violence. However, over the past several years, Sweden's criminal policy has become increasingly repressive, with harsher penalties and expanded powers for law enforcement authorities. We are concerned that the Tidö parties are increasingly focused on short-term and repressive solutions that restrict rights and, in the long term, weaken the rule of law.

The Tidö agreement's criminal policy proposal means that the line between those convicted and those not convicted is blurred, such as through stop-and-search zones and preventive wiretapping. Civil Rights Defenders believe that if such restrictions on fundamental freedoms and rights are excessively used, there will be significant risks for a democratic state governed by the rule of law.

Several of the Tidö Agreement's measures are aimed at gang and youth crime but are unclearly formulated and defined. This increases a lack of legal certainty, which can undermine the public's trust in the authorities and the judiciary in the long run. Civil Rights Defenders is also wary of a continued lack of holistic and empirically rooted crime prevention work.

The consequence of increasingly repressive policies is an increase in imprisoned people, even though the Prison Service has already flagged that the situation in the country's institutions is unsustainable. This will not only increase the risk that inmates' rights will not be respected but also that an individual's rehabilitation and reintegration into society after serving a sentence will be made more difficult. Therefore, we believe that the Tidö Agreement's reform proposals risk being counterproductive in reducing crime in society.

MIGRATION POLICY THAT DEEPENS THE DIVIDES

The Tidö Agreement's focus on migration policy complicates the situation for people who, for various reasons, want to try to build a life in Sweden. Overall, the policy takes the form of proposals that would require asylum seekers to pay for their own reception, raise the requirements for obtaining a residence permit, and reduce the socio-economic support for migrants. There is a significant risk that the overall effect will not be the integration that the Tidö Agreement aims for but rather that people will be excluded from becoming part of society. This is combined with a rhetoric that blames asylum seekers and other migrants for society's problems.

Today, as a consequence of national and EU border policy, there are few legal and safe routes to Europe and Sweden. The Tidö Agreement's reform proposal constricts these possibilities even more. People will still have to flee because of conflict, climate change and poverty. The consequence will be that a more significant proportion of people will have to risk their lives and potentially lose them along unsafe escape routes across the Mediterranean. The Tidö Agreement's migration policy also moves towards an increased use of coercion and sanctions. It is important to remember that it is not illegal to apply for a residence permit in Sweden and that people who do so should not be treated as criminals.

Examples include the proposal to compel asylum-seekers to live in asylum accommodations combined with the possibility of introducing sanctions against “misconduct”.

The Tidö agreement also wants to involve more significant parts of society in applying its migration policy, including through the proposal to mandate reporting of paperless individuals. Civil Rights Defenders believes this will increase mistrust and divide society, negatively affecting the democratic rule of law.

HIGH RATE OF LEGISLATION

The past year has been characterised by a high rate of legislation. This has been especially true in relation to criminal policy - even though legislation is complex and could potentially conflict with Sweden’s international commitments. It is very important that such legislation is carefully investigated and considered, which requires time and resources. A high pace of legislation risks deteriorating the quality of the legislation, making it challenging for both individuals and the judiciary to make sense of.

LACK OF PARLIAMENTARY OPPOSITION

The foundation for the current criminal and migration policy had already been built by the previous government and has only been intensified by the Tidö parties. Therefore, it is worrying that there is a lack of a clear counter-narrative among the opposition and that few alternative measures are raised in the debate. As a consequence, the current direction has been unchallenged.

AN INCREASED FOCUS ON SECURITY

The first year of the Tidö Agreement has increasingly been characterised by a shift in discussion from speaking about individual safety to using national security as a framework. The security challenges that Sweden faces are serious. But when national security legitimises the introduction of far-reaching measures that severely limit fundamental freedoms and rights, the measures themselves can threaten democracy.

QUESTIONING CIVIL SOCIETY

During the past year, questioning of actors in civil society has been a recurring theme. It is done in an attempt to shift the focus from substantive issues by accusing the criticism of originating from an oppositional side so the arguments do not need to be addressed. This type of questioning of civil society organisations is new in the Swedish context but has long occurred in other contexts where it regularly results in a weakened civil society where both democracy and the rule of law in society are undermined.

EACH STEP IN ITSELF IS NOT A SEVERE THREAT TO DEMOCRACY – BUT CONSIDERED ALTOGETHER, IT IS WORRYING

During the year, we have seen proposals, decisions and rhetoric that individually cannot necessarily be interpreted as severe threats to democracy. However, taken together, they are worrying. Even if individual reforms or actions can be factually justified and well substantiated, there is a risk that, together, they limit individuals’ freedom and the human rights that are the foundation of a liberal democracy.

The full analysis has not yet been translated to English.
You can read the full version in Swedish at crd.org.

[READ THE FULL ANALYSIS IN SWEDISH HERE](#)

SUPPORTING THE WORLD'S BRAVEST PEOPLE

Civil Rights Defenders is a human rights organisation founded in Sweden in 1982. We work for and together with thousands of human rights defenders who fight for democracy and respect for people's civil and political rights across the world. Our task is to make sure that they can be safer, smarter, and faster in their work. We engage in advocacy activities and legal processes, and provide information on the situation with regards to human rights globally. With your support, we can accomplish more.



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