

Joint submission to the UN Universal Periodic Review of

SWEDEN

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Presented by:

Civil Rights Defenders, Sweden

Civil Rights Defenders is an international human rights organisation founded in Sweden in 1982. We work for and together with thousands of human rights defenders fighting for democracy and to ensure that people's civil and political rights are respected around the world. Our task is to ensure that they can work more safely, smarter, and faster. We engage in advocacy efforts, legal processes, and inform about the human rights situation globally.

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Introduction

1. In accordance with Human Rights Council Resolution 5/1 of June 18, 2007, this joint submission is presented by Civil Rights Defenders¹ and supported by the organisations listed above. The submission is intended to supplement the report drafted by the government of Sweden, which is scheduled for review by the Human Rights Council during its 49th session and focuses on Sweden's failure to comply with its international human rights obligations in regard to:

1. The Swedish Institute for Human Rights
2. Racial and Ethnic Discrimination and Hate Crime
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 - 2.2 Discrimination on Account of Religion
 - 2.3 Racial and Ethnic Profiling in Police Work
 - 2.4 Hate Crime and Hate Speech
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 - 5.3 The Right to Family Reunification and Humanitarian Protection
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1 The Swedish Institute for Human Rights

2. The Swedish Institute for Human Rights was established on 1 January 2022 as a National Human Rights Institution with a mandate to promote the safeguarding of human rights in Sweden, after years of advocacy by Swedish civil society organisations. The Institute also functions as an Independent National Mechanism under the United Nations Convention on the Rights of Persons with Disabilities.

3. In April 2023, the Sweden Democrats, currently the country's second-largest party and a constituent part of the current government coalition, expressed their intention to dismantle the Institute. This proposal was accompanied by a suggestion to discontinue funding dedicated to combating racism and discrimination.²

4. In an open letter addressed to Prime Minister Ulf Kristersson, 49 Swedish organisations emphasised the need for a clear statement of assurance from the Prime Minister that the Institute, in its current form and with undiminished resources, will be able to continue its crucial work.³ This collective appeal prevented the implementation of the proposed changes.

5. Given that the proposal originated from the second-largest party in Parliament and the largest party in the government coalition, there is continued concern that this move may impede the Institute from criticising the current government to avoid the risk of being defunded or dismantled.

Recommendations:

- **Include safeguards in the Swedish Constitution to protect the independence, mandate, and authority of the Swedish Institute for Human Rights.**

2 Racial and Ethnic Discrimination and Hate Crime

2.1 General Comments

6. In recent years, Sweden has seen a sharp increase in derogatory statements about ethnic and religious minorities and a racist narrative among politicians in the Parliament, the Government and among opposition parties. Parties across the political scale have established a narrative that links migration to crime, and people with a migrant background to criminality. Most notably, the president of the Parliamentary Justice Committee, a Sweden Democrat, has repeatedly directed verbal attacks against Muslims in Sweden since he assumed his new role. He has compared Islam to national socialism and the crescent to the swastika,⁴ referred to Islam as a “despicable religion” and suggested that Muslim symbols be prohibited in public spaces.⁵ The leader of the

Sweden Democrats has in turn suggested that mosques should be demolished.⁶ The government, which is dependent on the support of the Sweden Democrats, has not distanced itself from these statements and has continued its close collaboration with the Sweden Democrats in areas related to, *inter alia*, migration policy and criminal policy. In fact, the Deputy Prime Minister herself repeatedly lashed out against Muslims ahead of the 2024 European elections, claiming that the “rampaging” of Islam in Sweden is causing problems and calling for Muslims that cannot adapt to Swedish values to be denied asylum or be repatriated.⁷

7. The normalisation of negative and derogatory narratives about ethnic and religious minorities and people with a migration background by persons in leading positions is particularly concerning as it may cause an increase in negative sentiments about such groups among the general public in Sweden, which in turn can lead to an increase in discrimination and hate crime directed against them.

2.2 Discrimination on Account of Religion

8. In the 3rd cycle of the Universal Periodic Review of Sweden, a significant number of recommendations concerned discrimination based on religion.⁸ Despite this, research indicates that Islamophobia is prevalent, enduring, and increasingly common in Swedish society. The Equality Ombudsman’s annual report of 2023 highlights that discrimination against Muslims occurs in both public and private sectors, particularly in workplaces and schools.⁹

9. People who wear religious symbols or clothing experience discrimination to a large extent.¹⁰ Complaints have been filed to the Equality Ombudsman regarding employers' seemingly neutral policies that prohibit the wearing of religious symbols or clothing, and which disproportionately affect Muslim women who wear hijabs. In late 2023, the Labour Court, the final arbiter in labour disputes, ruled on a case involving a Muslim woman dismissed for wearing a hijab. The employer cited a neutrality policy on political, philosophical, or religious symbols during working hours, claiming it was necessary for workplace safety. The court upheld this reasoning, legitimising the policy and potentially opening the door to religious discrimination in the workplace.¹¹

10. In another case, a woman wearing a hijab was hired by a staffing agency to work for an airline. Upon starting, she was informed that the airline's uniform policy, part of a broader neutrality policy, did not allow hijabs during working hours. She had to choose between not wearing a hijab during work or ending her employment. In April 2024, the Equality Ombudsman decided to sue the airline for discrimination based on religion and gender.¹²

11. The issue of a hijab ban has gained prominence in political debates. In 2019, two municipalities banned hijabs in municipal schools. These decisions were appealed, and in 2022 the Supreme Administrative Court ruled that such bans violated freedom of

expression, stating that wearing a hijab as a religious marker falls under this freedom, which can only be restricted by law and thus not through decisions made at a municipal level. Despite this ruling, the debate continued and became a significant topic at the Liberal Party's congress in late 2023. Two motions to introduce a school hijab ban were proposed, and the Minister of Equality, a Liberal Party member, welcomed the discussion. Ultimately, the congress voted against the proposal.¹³

12. Religious freedom is stipulated in the Swedish Constitution,¹⁴ and is one of the absolute rights and freedoms. However, the scope of religious freedom is narrow, and the right to practice one's religion only includes the right to manifest one's faith, not to wear or dress in religious symbols.

Recommendations:

- **Expand the scope of freedom of religion to include the right to wear and dress in religious symbols.**

2.3 Racial and Ethnic Profiling in Police Work

13. Sweden received three recommendations relating to ethnic and racial profiling by law enforcement in the 3rd cycle of the Universal Periodic Review.¹⁵ Despite these recommendations to “strengthen efforts to combat” and to “prevent” ethnic and racial profiling, no measures have been taken by the Swedish government to do so.

14. A report by the Swedish National Council for Crime Prevention (Brå) published in October 2023 examined, *inter alia*, the accuracy of the police’s suspicion when initiating controls due to suspicion that a person is in possession of illegal narcotics. The examination showed that the accuracy of the suspicion, and the subsequent control, was the lowest for suspects who had a mother who was born in a country in Africa or Southwest Asia and the most accurate when the suspect had a mother who was born in a Nordic country. The report concluded that it could not be excluded that the police engage in discriminatory ethnic profiling.¹⁶

15. In early 2024, the Parliament adopted legislation, initiated by the Government, that enables the Swedish Police Authority to establish stop and search zones, in which people may be stopped and searched without reasonable suspicion.¹⁷ Despite warnings that providing police officers with increased discretion will lead to an increase in discriminatory ethnic and racial profiling, the government has adopted no safeguards to prevent such profiling.

16. The establishment of stop and search zones is particularly damning given how difficult it is for victims of discriminatory profiling to receive redress. Discriminatory profiling does not reach the severity threshold established through jurisprudence for

indicting police officers with misconduct and thus reports to the police about discriminatory profiling are routinely dismissed without investigative measures being taken. Meanwhile, the Discrimination Act does not contain a prohibition against discriminatory measures by the police. A government inquiry was published in late 2021, during the mandate of the former government, which proposed an amendment to the Discrimination Act that would entail a prohibition of discriminatory police measures.¹⁸ However, the new government, which took office during the autumn of 2022, has not yet realised the proposal.

Recommendations:

- **Give the Swedish Police Authority a mandate and necessary funding to prevent discriminatory ethnic and racial profiling by developing guidelines on how to conduct stop and searches, by training their staff on how to conduct non-discriminatory stop and searches and by following up their work with stop and searches.**
- **Introduce a prohibition against discriminatory measures by the police in the Discrimination Act.**

2.4 Hate Crime and Hate Speech

17. In the 3rd cycle of the Universal Periodic Review of Sweden, a significant number of recommendations concerned the need to strengthen efforts to combat and eliminate hate crime. Yet, the number of solved hate crimes has stayed considerably low. Among the 3 398 crimes registered in 2020 and that were investigated up until May 2023, only 6 percent were solved.¹⁹

18. The number of reported hate crimes with antisemitic motives increased significantly in 2023 compared to 2022.²⁰ During 2022, 2023 and thus far in 2024, there has also been a spike in public Quran burnings in various locations, including in front of mosques and in areas with a high number of Muslim residents during the month of Ramadan. Meanwhile, authorities apply a narrow interpretation of the hate speech legislation, resulting in cases of hate speech not being prosecuted. While the hate speech provision in the Swedish Criminal Code allows for a broader implementation, it appears that a clarification is needed in the wording of the provision and the preparatory works of the legislation to enable prosecutors to comfortably apply the provision.

19. In 2024 the Swedish National Council for Crime Prevention (Brå) published a report examining hate crimes against the Sami.²¹ It shows that these crimes often occur when the Sami assert their rights, and that the level of underreporting may be higher than for hate crimes in general. The risk of hate crimes and racism limits the Sami's everyday lives and their human rights. These crimes occur in public and digital spaces, ranging

from offensive descriptions to severe racist attacks, threats, including death threats, and violence. The report stresses the need to combat negative stereotypes and prejudices against the Sami to counteract hate crimes. It also warns that police efforts may be deprioritised without a new mandate for enhanced actions against hate crimes.

Recommendations:

- **Adjust the wording of the provision criminalising hate speech in section 8 in chapter 16 of the Swedish Criminal Code to clarify that the context in which the speech was delivered will affect the assessment of whether the speech constitutes hate speech.**
- **Allocate necessary financial resources to the hate crime units within the police, to enable them to efficiently investigate hate crime and hate speech.**
- **Instruct the Police Authority to prioritise hate crimes against the Sami and ear-mark police resources for the investigation of such crimes.**

3 The Rights of the Indigenous Sami People

20. The legal distinction between reindeer herding and non-reindeer herding Sami has not been adequately addressed by the government, resulting in internal conflicts and hindering the Sami rights movement. Only the Sami reindeer herding districts have (limited) recognised land rights, while non-reindeer herding Sami communities, such as those involved in hunting and fishing, lack any recognised land rights.²² This lack of protection excludes their land use and cultural practices from consideration in land exploitation and decision-making processes.

21. The Sami reindeer herding districts are equally under an immense psychosocial and economic pressure from defending Sami rights in courts due to e.g. private lawsuits, increased exploitation projects in reindeer herding lands – not least in connection with the so-called “green transition” – and a non-implemented governmental predator policy which, *inter alia*, states that reindeer herding communities should not have to endure higher losses than a maximum of ten percent of the reindeer herd.

22. In 2021 a Truth Commission for the Sami People was established. In order to successfully fulfil its mission, it is vital that the Commission has the resources and conditions it needs, including strong support from the Government in its investigations as well as in the future implementation of its findings and recommendations.²³

23. In March 2022, a new law came into effect aimed at increasing the influence of the Sami people in decision-making processes concerning issues that particularly affect them.²⁴ The so-called consultation scheme requires the government, state agencies, regions, and municipalities to consult Sami representatives before making decisions that

may directly impact the Sami language, culture, livelihoods, or status as indigenous people. The law is a welcome step, although not enough to ensure the free, prior and informed consent of the Sami in all decisions affecting them.

24. Despite significant steps being taken to strengthen Sami rights, the practical effects remain unclear. Sweden has faced recurring and recent criticism from several United Nations bodies²⁵ and from the Council of Europe.²⁶ The criticism concludes, *inter alia*, that Sami people are given insufficient influence when Swedish authorities make decisions regarding exploitation in traditional Sami territories.

Recommendations:

- **Take concrete measures to recognise the Sami’s rights to their traditional lands, territories, and resources in legislation.**
- **Ensure Sami rights are protected in decision-making processes concerning land exploitation and other issues affecting traditional lands of the Sami People.**
- **Guarantee, both in law and in practice, the free, prior and informed consent of the Sami in all decisions affecting them, with respect for Sami traditions and decision-making processes.**
- **Ensure legal aid for Samis in administrative and legal proceedings concerning their rights.**
- **Take measures in consultation and cooperation with the Sami People to resolve the legal discriminatory division between Sami groups.**
- **Ratify ILO Convention No. 169.**
- **Ensure that the Truth Commission has the capacity and conditions needed to fulfil its mission, support the Commission in its investigations and ensure the implementation of its findings and recommendations to address historical injustices and promote reconciliation.**

4 Securitization

4.1 Counter-Terrorism Legislation

25. Sweden received three recommendations concerning counter-terrorism measures in the 3rd cycle of the Universal Periodic Review.²⁷ As noted in our submission for the previous cycle, civil society actors, the Swedish Bar Association, academic institutions and courts have regularly raised concerns that Swedish counter-terrorism legislation is not sufficiently clear and precise to comply with international standards. The criticism has had little effect, and there is still a lack of thorough analysis of the implications of new counter-terrorism legislation on fundamental human rights, including the rights to

freedom of expression, freedom of association and the right to equal treatment. As shown in a study commissioned by Civil Rights Defenders, counter-terrorism activities by law enforcement agencies is an area where minorities, particularly the Muslim minority, experience racial/ethnic profiling.²⁸

26. In 2023, an amendment to the Constitution entered into force that makes it possible to limit the freedom of association for associations engaging in or supporting terrorism. This amendment is the basis for an amendment to the Terrorist Crime Act, which entails a new crime called "participation in a terrorist organisation". This new provision entered into force in June 2023 and states that "anyone who participates in the activities of a terrorist organisation in a way that is intended to promote, strengthen or support the organisation" is to be convicted of the crime of participation in a terrorist organisation. This amendment to the Terrorist Crime Act has received international criticism as well as criticism by the Swedish Council on Legislation.²⁹ The European Commission stated that the legislation's effect on civil society was not clear,³⁰ and four of the UN Special Rapporteurs have questioned whether the new crime is compatible with fundamental human rights and basic rule of law requirements.³¹ The Council on Legislation expressed firm criticism of the proposed legislation and stated that there was a clear risk of the criminalisation being excessively far-reaching. Its recommendation was that the legislation should not be adopted.³² Neither the term "participation" nor "terrorism" is clearly defined, and the new legislation is therefore questionable in relation to the principle of legality.

Recommendations:

- **Take steps to ensure that counter-terrorism legislation and practices are in full conformity with fundamental human rights, and that it does not have an adverse effect on minority communities in terms of racial/ethnic profiling or stigmatisation.**
- **Amend the Terrorist Crime Act and take into consideration the views of the Council on Legislation, the European Commission and the UN Special Rapporteurs.**

4.2 Security Clearance Assessments

27. In 2022, the Swedish Security Service requested an amendment to the regulation on security protection (Säkerhetsskyddsförordningen) regarding mandatory security clearance assessments of existing employees and applicants for positions that are considered sensitive from a security perspective. The Security Service wanted the regulation to explicitly state that the security assessment should include information about the applicant or employee's "connection to another country" and that it is the

responsibility of the applicant or employee to provide the authorities with the necessary information. A “connection to another country” could, according to the Security Service, entail having relatives in a country other than Sweden or having a spouse or a partner who has relatives in countries outside of Sweden. The person does not need to be a citizen of that country, or even to have ever visited the country.³³

28. Meanwhile, possibly due to the Swedish Security Service’s request, applicants with relatives in countries like Iran, Russia and China, are increasingly being denied employment in government agencies, companies, and municipalities on a routine basis either because they cannot obtain a security clearance or because employers do not even want to initiate the security clearance assessment since they consider it clear that applicants with a background in those countries will not pass the assessment.³⁴ There is currently no possibility for those who do not pass the security assessment to appeal the decision. The increase in this discriminatory practice is particularly concerning, as the number of positions that are designated as “sensitive” has skyrocketed over the past couple of years, efficiently excluding Swedes with a minority background from tens of thousands of positions and from entire sectors of employment.

29. In response to the Security Service’s request, the government has appointed an inquiry to explore a number of possible amendments of the relevant legislation. While the inquiry is needed, the directives are narrowly formulated and will not allow for the inquiry to assess the issues that are necessary to enable fair and legally certain security clearance assessments. As such, there is a real risk that the recent trend of excluding people with a background in certain countries will not cease. There is also a fear that the inquiry will adopt some of the Security Service’s proposals that are described above. This could cement the discriminatory practice described above and could be particularly troublesome for Swedes with a refugee background, who may not be able to access the required information from their countries of origin and present it to the Swedish Security Services.

Recommendations:

- **Introduce in legislation the possibility to appeal decisions concerning mandatory security assessments.**
- **Widen the mandate of the government inquiry into security clearance assessments, to enable the inquiry to also assess how security clearance assessments should be made, what competencies those who conduct the assessments should have, whether a central agency should handle them and how they can be conducted in a legally certain and non-discriminatory manner.**

5 The Rights of Migrants and Asylum Seekers

5.1 Respect for the Principle of Non-Refoulement

30. Sweden received several recommendations in the 3rd Cycle of the Universal Periodic Review regarding the need to strengthen procedural guarantees in the asylum process, to ensure the accessing of international protection and protection against refoulement, especially in regard to unaccompanied minors.³⁵ Yet, the Government has not sufficiently addressed these concerns but instead proposed new legislation which further undermines the protection against refoulement and limits the access to international protection.

31. For example, in 2022, the Government decided to close the independent inquiry into the efficiency of medical age assessments despite the fact that the assessments were found to lack substantial procedural safeguards.³⁶ No other measures have since been taken by the Government to ensure the protection of the right to a fair proceeding for children undergoing medical age assessments.

32. Furthermore, the Government has expressed a will to limit the access to legal aid in the asylum procedure.³⁷ This is particularly concerning in light of the lack of legal and scientific support in decisions and judgements rejecting the asylum claims of protection seekers, and in particular those seeking international protection due to persecution on grounds of their religion, sexual orientation or gender expression.³⁸

33. In February 2024, an inquiry appointed by the Government proposed that new legislation should be put forth regarding the statute of limitations of expulsion decisions and decisions to refuse entry to Sweden. It has been suggested that the start date of the statutory limitation period is to be the date on which the migrant leaves the country, as opposed to when the decision is made.³⁹ This significantly limits the ability of migrants to legalise their stay in Sweden. Seen together with defects in the asylum procedure, it is clear that the proposed legislation will particularly affect stateless and underage migrants and result in an increased risk of deportations and other types of forced returns being carried out in conflict with the principle of non-refoulement, the right to private and family life and the best interest of the child.

Recommendation:

- **Take measures to ensure full protection against refoulement and strengthen the procedural guarantees for accessing international protection, by guaranteeing equal access to legal assistance, interpretation and the right of appeal in asylum and immigration procedures.**

5.2 Access to Basic Economic and Social Rights for Asylum-Seekers and Migrants

34. In 2022, the Government appointed an inquiry to put forth a proposal for legislation which obliges municipalities and public authorities to report to the immigration authorities any migrant suspected of being in an irregular situation, also widely known as the “snitch-law”.⁴⁰ Such an obligation would damage the trust between migrants and public authorities that provide access to fundamental human rights. Both children and parents who live hidden from immigration authorities in fear of deportation may be reluctant to, for example, seek health care or enrol in educational programmes due to the risk of being reported to immigration authorities, effectively limiting their access and ability to realise their economic, social and cultural rights. It may also impede migrants' access to justice and lead to infringements of the right to personal integrity and private life due to the collection and usage of personal information and data.⁴¹

35. Many Swedish municipalities, regions, unions, representatives from civil society and members of parliament have spoken out against this proposal stating, *inter alia*, that an obligation to report undocumented migrants would be in conflict with national regulations, professional ethics and international conventions.⁴²

36. The Government has also expressed a will to limit the right to publicly funded interpreters, effectively introducing interpretation fees for migrants or others who do not understand Swedish.⁴³ In practice, this would limit migrants' equal access to basic human rights such as health care, fair legal proceedings and the right to information. It should be noted that regional attempts to introduce interpretation fees in health care were made in 2024.⁴⁴

Recommendation:

- **Refrain from adopting legislation which would impede the equal access for migrants to services essential for the realisation of their human rights, including health care, education, and access to justice.**

5.3 The Right to Family Reunification and Humanitarian Protection

37. In December 2023, new legislation entered into force which introduced stricter requirements for family reunification.⁴⁵ The previous exemption from the financial maintenance requirement for family reunification has been made more narrow for refugees and beneficiaries of subsidiary protection who wish to bring their families to Sweden, making it considerably more difficult for families to reunite. The new law further raises the legal age from 18 to 21 for spouses and partners to be granted reunification.

38. The new legislation has also made it more difficult for children to obtain residence permits on humanitarian grounds, which could previously be obtained in some instances when a child was suffering from a serious illness or in order to protect the child's establishment of a private and family life.⁴⁶ The new legislation therefore limits migrant children's ability to realise their rights under the Convention on the Rights of the Child and undermines the protection against refoulement. The proposed legislative changes of the statute of limitations for deportation decisions (see heading 5.1) further increases the risk of such rights violations.

Recommendation:

- **Strengthen the protection of the right to family reunification and humanitarian protection by ensuring that all Swedish immigration regulation is in full conformity with fundamental rights instruments, such as the Convention on the Rights of the Child.**

6 Climate Activists and Freedom of Assembly

39. In recent years, the right to freedom of assembly in Sweden has increasingly been restricted. A clear example is the frequent prosecution and conviction of climate activists who engage in peaceful demonstrations. The UN Special Rapporteur on Environmental Defenders has noted that a growing number of environmental defenders in Sweden are being fined for participating in peaceful protests, with the amounts of these fines increasing.⁴⁷ Furthermore, government officials and other politicians have increasingly labelled climate activists and other peaceful demonstrators as security threats and a threat to democracy.⁴⁸

40. Since 2022, prosecutors have begun to prosecute climate activists for the serious crime of sabotage, as stipulated in section 4 in chapter 13 of the Swedish Criminal Code, for acts that previously were considered as misdemeanours. In light of this development, several scholars have criticised the application of the sabotage provision to the exercise of freedom of assembly.⁴⁹ They point out that the sabotage provision was introduced in the Criminal Code before the rights catalogue in the Swedish Constitution and the European Convention on Human Rights came into force. Consequently, those rights were not considered when the sabotage provision was enacted. Furthermore, the provision makes a specific exception for certain acts that, while meeting the criteria for sabotage, were considered labour market actions. In other words, it was recognised even then that the right to express certain fundamental rights must be allowed, even if it could potentially lead to the consequences the sabotage provision is designed to prevent. Given that current legal application has suddenly and unexpectedly led to the use of the sabotage provision to hinder peaceful demonstrations, there is a need to review the

legislation to explicitly exempt freedom of assembly from the scope of criminal liability.

Recommendations:

- **Clarify the wording of the sabotage provision (section 4, chapter 13 of the Criminal Code) to explicitly state that all peaceful expressions of opinion are exempt from criminal liability, not just labour-related actions.**
- **Refrain from depicting climate activists and peaceful protests as threats against democracy and public security.**

7 Surveillance Measures and the Right to Integrity

41. In recent years, a great amount of new legislation has been enacted regarding the use of secret and preventative secret surveillance measures, such as interception and surveillance of electronic communications, secret camera surveillance, bugging and secret data surveillance.⁵⁰ Secret data surveillance is a new measure which was introduced through temporary legislation in 2020, and was recently suggested to be made permanent. Through revisions proposed in 2024, it has been suggested that secret data surveillance should be permitted to be used with the aim of investigating who could be suspected of a crime, through accessing, for example, the web camera of an individual's mobile phone or computer.⁵¹

42. In 2023, the possibility of using secret coercive measures with the aim of preventing crime was also introduced.⁵² The new legislative reforms have made it easier to use secret coercive surveillance measures, by lowering the degree of suspicion required, expanding the ability to use surveillance measures to investigate more crimes and by introducing new measures used to conduct the surveillance.

43. Secret surveillance, and especially preventative secret surveillance, constitutes a limitation of the individual's right to privacy and to personal integrity. To comply with international human rights standards, it is therefore necessary that the use of such measures is proportionate and protected by effective procedural safeguards. However, no compounded evaluation of the consequences of the new and proposed legislation has been made. The Swedish Parliamentary Ombudsmen have stated that recurring criminal policy reform may impede the ability to uphold a consistent and uniform application of the law to the detriment of the legal protection of the individual.⁵³ Both the Göta Court of Appeal and Svea Court of Appeal have encouraged the Government to conduct an evaluation of the compounded effects of the legislation, stating that a lack of review increases the risk of errors in the application of the legislation, which can lead to undue

invasions of privacy as well as a lack of transparency, and thus greater difficulty in regulating the application of the law.⁵⁴

44. The Swedish Commission on Security and Integrity Protection is responsible for supervising the use of secret surveillance by law enforcement.⁵⁵ However, they have yet to receive additional resources corresponding to the new legal mandates for law enforcement.

Recommendations:

- **Conduct a thorough review of the proportionality and compounded effects of the new legislation introduced in the area of secret and preventative secret surveillance, in order to ensure protection of the right to integrity of the person.**
- **Allocate necessary financial resources to the Swedish Commission on Security and Integrity Protection to enable them to efficiently investigate illegal use of secret surveillance measures.**

8 Persons Deprived of their Liberty

45. Grave deficiencies have been identified in relation to group homes established in accordance with the Support and Service for Persons with Certain Functional Impairments Act, a law which is built on voluntariness and does not allow coercion. In a targeted supervision by the Health and Social Care Inspectorate from 2022–2023, deficiencies were found in 80 out of 90 group homes examined. In 64 percent of the homes, unauthorised coercive or restrictive measures were found to be used. In many cases, these measures involved forced physical interventions, monitoring of patients and restrictions in their freedom of movement, which in extension is considered a deprivation of liberty.⁵⁶

46. According to statistics provided by the National Board of Health and Welfare, the number of medical restraints, including restraining straps or belts, in psychiatric care equated to roughly 4 000 cases in the year 2022.⁵⁷ The regulations regarding the use of coercive measures in compulsory care have been revised in 2023, limiting the possibilities to place patients under the age of 18 under medical restraint. However, studies have shown that concrete measures for medical and health care staff to use as alternatives to coercion in emergency situations are insufficient. This is partly due to the lack of knowledge surrounding working methods aimed at children and young people in psychiatric care.⁵⁸ In Civil Rights Defenders survey regarding human rights in compulsory care from 2022, half of the respondents stated that they had been exposed to a form of coercive measure. Of these, only 18 percent believed that that measure was necessary.⁵⁹

47. Sweden received three recommendations concerning juvenile justice in the 3rd cycle of the Universal Periodic Review.⁶⁰ Despite Sweden having supported these recommendations and despite Sweden having received similar recommendations from the Committee Against Torture and the Committee on the Rights of the Child, pretrial detention and solitary confinement of children is still frequently used. It is further likely to increase as the threshold for so called mandatory detention⁶¹ was lowered in 2023, while the Government has expressed a will to lower the threshold even further.⁶² Furthermore, The Swedish Prison and Probation Agency has warned of over-occupancy in Swedish prisons and remand prisons.⁶³ This entails a clear risk of rights violations, for example a risk of staff resources not being sufficient to guarantee children their statutory right to spend meaningful time with another person for at least four hours a day.

Recommendations:

- **Educate medical and health care staff on the use of non-coercive methods such as alternative and supplementary communication, low arousal approach, and motivational interviewing, as well as on working methods aimed at children.**
- **Review the legislation concerning compulsory care as well as the application of this legislation in terms of its compatibility with the human rights instruments to which Sweden is party and make necessary amendments.**
- **Introduce systematic collection of data on the use of restraints and coercive measures in pretrial detention, prisons, and compulsory care.**
- **Ensure that pretrial detention is used as a measure of last resort, particularly in regard to children, and develop alternative measures to reduce the use of pretrial detention. Ensure that restrictions on remand prisoners, and children in particular, are used only as an exceptional measure based on concrete individual grounds.**
- **Abolish the use of solitary confinement of children in pretrial detention and prohibit the use of coercive measures in the form of isolation and restraining of children in compulsory care.**

¹ Civil Rights Defenders (CRD) is an independent human rights organisation founded in Stockholm, Sweden in 1982, working towards a world of democratic societies in which we all enjoy our civil and political rights. For more information, see www.crd.org.

² To read more about the proposal, see the following articles: Dagens Nyheter, *SD: Lägg ned Institutet för mänskliga rättigheter*, 6 April 2023, available at: <https://www.dn.se/sverige/sd-lagg-ned-institutet-for-manskliga-rattigheter/> (obtained 30 August 2024); Altinget, *SD vill lägga ner MR-institut – men röstade ”ja” till det i riksdagen*, 12 April 2023, available at: <https://www.alinget.se/artikel/sd-vill-lagga-ner-mr-institut-men-rostade-ja-till-det-i-riksdagen> (obtained 30 August 2024).

³ [Öppet brev till statsminister Ulf Kristersson om MR-institutet från 45 organisationer - Civil Rights Defenders \(crd.org\)](https://www.crd.org/nyheter/2024/08/30/oppet-brev-till-statsminister-ulf-kristersson-om-mr-institutet-fran-45-organisationer), obtained 30 August 2024.

⁴ Aftonbladet, *Jomshof: Förbjud halvmånar likt hakkors*, 22 January 2024, available at: <https://www.aftonbladet.se/nyheter/a/O8v1Vl/jomshof-forbjud-halvmanar-offentligt>, obtained 22 May 2024.

⁵ TT, *Kritik efter Jomshofs uttalande – ”islamhatare”*, 22 January 2024, available at: <https://tt.omni.se/kritik-efter-jomshofs-uttalande-islamhatare/a/15Ey1K>, obtained 22 May 2024.

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