

RACIAL AND ETHNIC DISCRIMINATION IN SWEDEN

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.

Racial and Ethnic Profiling in Police Work

In the previous cycle of the Universal Periodic Review, Sweden received over forty recommendations concerning racial discrimination, out of which three recommendations related specifically to ethnic and racial profiling by law enforcement. Despite these recommendations to “strengthen efforts to combat” and to “prevent” ethnic and racial profiling, no effective measures have been taken by the Swedish government to do so.

The accuracy of police suspicion in drug possession controls was found to be lowest for individuals with mothers born in Africa or Southwest Asia, and highest for those with mothers from Nordic countries, according to a 2023 report by the Swedish National Council for Crime Prevention. The report concluded that discriminatory ethnic profiling by the police could not be ruled out.

In 2024, the Parliament passed a law allowing the police to establish stop and search zones where individuals can be stopped and searched without reasonable suspicion. Despite warnings that this could increase discriminatory ethnic and racial profiling, no safeguards have been adopted to prevent such profiling.

Victims of discriminatory profiling face significant barriers to redress; legislation regulating police misconduct rarely applies to racial profiling, leading to routine dismissal of complaints. Meanwhile, the Discrimination Act does not contain a prohibition against discriminatory measures by the police.

Recommendations

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



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Discrimination on Account of Religion

Many recommendations in Sweden's previous Universal Periodic Review focused on addressing discrimination based on religion. Despite this, Islamophobia remains widespread and increasing, and people who wear religious symbols or clothing experience discrimination to a large extent. While religious freedom is stipulated in the Swedish Constitution, the scope of right the practice one's religion is narrow, covering only the right to manifest one's faith, not the right to wear religious symbols. The Equality Ombudsman's 2023 report highlights that discrimination against Muslims particularly occurs in workplaces and schools. Notably, 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.

Recommendation

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



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HATE CRIME IN SWEDEN

The normalization in Swedish politics of negative and derogatory narratives about ethnic and religious minorities and people with a migration background by persons in leading positions is particularly concerning because it may cause an increase in negative sentiments about such groups among the general public in Sweden. In turn, this can lead to an increase in discrimination and hate crime directed at them.

The number of reported hate crimes with antisemitic motives increased significantly in 2023 compared to 2022, and 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, not in line with human rights standards, resulting in cases of hate speech not being prosecuted.

The indigenous Sami people are exposed to hate crime that range from offensive descriptions to severe racist attacks, threats, including death threats, and violence, according to a recent report by the Swedish Council for Crime Prevention. It also shows that these crimes occur when the Sami assert their rights. Reports warn that police efforts may be deprioritised without a new mandate for enhanced actions against hate crimes.

In the previous 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. Only 6 percent of crimes registered in 2020 and that were investigated up until May 2023 were solved.

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 it constitutes hate speech.
- Instruct the Police Authority to prioritise hate crimes, including crimes against the Sami, and earmark police resources for the investigation of such crimes.
- Allocate necessary financial resources to the hate crime units within the police, to enable them to efficiently investigate hate crime and hate speech.



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THE RIGHTS OF THE INDIGENOUS SAMI PEOPLE IN SWEDEN

The Sami's traditional lands are vital to their culture and livelihoods, with reindeer herding playing a significant role in preserving Sami cultural identity. However, Sami rights to reindeer herding districts are frequently challenged, as these areas often are perceived as obstacles to the so-called "green transition". Consequently, these communities face immense psychosocial and economic pressure from defending Sami rights in court against exploitation projects. The situation is further complicated as those who choose to stand up and advocate for Sami rights are at high risk of being subjected to hate crimes.

The government has not adequately addressed the legal distinction between reindeer herding and non-reindeer herding Sami. As non-reindeer herding Sami often feel marginalized in comparison to reindeer herding Sami, this oversight therefore leads to an unequal distribution of land rights between the groups, creating internal conflicts and hindering the Sami rights movement.

In Sweden, significant steps have been taken to improve Sami rights, such as the Truth Commission for the Sami People established in 2021 and a new law increasing the influence of the Sami people in decision-making processes concerning issues that particularly affect them entered into force in March 2022. Despite these steps, the effort is insufficient to ensure the free, prior and informed consent of the Sami in all decisions affecting them as the Truth Commission lacks sufficient resources and the consultation law does not fulfil the requirements of true consent.

Sweden has faced recurring and recent criticism from several United Nations bodies and the Council of Europe. The criticism concluded that the Sami People do not have sufficient influence in decision-making processes concerning the exploitation of their traditional territories. Sweden is recommended to adapt relevant legislation to ensure that the Sami People's needs are addressed.

Recommendations

- Take concrete legislative measures to recognize and protect the Sami's rights to their traditional lands and resources, ensuring their free, prior and informed consent in all decision-making processes affecting these areas.
- 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.
- Ratify ILO Convention No. 169.



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THE RIGHTS OF MIGRANTS AND ASYLUM SEEKERS IN SWEDEN

Sweden received several recommendations in the previous Universal Periodic Review regarding the need to strengthen procedural guarantees in the asylum process and ensure the access of international protection and non-refoulement, especially regarding unaccompanied minors. Yet, the Government has not addressed these concerns but instead proposed new legislation which further undermines the protection of asylum seekers.

On April 1st, 2025, a new law will come into effect, establishing that the statutory limitation period for an expulsion decision begins on the day the migrant leaves the country, rather than the date when the decision is issued. This change will impact the many refugees who aren't able to return to the countries they are expelled to, as those countries refuse to accept them. Consequently, this law significantly hinders the ability of migrants to legalise their stay in Sweden. The legislation will particularly affect stateless and underage migrants, increasing the risk of forced returns that could violate the principles of non-refoulement, the right to private and family life and the best interest of the child.

Additionally, in December 2023, stricter requirements for family reunification were enforced. The previous exemption from the financial maintenance requirement has been narrowed for refugees and beneficiaries of subsidiary protection, making it significantly more difficult for families to reunite. The new law also imposes stricter conditions for children seeking residence permits on humanitarian grounds.

In November 2024, a legislative proposal referred to as the "snitch-law" was introduced, requiring certain municipalities and public authorities to report any migrant suspected of being in an irregular situation to the immigration authorities. This obligation is likely to damage the trust between migrants and the public authorities that provide access to fundamental human rights. Both children and parents who are living in hiding from immigration authorities due to the fear of deportation may be reluctant to seek healthcare or enrol in educational programs, owing to the real or perceived risk of being reported. This would effectively restrict their access to, and ability to exercise, their economic, social and cultural rights, as well as lead to violations of the right to personal integrity and private life due to the collection and usage of personal data. The Government has also expressed a will to limit access to publicly funded interpreters, which would undermine migrants' equal access to basic human rights such as health care, fair legal proceedings, and the right to information. It should also be noted that regional efforts to introduce interpretation fees in health care were made in 2024.



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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.
- 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.
- 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.



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CLIMATE ACTIVISTS AND FREEDOM OF ASSEMBLY

In recent years, the right to freedom of assembly 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. Furthermore, government officials and other politicians have increasingly labelled climate activists and other peaceful demonstrators as security threats and a threat to democracy.

Since 2022, prosecutors have begun to prosecute climate activists for the serious crime of sabotage for acts that were previously considered misdemeanours. In light of this development, scholars and legal professionals have criticised the application of the sabotage provision to the exercise of freedom of assembly.

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.

Recommendation

- Clarify the wording of the sabotage provision in the Criminal Code to explicitly state that all peaceful expressions of opinion are exempt from criminal liability.
- Refrain from depicting climate activists and peaceful protests as threats against democracy and public security.



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SURVEILLANCE MEASURES AND THE RIGHT TO INTEGRITY

Since the last review of Sweden, a great amount of new legislation has been enacted regarding the use of secret surveillance measures, such as interception and surveillance of electronic communications, secret camera surveillance, bugging and secret data surveillance. Two years ago, preventive surveillance was introduced, enabling law enforcement to use secret coercive surveillance measures, such as telephone interception, camera surveillance, and data reading, also against individuals not suspected of crime. Several other legislative proposals that would expand police use of camera surveillance and technology for automatic facial recognition are underway.

To comply with international human rights standards, it is necessary that the use of such measures is proportionate. However, no compounded evaluation of the aggregated consequences on human rights of the new and proposed legislation has been made. This despite warnings from the Swedish Parliamentary Ombudsmen that repeated criminal policy reforms may impede legal consistency and jeopardize rights protection. Both the Göta Court of Appeal and Svea Court of Appeal have encouraged the Government to conduct an evaluation, 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.

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

Recommendation

- Conduct a thorough review of the proportionality and compounded effects of the new legislation introduced in the area of secret and preventative secret surveillance, 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.



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SECURITIZATION

Sweden received three recommendations concerning counter-terrorism measures in the previous cycle of the UPR. 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 a lack of analysis of the implications of the new counter-terrorism legislation on fundamental rights. As shown in a study commissioned by Civil Rights Defenders, counter-terrorism activities by law enforcement are an area where minorities, particularly the Muslim minority, experience racial and ethnic profiling.

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. Moreover, a new provision in the Terrorist Crime Act 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” has committed the crime of participation in a terrorist organisation.

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. Additionally, four of the UN Special Rapporteurs have questioned whether the new crime is compatible with fundamental human rights and basic rule of law requirements. Notably, another amendment to the Constitution is underway, limiting freedom of association for associations engaging in a criminal organization – as a first step in criminalising this too.

Recommendation

- 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 and ethnic profiling or stigmatisation.
- Amend the Terrorist Crime Act and take into consideration the views of the Council on Legislation and the UN Special Rapporteurs.



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