

STATEMENT
UPR Pre-Session on Sweden
Geneva, 12 December 2019
Delivered by: UNITED NATIONS ASSOCIATION OF SWEDEN

1. Presentation of the Organisation

This statement is delivered on behalf of the United Nations Association of Sweden, a non-profit, independent people's movement. We work to advance the principles of the UN worldwide. The United Nations Association of Sweden has participated in the UPR processes since 2009.

2. National consultations for the drafting of the national report

The Division for Discrimination issues, Human Rights and Child Rights Policy of the Ministry of Employment has coordinated the development of the National Report and held inter-ministerial consultations leading up to the Report. Consultations with Civil Society Organisations (CSOs) have been held by the Division at two times in this process.

3. Plan of the Statement

This statement is aimed at addressing the following issues: 1) Institutional and systematic mechanisms for human rights (with a focus on National Independent Human Rights Institution), 2) Hate crimes, hate speech and racist and Nazi organisations

4. Statement

i. Institutional and systematic mechanisms for human rights – NHRI

A. Follow-up to the first review

Both in the UPR-review of 2010 and 2015, multiple recommendations were given by States to Sweden on the establishment of an independent national human rights institution.

The lack of a national human rights institution has a negative impact on the protection and promotion of Sweden's international human rights obligations. The implementation of human rights in Sweden is largely dependent upon the activity of local municipalities and country councils. The lack of fulfilling rights is strongly connected to the local and regional conduct. This discrepancy and fragmentation between the local, regional and national governance across the country is highly evident in the provision of public service and especially in social welfare, health care and school. Because of this, the possibility to claim redress and legal aid for human rights violations also remain immensely difficult.

B. New developments since the first review

Followed by the many recommendations by States calling Sweden to establish a national independent human rights institution in the latest review in 2015, the previous government issued a statement that a NHRI would be in place. However, since then, the issue has been sent back and forth between the government offices and the parliament. Swedish CSOs have advocated immensely that such an institution is necessary in Sweden and some progress has been made in the process of establishing an institution. The most recent significant initiative by the government took place in 2018 when they initiated a special investigation resulting in a proposal of how a Swedish human rights institution could be formed, in line with the Paris Principles and the Swedish constitutional order. Amongst other things, the proposal stated that the institution should be installed as a new authority under the government and by

latest in 2021. We welcome that the current Prime Minister has declared a human rights institution will be established in Sweden. However, government has not specified a budget enabling preparations for a NHRI to be in place by 2021 as suggested by the investigator's proposal.

C. Recommendations

- Establish a national independent human rights institution in full compliance with the UN Paris Principles, and by 2021 as suggested by the governmental investigation
- Secure the NHRI by law and promptly initiate a constitutional protection of the institution
- Ensure the NHRI is allocated sufficient resources to enable its mandate in an efficient manner

ii. Hate crime, hate speech, and racist and Nazi organisations

A. Follow-up to the first review

An overwhelming majority of the recommendations States gave to Sweden in the recent UPR-review in 2015, as well as in 2010, concerned racial discrimination and related intolerance, such as hate crime, hate speech and racist organisations. Several states recommended Sweden to advance their efforts in combating racially motivated hate crimes and hate speech, including in the media and on the internet, and beyond the adoption of legislation.

B. New developments since the first review

The Swedish legislation does not have a prohibition against racist organisations that incite racial discrimination and agitate against groups on the basis of race, ethnicity or religion. The Swedish government has consistently responded that the existing legislation on hate crime effectively prevent organisations from carrying out racist activities since the individual members in those organisations commits a crime. However, according to the Police Authority, the Public Order Act does not make it possible for banning demonstrations that promote and incite racism and racial discrimination. Moreover, the Police focuses primarily on ensuring "public order" during Nazi demonstrations, not intervening when individuals in such groups are agitating, spreading hateful propaganda, or threatening racial, ethnic, and religious minorities. The authorities' inaction result in racist and Nazi organisations carrying out their propaganda and activities without being punished. This is in violation of the Convention on the Elimination of All forms of Racial Discrimination.

In July this year, the government appointed a parliamentary committee to investigate if there should be amendments in the Swedish legislation prohibiting racist organisations as such, and if participation in racist organisations should result in a specific penalty. Although these measures are welcome, efforts to fully enforce the existing legislation by Swedish authorities are urgently needed.

C. Recommendations

- Strengthen efforts to properly enforce the legislation prohibiting agitation against racial, religious and ethnic minorities, and interpret the legislation in conformity with the modern-day situation
- Install concrete measures aimed at increasing knowledge and expertise on the interpretation and application of the legislation on hate crime and hate speech to law enforcement officials at all levels, and across the country

- Take concrete actions to combat organisation and participation in anti-democratic, racist activities and propaganda with the limitations stipulated in the Swedish constitution, chapter 2, para. 24(2)